

**A-Engrossed  
House Bill 2883**

Ordered by the House April 16  
Including House Amendments dated April 16

Sponsored by Representatives SCHOUTEN, SOLLMAN, MCLAIN; Representatives GORSEK, HOLVEY, KENY-GUYER, MITCHELL, NOSSE, POWER, PRUSAK, SMITH WARNER, WILDE, Senators BURDICK, DEMBROW, FAGAN, HASS, MANNING JR, MONNES ANDERSON, RILEY, ROBLAN, STEINER HAYWARD

**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.

Prohibits food vendor from using polystyrene container in selling, offering for sale, serving or dispensing prepared food to public. [*Allows Department of Environmental Quality to impose civil penalty of not more than \$250 per day.*]

[*Becomes operative January 1, 2020.*]

Takes effect [*on 91st day following adjournment sine die*] **January 1, 2021.**

**A BILL FOR AN ACT**

1  
2 Relating to a prohibition on using polystyrene containers for prepared food; and prescribing an ef-  
3 fective date.

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

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

6 (a) **“Food vendor” means a business, organization or person that, as a principal or regu-**  
7 **lar activity, sells prepared food or offers prepared food for sale to the public, including, but**  
8 **not limited to, a store, shop or other sales outlet, a restaurant, a grocery store, a super-**  
9 **market, a delicatessen or a cart, truck or other vehicle from which the business, organiza-**  
10 **tion or other person sells prepared food or offers prepared food for sale.**

11 (b)(A) **“Polystyrene container” means a cup or cup lid, bowl, plate or other container that**  
12 **is:**

13 (i) **Made of a thermoplastic polymer, including, but not limited to, a solid polystyrene**  
14 **plastic or a polystyrene plastic foam;**

15 (ii) **Made for the purpose of serving, containing, preserving or consuming prepared food;**  
16 **and**

17 (iii) **Ordinarily used once for the purpose described in sub-subparagraph (ii) of this sub-**  
18 **paragraph before being discarded.**

19 (B) **“Polystyrene container” does not include:**

20 (i) **A cooler or other container that is made of a polystyrene foam, that is intended for**  
21 **more than one use and that is enclosed by a solid plastic shell;**

22 (ii) **A tray or container used solely to store, ship or otherwise transport an ingredient**  
23 **or food product that is not prepared food; or**

24 (iii) **Polystyrene plastic material that is used solely for packing or protecting other items**  
25 **during storage, shipping or other transportation.**

**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       **(c)(A) “Prepared food” means food or a beverage that:**  
2       **(i) A food vendor prepares on the food vendor’s premises or that another person prepares**  
3 **and provides to the food vendor for sale to the public; and**  
4       **(ii) A person may consume immediately or without the need for further or additional**  
5 **preparation.**  
6       **(B) “Prepared food” does not include meat, fish, eggs or produce, if the meat, fish, eggs**  
7 **or produce are raw and have not been prepared for immediate consumption.**  
8       **(2) A food vendor may not use a polystyrene container in selling, offering for sale, serving**  
9 **or dispensing prepared food to a member of the public.**  
10       **SECTION 2.** **This 2019 Act takes effect on January 1, 2021.**

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