



Updated Bag Guidance

** Effective through June 30, 2021*

Background

HB 2509 was enacted during the 2019 legislative session. The bill prohibits restaurants and retail establishments, including grocery stores, from using single use plastic bags and requires retail establishments to charge a minimum of five cents for paper bags and reusable bags.

Due to the COVID-19 crisis and a shortage of paper bag supply, in April of 2020, the office of Governor Kate Brown, the Northwest Grocery Association (NWGA) and the League of Oregon Cities (LOC) and Association of Oregon Counties (AOC) encouraged local governments to consider temporarily suspending enforcement of the ban on certain plastic bags.

Since then, there has been consumer confusion and retail inconsistencies on the application of the law and this document is to further clarify three main areas moving forward:

- Reusable bag use.
- Immediate enforcement of the requirement to charge customers for paper and other check-out bags provided to consumers.
- Temporary enforcement discretion on certain allowable bags for circumstances out of the retailers' control.

Reusable Bag Use

Retailers should accept reusable bags and consumers are encouraged to use them. Retailers and consumers should follow the recommendations outlined by the Oregon Department of Agriculture (ODA) Food Safety Program. [Click here](#) to link to the ODA guidance.

Immediate Enforcement of Minimum 5-cent Check-out Bag Charge

All retail establishments shall charge a minimum of five cents for paper and other checkout bags provided to the customer. Cities and counties are encouraged to enforce this provision of the law.

Temporary Enforcement Discretion for Allowable Bags

Some stores continue to experience limited supplies of paper bags and reusable bags. Cities and counties tasked with the enforcement of HB 2509 are encouraged to take these circumstances into consideration when the supply shortage is demonstrated to be out of the retailer's control. During this state of emergency, where limited supplies are demonstrated, cities and counties are encouraged to work with retailers to seek alternative solutions. In some cases, this may

include cities and counties temporarily suspending enforcement activities for the use of single-use plastic bags and the related civil penalties. In such circumstances, public postings should be encouraged at retail establishments to minimize customer confusion and potential complaints.

For questions, contact:

Tracy Rutten, League of Oregon Cities (trutten@orcities.org)

Mallorie Roberts, Association of Oregon Counties (mroberts@oregoncounties.org)