

# House Bill 2670

Sponsored by Representative KENY-GUYER; Representatives NOSSE, SANCHEZ, Senator DEMBROW (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 **as introduced**.

Prohibits restaurant from providing single-use plastic straw to consumer unless consumer requests straw.

Provides that State Department of Agriculture shall enforce prohibition in course of inspecting food establishments. Provides that after second instance of violation, department shall impose civil penalty of not more than \$25 per day. Caps total civil penalty at \$300 per restaurant during one calendar year.

Takes effect on 91st day following adjournment sine die.

## A BILL FOR AN ACT

1  
2 Relating to a restriction on restaurants providing single-use plastic straws to consumers; and pre-  
3 scribing an effective date.

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

### **SECTION 1. (1) As used in this section:**

6 (a) **“Consumer” means an individual who orders a beverage of any description in a res-**  
7 **taurant in this state.**

8 (b) **“Restaurant” means a business establishment that, for compensation, offers food or**  
9 **beverages to members of the public and serves food or beverages to consumers.**

10 (c)(A) **“Single-use plastic straw” means a tube made primarily from plastic that is de-**  
11 **derived from petroleum or a biologically based polymer, such as corn or another plant source,**  
12 **and that is intended:**

13 (i) **To transfer liquid from a container to a consumer’s mouth;**

14 (ii) **For a single use; and**

15 (iii) **For disposal after the single use.**

16 (B) **“Single-use plastic straw” does not include a straw made from materials other than**  
17 **plastic, including but not limited to paper, pasta, sugar cane, wood or bamboo.**

18 (2) **A restaurant may not provide a single-use plastic straw to a consumer unless the**  
19 **consumer specifically requests the single-use plastic straw.**

20 (3) **The State Department of Agriculture or a representative of the department shall en-**  
21 **force subsection (2) of this section in the course of conducting an inspection of a restaurant**  
22 **under ORS 616.286.**

23 (4) **This section does not preempt or prevent a local government from enacting an ordi-**  
24 **nance, resolution or other regulation that places additional restrictions on the use of**  
25 **single-use plastic straws.**

26 **SECTION 2. (1) For a first and second violation of section 1 of this 2019 Act, the State**  
27 **Department of Agriculture shall issue a notice.**

28 (2) **For third and subsequent violations, the department shall impose a civil penalty of**

**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 not more than \$25 per day, except that the department may not impose civil penalties on a  
2 restaurant that exceed \$300 during one calendar year.

3 (3) All penalties recovered under this section shall be paid into the State Treasury and  
4 credited to the General Fund and are available for general governmental expenses.

5 SECTION 3. This 2019 Act takes effect on the 91st day after the date on which the 2019  
6 regular session of the Eightieth Legislative Assembly adjourns sine die.

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