

Food Code Fact Sheet #30

What you should know about the Code

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OAR 333-150-0000, CHAPTER 4-502.13(C),(D) Single-Service and Single-Use Articles, Use Limitation

(C) (1) A food or beverage provider or convenience store may not provide a single-use plastic straw to a consumer unless the consumer specifically requests the single-use plastic straw.

(2) A food and beverage establishment may offer a single-use plastic straw to a consumer seated in or on a vehicle.

(3) A convenience store may leave single-use straws in an unattended location if they do not have space in a location attended by employees.

(4) A convenience store may sell or offer single-use straws for sale in bulk or unconnected with a sale or provision of food or a beverage.

(D) The following definitions apply to this section:

(1) "Consumer" means an individual who orders a beverage of any description from a food and beverage provider in this state.

(2) "Convenience store" means a business that, for compensation, offers or provides a range of commodities that includes food and beverages.

(3) "Enforcement officer" means an authorized representative of the State Department of Agriculture who conducts inspections under ORS 616.286 or an authorized representative of the Director of the Oregon Health Authority or of a local government who conducts inspections under ORS 624.010 to 624.121 or 624.310 to 624.430.

(4) "Food and beverage provider" means a business that, for compensation, offers or serves food or beverages to a consumer.

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

(6) "Single-use plastic straw" means a tube made primarily from plastic that is derived from petroleum or a biologically based polymer, such as corn or another plant source, and that is intended:

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

(ii) For a single use; and

(iii) For disposal after the single use.

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

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

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

Plastic Straws in Food Service Facilities

Senate Bill 90 was passed during the 2019 legislative session, which restricts food service establishments from providing plastic straws to customers unless they are specifically requested. A food service employee can only offer a plastic, single use straw to a customer if they are in/on their vehicle in the drive-thru.

This restriction does not apply to health care facilities or residential care facilities that provide straws to patients or residents.

Convenience stores may make a single-use plastic straw available to consumers in an unattended location provided that the convenience store does not have space in which to store the straws in a location where employees of the store provide service to customers. It is up to the operator to determine where the straws are located and if they have enough space.



Straws must be requested by customer unless the customer is in their vehicle

Additional information:

- Straws cannot be automatically included in customers food bags in the drive-thru
- Small cocktail straws are included in this restriction
- Facilities may post a sign indicating that a customer needs to ask staff if they would like a straw
- Facilities with online ordering may not use a 'check box' or some other indicator regarding straws. The customer (or delivery service) must request the straws at the time the order is picked up
- Multi-use, smooth and easily cleanable straws like glass or metal would be allowed without any restriction
- Each multi-use straw must be thoroughly hand washed with a small brush, rinsed and sanitized between each use
- Bamboo straws aren't allowed as they are not smooth and easily cleanable
- Single use biodegradable paper straws are allowed without restriction
- Plant/plastic polymer straws are not allowed