

A-Engrossed Senate Bill 551

Ordered by the Senate March 7
Including Senate Amendments dated March 7

Sponsored by Senator SOLLMAN, Representatives NERON, ANDERSEN; Senators MANNING JR, PATTERSON, PHAM K, REYNOLDS, Representatives FRAGALA, GAMBA, GOMBERG, HUDSON, LIVELY, NOSSE (Pre-session filed.)

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. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act changes restrictions on checkout bags and restricts some plastic products. (Flesch Readability Score: 60.7).

[Digest: This Act puts restrictions on some plastic products. (Flesch Readability Score: 71.8).]

Prohibits restaurants and retailers from providing [*reusable plastic*] **single-use** checkout bags to consumers.

Prohibits food and beverage providers and convenience stores from providing single-use plastic utensils or single-use **plastic** condiment packaging to consumers unless requested.

Prohibits lodging establishments from providing small plastic personal health or beauty product containers unless requested.

A BILL FOR AN ACT

1
2 Relating to plastic waste; creating new provisions; amending ORS 459A.755, 459A.757, 459A.759 and
3 616.892; and repealing ORS 616.894.

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

PLASTIC CHECKOUT BAGS

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6
7
8 **SECTION 1.** ORS 459A.755 is amended to read:

9 459A.755. As used in this section and ORS 459A.757 and 459A.759:

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

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

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

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

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

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

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

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

22 (a) For consumption by the public;

23 (b) In a form or quantity that is consumable then and there, whether or not it is consumed

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 within the confines of the place where prepared; or

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

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

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

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

9 [(9)(a)] **(7)(a)** "Single-use checkout bag" means a bag made of paper, plastic or any other mate-
10 rial that is provided by a retail establishment **or restaurant** to a customer at the time of checkout,
11 and that is not a recycled paper checkout bag[, *a reusable fabric checkout bag or a reusable plastic*
12 *checkout bag*].

13 (b) "Single-use checkout bag" does not mean:

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

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

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

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

21 (iv) Contain a prescription drug;

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

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

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

26 459A.757. (1) Except as provided in subsection (2) of this section, a retail establishment may not
27 provide:

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

29 (b) Recycled paper checkout bags[, *reusable fabric checkout bags or reusable plastic checkout*
30 *bags*] to customers unless the retail establishment charges not less than five cents for each recycled
31 paper checkout bag[, *reusable fabric checkout bag or reusable plastic checkout bag*].

32 (2) A retail establishment may provide[:]

33 [(a) *Reusable fabric checkout bags at no cost to customers as a promotion on 12 or fewer days in*
34 *a calendar year.*]

35 [(b)] recycled paper checkout bags [*or reusable plastic checkout bags*] at no cost to customers
36 who:

37 [(A)] **(a)** Use a voucher issued under the Women, Infants and Children Program established un-
38 der ORS 413.500.

39 [(B)] **(b)** Use an electronic benefits transfer card issued by the Department of Human Services.

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

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

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

44 **(3) A restaurant may not provide single-use checkout bags to customers.**

45 (4) A restaurant may provide[:]

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

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

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

5 459A.759. To prohibit or limit the use of recycled paper checkout bags[, *reusable fabric checkout*
6 *bags, reusable plastic checkout bags*] or single-use checkout bags by a restaurant or retail establish-
7 ment, a city, county or other local government, as defined in ORS 174.116:

8 (1) May adopt a local provision that establishes definitions, requirements and restrictions that
9 are identical to the definitions, requirements and restrictions established by ORS 459A.755 and
10 459A.757.

11 (2) May amend a local provision [*that was in effect before January 1, 2020,*] so the local provision
12 establishes definitions, requirements and restrictions that are identical to the definitions, require-
13 ments and restrictions established by ORS 459A.755 and 459A.757.

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

17 (4) May not adopt or enforce a local provision that establishes definitions, requirements or re-
18 strictions that are not identical to the definitions, requirements and restrictions established by ORS
19 459A.755 and 459A.757.

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

23 **SECTION 4. The amendments to ORS 459A.755, 459A.757 and 459A.759 by sections 1 to 3**
24 **of this 2025 Act become operative on January 1, 2027.**

25
26 **SINGLE-USE PLASTIC UTENSILS AND CONDIMENTS**

27
28 **SECTION 5.** ORS 616.892 is amended to read:

29 616.892. (1) As used in this section:

30 (a) “Consumer” means an individual who orders a beverage of any description from a food and
31 beverage provider in this state.

32 (b) “Convenience store” means a business that, for compensation, offers or provides a range of
33 commodities that includes food and beverages.

34 (c) “Enforcement officer” means an authorized representative of the State Department of Agri-
35 culture who conducts inspections under ORS 616.286 or an authorized representative of the Director
36 of the Oregon Health Authority or of a local government who conducts inspections under ORS
37 624.010 to 624.121 or 624.310 to 624.430.

38 (d)(A) “Food and beverage provider” means a business that, for compensation, offers or serves
39 food or beverages to a consumer.

40 (B) “Food and beverage provider” does not include a health care facility, as defined in ORS
41 442.015, or a residential care facility, as defined in ORS 443.400, that provides single-use plastic
42 straws to patients or residents.

43 (e)(A) “Plastic” means a synthetic or semisynthetic material chemically synthesized by
44 the polymerization of organic substances, including, but not limited to:

45 (i) Polyethylene terephthalate (PET);

1 (ii) High-density polyethylene (HDPE);

2 (iii) Polyvinyl chloride (PVC);

3 (iv) Low-density polyethylene (LDPE);

4 (v) Polypropylene (PP);

5 (vi) Polycarbonate (PC);

6 (vii) Polystyrene (PS);

7 (viii) Polylactic acid (PLA); and

8 (ix) Aliphatic biopolyesters, such as polyhydroxyalkanoate (PHA) and
9 polyhydroxybutyrate (PHB).

10 (B) "Plastic" does not include natural rubber or naturally occurring polymers such as
11 proteins or starches.

12 (f) "Single-use plastic condiment packaging" means packaging made partially or entirely
13 of plastic and used to deliver to a consumer a single serving of a condiment, including but
14 not limited to single-serving plastic packaging for ketchup, mustard, relish, mayonnaise, hot
15 sauce, coffee creamer, salad dressing, jelly, jam or soy sauce.

16 [(e)(A)] (g)(A) "Single-use plastic straw" means a tube made [*primarily from*] **partially or en-**
17 **tirely of** plastic [*that is derived from petroleum or a biologically based polymer, such as corn or an-*
18 *other plant source, and that is*] **and** intended:

19 (i) To transfer liquid from a container to a consumer's mouth;

20 (ii) For a single use; and

21 (iii) For disposal after the single use.

22 (B) "Single-use plastic straw" does not include:

23 (i) A straw made from materials other than plastic, including but not limited to paper, pasta,
24 sugar cane, wood or bamboo; and

25 (ii) A plastic straw that is attached to or packaged with a beverage container before the
26 beverage container is offered for retail sale.

27 (h)(A) "Single-use plastic utensil" means a spoon, knife, fork, chopstick or other utensil
28 made partially or entirely of plastic and intended:

29 (i) To be used for consuming food;

30 (ii) For a single use; and

31 (iii) For disposal after the single use.

32 (B) "Single-use plastic utensil" does not include a utensil made entirely of materials
33 other than plastic.

34 (2)(a) A food and beverage provider or convenience store may not provide a single-use plastic
35 straw, a **single-use plastic utensil or single-use plastic condiment packaging** to a consumer
36 unless the consumer specifically requests the single-use plastic straw, **single-use plastic utensil**
37 **or single-use plastic condiment packaging**.

38 (b) Notwithstanding the prohibition in paragraph (a) of this subsection, a consumer may request,
39 and a food and beverage provider or a convenience store may offer to the consumer, a single-use
40 plastic straw, **single-use plastic utensil or single-use plastic condiment packaging** in an area
41 of the food service provider's or convenience store's premises in which the consumer may receive
42 a delivery of prepared food or a beverage while seated in or on a vehicle.

43 (c) The prohibition in paragraph (a) of this subsection does not apply to a convenience store
44 that:

45 (A) Sells or offers single-use plastic straws, **single-use plastic utensils or single-use plastic**

1 **condiment packaging** for sale in bulk or unconnected with a sale or provision of food or a
2 beverage; or

3 (B) Makes single-use plastic straws, **single-use plastic utensils or single-use plastic condi-**
4 **ment packaging** available to consumers in an unattended location, provided that the convenience
5 store may leave the single-use plastic straws, **single-use plastic utensils or single-use plastic**
6 **condiment packaging** in an unattended location only if the convenience store does not have space
7 in which to store the single-use plastic straws, **single-use plastic utensils or single-use plastic**
8 **condiment packaging** in a location where employees of the convenience store provide service to
9 consumers.

10 (3) An enforcement officer may enforce subsection (2) of this section in the course of conducting
11 an inspection. A food and beverage provider or a convenience store that violates subsection (2) of
12 this section is subject to a notice for a first and second violation and, for subsequent violations, to
13 a fine of not more than \$25 for each day in which the food and beverage provider or convenience
14 store remains in violation of subsection (2) of this section. The enforcement officer may not impose
15 total fines of more than \$300 during a calendar year for a food and beverage provider's or a con-
16 venience store's violation of subsection (2) of this section.

17 **SECTION 6. ORS 616.894 is repealed.**

18 **SECTION 7. The amendments to ORS 616.892 by section 5 of this 2025 Act become oper-**
19 **ative on July 1, 2026.**

20
21 **SINGLE-USE PLASTIC HEALTH OR BEAUTY PRODUCTS**

22
23 **SECTION 8. (1) As used in this section:**

24 (a)(A) **"Lodging establishment"** means an establishment that contains 50 or more sleep-
25 ing room accommodations that are rented or otherwise provided to the public on a tempo-
26 rary basis, including but not limited to a hotel, motel, resort, bed and breakfast, inn,
27 timeshare property, short-term rental or vacation rental.

28 (B) **"Lodging establishment"** does not include a hospital, nursing home, residential re-
29 tirement community, prison, jail, homeless shelter, boarding school, long-term rental or
30 worker housing.

31 (b) **"Lodging unit"** means one self-contained unit of a lodging establishment.

32 (c) **"Personal health or beauty product"** means:

33 (A) **Shampoo, hair conditioner, soap, body wash, shower gel or any other product that is**
34 **intended to serve the same function as soap and is intended to be applied to or used on the**
35 **human body;**

36 (B) **Lotion; or**

37 (C) **Hand sanitizer.**

38 (d) **"Small plastic personal health or beauty product container"** means a plastic bottle,
39 tube, sachet or other plastic container with less than a six-ounce capacity that is not in-
40 tended to be reusable by the end user and that contains a personal health or beauty product.

41 (2) **Except upon request, a lodging establishment may not provide for the use of any**
42 **person a personal health or beauty product in a small plastic personal health or beauty**
43 **product container, a plastic wrapper or any other single-use plastic packaging.**

44 (3) **Nothing in this section:**

45 (a) **Restricts the use of plastic refillable containers for bulk personal health or beauty**

1 **products.**

2 (b) Restricts the use of single-use personal health or beauty product containers, wrap-
3 pers, or packaging that are not made with plastic.

4 (c) Requires the use of refillable bulk personal health or beauty product dispensers.

5 (4) The Oregon Health Authority may adopt rules as necessary to implement this section.

6 **SECTION 9.** (1) Section 8 of this 2025 Act becomes operative on January 1, 2027.

7 (2) The Oregon Health Authority may take any action before the operative date specified
8 in subsection (1) of this section that is necessary to enable the authority to exercise, on and
9 after the operative date specified in subsection (1) of this section, all of the duties, functions
10 and powers conferred on the authority by section 8 of this 2025 Act.

11 **SECTION 10.** Section 8 of this 2025 Act is amended to read:

12 **Sec. 8.** (1) As used in this section:

13 (a)(A) "Lodging establishment" means an establishment that contains [50] **one** or more sleeping
14 room accommodations that are rented or otherwise provided to the public on a temporary basis,
15 including but not limited to a hotel, motel, resort, bed and breakfast, inn, timeshare property,
16 short-term rental or vacation rental.

17 (B) "Lodging establishment" does not include a hospital, nursing home, residential retirement
18 community, prison, jail, homeless shelter, boarding school, long-term rental or worker housing.

19 (b) "Lodging unit" means one self-contained unit of a lodging establishment.

20 (c) "Personal health or beauty product" means:

21 (A) Shampoo, hair conditioner, soap, body wash, shower gel or any other product that is in-
22 tended to serve the same function as soap and is intended to be applied to or used on the human
23 body;

24 (B) Lotion; or

25 (C) Hand sanitizer.

26 (d) "Small plastic personal health or beauty product container" means a plastic bottle, tube,
27 sachet or other plastic container with less than a six-ounce capacity that is not intended to be re-
28 usable by the end user and that contains a personal health or beauty product.

29 (2) Except upon request, a lodging establishment may not provide for the use of any person a
30 personal health or beauty product in a small plastic personal health or beauty product container,
31 a plastic wrapper or any other single-use plastic packaging.

32 (3) Nothing in this section:

33 (a) Restricts the use of plastic refillable containers for bulk personal health or beauty products.

34 (b) Restricts the use of single-use personal health or beauty product containers, wrappers, or
35 packaging that are not made with plastic.

36 (c) Requires the use of refillable bulk personal health or beauty product dispensers.

37 (4) The Oregon Health Authority may adopt rules as necessary to implement this section.

38 **SECTION 11.** The amendments to section 8 of this 2025 Act by section 10 of this 2025 Act
39 become operative on January 1, 2028.

40 **SECTION 12.** The unit captions used in this 2025 Act are provided only for the conven-
41 ience of the reader and do not become part of the statutory law of this state or express any
42 legislative intent in the enactment of this 2025 Act.

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