

# House Bill 3787

Sponsored by Representative ANDERSEN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act stops restaurants and stores from giving plastic checkout bags that can be re-used to consumers. (Flesch Readability Score: 70.1).

Prohibits restaurants and retailers from providing reusable plastic checkout bags to consumers.

## A BILL FOR AN ACT

1  
2 Relating to checkout bags; amending ORS 459A.755, 459A.757 and 459A.759.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** ORS 459A.755 is amended to read:

5 459A.755. As used in this section and ORS 459A.757 and 459A.759:

6 (1) "Garment bag" means a large bag that incorporates a hanger on which garments may be  
7 hung to prevent wrinkling during travel or storage.

8 (2) "Local provision" means a charter provision, ordinance, resolution or other provision  
9 adopted by a city, county or other local government, as defined in ORS 174.116.

10 (3) "Nonwood renewable fiber" means plant-based fiber other than fiber derived from a tree.

11 (4) "Recycled paper checkout bag" means a paper bag that contains:

12 (a) At least 40 percent post-consumer recycled fiber;

13 (b) At least 40 percent nonwood renewable fiber; or

14 (c) A combination of post-consumer recycled fiber and nonwood renewable fiber that totals at  
15 least 40 percent.

16 (5) "Restaurant" means an establishment where the primary business is the preparation of food  
17 or drink:

18 (a) For consumption by the public;

19 (b) In a form or quantity that is consumable then and there, whether or not it is consumed  
20 within the confines of the place where prepared; or

21 (c) In consumable form for consumption outside the place where prepared.

22 (6) "Retail establishment" means a store that sells or offers for sale goods at retail and that is  
23 not a restaurant.

24 (7) "Reusable fabric checkout bag" means a bag with handles that is specifically designed and  
25 manufactured for multiple reuse and is made of cloth or other machine-washable fabric.

26 [(8) "*Reusable plastic checkout bag*" means a bag with handles that is specifically designed and  
27 manufactured for multiple reuse and is made of durable plastic that is at least four mils thick.]

28 [(9)(a)] **(8)(a)** "Single-use checkout bag" means a bag made of paper, plastic or any other mate-  
29 rial that is provided by a retail establishment **or restaurant** to a customer at the time of checkout,  
30 and that is not a recycled paper checkout bag[,] **or** a reusable fabric checkout bag [*or a reusable*

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 *plastic checkout bag*].

2 (b) “Single-use checkout bag” does not mean:

3 (A) A bag that is provided by a retail establishment to a customer at a time other than the time  
4 of checkout, including but not limited to bags provided to:

5 (i) Package bulk items such as fruit, vegetables, nuts, grains, greeting cards or small hardware  
6 items, including nails, bolts or screws;

7 (ii) Contain or wrap frozen food, meat, fish, flowers, a potted plant or another item for the pur-  
8 pose of addressing dampness or sanitation;

9 (iii) Contain unwrapped prepared food or a bakery good; or

10 (iv) Contain a prescription drug;

11 (B) A newspaper bag, door hanger bag, garment bag, laundry bag or dry cleaning bag; or

12 (C) A bag sold in a package containing multiple bags for uses such as food storage, garbage  
13 containment or pet waste collection.

14 **SECTION 2.** ORS 459A.757 is amended to read:

15 459A.757. (1) Except as provided in subsection (2) of this section, a retail establishment may not  
16 provide:

17 (a) Single-use checkout bags to customers.

18 (b) Recycled paper checkout bags[,] **or** reusable fabric checkout bags [*or reusable plastic check-*  
19 *out bags*] to customers unless the retail establishment charges not less than five cents for each re-  
20 cycled paper checkout bag[,] **or** reusable fabric checkout bag [*or reusable plastic checkout bag*].

21 (2) A retail establishment may provide:

22 (a) Reusable fabric checkout bags at no cost to customers as a promotion on 12 or fewer days  
23 in a calendar year.

24 (b) Recycled paper checkout bags [*or reusable plastic checkout bags*] at no cost to customers who:

25 (A) Use a voucher issued under the Women, Infants and Children Program established under  
26 ORS 413.500.

27 (B) Use an electronic benefits transfer card issued by the Department of Human Services.

28 (3) Except as provided in subsection (4) of this section, a restaurant may not provide[:]

29 [(a)] single-use checkout bags to customers.

30 [(b)] *Reusable plastic checkout bags to customers unless the restaurant charges not less than five*  
31 *cents for each reusable plastic checkout bag.*]

32 (4) A restaurant may provide[:]

33 [(a)] recycled paper checkout bags at no cost to customers.

34 [(b)] *Reusable plastic checkout bags at no cost to customers who use an electronic benefits transfer*  
35 *card issued by the Department of Human Services.*]

36 **SECTION 3.** ORS 459A.759 is amended to read:

37 459A.759. To prohibit or limit the use of recycled paper checkout bags, reusable fabric checkout  
38 bags[, *reusable plastic checkout bags*] or single-use checkout bags by a restaurant or retail estab-  
39 lishment, a city, county or other local government, as defined in ORS 174.116:

40 (1) May adopt a local provision that establishes definitions, requirements and restrictions that  
41 are identical to the definitions, requirements and restrictions established by ORS 459A.755 and  
42 459A.757.

43 (2) May amend a local provision that was in effect before January 1, [2020] **2026**, so the local  
44 provision establishes definitions, requirements and restrictions that are identical to the definitions,  
45 requirements and restrictions established by ORS 459A.755 and 459A.757.

1           (3) May adopt, amend or enforce a local provision to impose a penalty other than the penalty  
2 established by ORS 459.993. A restaurant or retail establishment may be charged with a violation  
3 under either the local provision or ORS 459.993, but not both.

4           (4) May not adopt or enforce a local provision that establishes definitions, requirements or re-  
5 strictions that are not identical to the definitions, requirements and restrictions established by ORS  
6 459A.755 and 459A.757.

7           (5) Notwithstanding subsection (4) of this section, may adopt, amend or enforce a local provision  
8 to require a restaurant or retail establishment to charge a fee of more than five cents under pro-  
9 visions otherwise identical to ORS 459A.757 (1)(b) [*and (3)(b)*].

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