

**CHAPTER 48 – ~~SINGLE-USE PLASTIC~~ CARRYOUT BAGS**

**48.010. – Purpose.**

The purpose of this Chapter is to protect the environment, animals and human health, and reduce litter by limiting the use of ~~single-use~~ plastic carryout bags at retail establishments, City facilities, City managed concessions, City sponsored events, and City permitted events.

**48.020. – Definitions.**

The followings words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Carryout bag* means any bag that is provided by a retail establishment at the point of sale to a customer for use to transport or carry away purchases, such as merchandise, goods or food, from the retail establishment. “Carryout bag” does not include:

- (a) Bags used by consumers inside retail establishments to:
  - (1) Package bulk items, such as fruit, vegetables, nuts, grains, candy, or small hardware items;
  - (2) Contain or wrap meat, fish, or frozen foods, whether packaged or not;
  - (3) Contain or wrap flowers, potted plants, or other items where dampness may be a problem;
  - (4) Contain unwrapped prepared foods or bakery goods; or
  - (5) Pharmacy prescription bags.
- (b) ~~Laundry dry cleaning bags or~~ Bags sold in packages containing multiple bags intended to be used for home food storage, garbage waste, pet waste, or yard waste; ~~or~~
- (c) ~~Product or produce bags;~~ Any bag without handles provided to a customer for use within a retail establishment to assist in the collection or transport of products to the point of sale; or
- (d) Bags to segregate food or merchandise that could damage or contaminate other items.

*City sponsored event* means any event organized or sponsored by the City, Urban Renewal Agency of the City of Salem, or Housing Authority of the City of Salem.

*Customer* means any person obtaining goods from a retail establishment.

*Food provider* means any entity in the city that provides prepared food for public

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consumption on or off its premises.

~~Grocery store means any retail establishment that sells groceries, fresh, packaged, canned, dry, prepared, or frozen food or beverage products and similar items.~~

*Pharmacy* means a retail establishment where a pharmacist licensed by the State of Oregon's Board of Pharmacy practices pharmacy and where prescription medications are offered for sale.

~~Product or produce bag means any bag without handles provided to a customer for use within a retail establishment to assist in the collection or transport of products to the point of sale.~~

*Recyclable paper bag* means a paper bag that is 100% recyclable and contains a minimum of 40% post-consumer recycled content.

*Retail establishment* means any store or vendor located within or doing business within the geographic limits of the City that sells or offers for sale goods at retail.

*Reusable bag* means a bag made of machine washable cloth, woven synthetic fiber, or woven and non-woven polypropylene ~~other non-plastic material~~ with handles that is specifically designed and manufactured for long-term multiple reuses.

~~Single-use~~ *Plastic carryout bag* means any carryout bag made predominately of plastic, either petroleum or biologically based, and made available by a retail establishment to a customer at the point of sale. It includes compostable bags, biodegradable bags, and thicker plastic bags (e.g., 2.25 mils or 4.0 mils), but does not include reusable bags, recyclable paper bags, or bags exempted from the definition of carryout bag.

~~Undue hardship means circumstances or situations unique to the particular retail establishment that results in no reasonable alternatives to the use of single-use plastic carryout bags or which results in the inability to collect a recyclable paper bag pass-through cost.~~

### **48.030. – Regulations.**

Except as otherwise provided in this chapter:

- (a) No retail establishment will provide or make available to a customer a ~~single-use~~ plastic carryout bag; and
- (b) No person will distribute or provide a ~~single-use~~ plastic carryout bag at any City facility, City managed concessions, City sponsored event, or City permitted event.

### **48.040. – Pass-Through Cost.**

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Except as otherwise provided in this chapter, when a retail establishment ~~with more than 10 full-time equivalent employees~~ makes a recyclable paper bag available to a customer at the point of sale, the retail establishment will:

- (a) Charge the customer a reasonable pass-through cost of not less than five cents per recyclable paper bag provided to the customer; and not rebate or otherwise reimburse any customer any portion of the pass-through cost; and
- (b) Indicate on the customer's transaction receipts the total amount of the recyclable paper bag pass-through ~~charge~~cost, if an itemized receipt is provided.

### 48.050. – Exemptions.

Notwithstanding any other provision of this Chapter:

(a) A retail establishment that is in compliance with this Chapter prior to [DATE - the effective date of this ordinance] is not required to charge a pass-through cost for recyclable paper bags provided to the customer.

~~(a) Retail establishments with 10 or fewer full-time equivalent employees may charge for provided paper bags but are not required to do so. If such establishments do charge for paper bags, they are exempt from the requirement to note the pass-through cost on receipts.~~

(b) ~~Single-use~~ Plastic carryout bags may be distributed to customers by food providers for the purpose of safeguarding public health and safety during the transportation of prepared take-out foods and prepared liquids intended for consumption away from the food provider's premises.

(c) A retail establishment ~~may~~must provide at no cost a reusable bag, ~~or~~ a recyclable paper bag, or other option to carry away purchases at no cost at the point of sale upon the request of a customer who ~~uses~~presents:

(1) A voucher issued under the Women, Infants and Children (WIC) program established in the Oregon Health Authority under ORS 413.500; or

(2) An Electronic Benefits Transfer (EBT) card, such as an Oregon Trail Card, to access Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF) benefits.

~~(d) — Vendors at retail fairs such as farmers markets or holiday fairs are not subject to indicating on the customer's transaction receipt the total amount of the recyclable paper bag pass-through charge.~~

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### **48.060. – Promotion of Reusable Bags.**

- (a) Retail establishments may ~~distribute product bags and~~ make reusable bags available to customers whether through sale or otherwise.
- (b) Retail establishments are encouraged to educate their staff to promote reusable bags and to post signs encouraging customers to use reusable bags.

### **48.070. – Violations and Penalties.**

- (a) Any person who violates the provisions of this chapter shall be guilty of an infraction, punishable pursuant to SRC 1.070.
- (b) The penalty for violations of this chapter shall be:
  - (1) No more than \$50 for the first violation;
  - (2) No more than \$150 for the second violation within a calendar year; and
  - (3) No more than \$250 for any subsequent violation.
- (c) No more than one citation will be issued to any single location of a retail establishment within a seven-day period.