

Senate Bill 726

Sponsored by Senators COURTNEY, VERGER, Representative BERGER

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**.

Modifies definitions of "beverage" and "beverage container" in Bottle Bill. Changes refund value for beverage containers.

A BILL FOR AN ACT

1
2 Relating to beverage containers; amending ORS 459A.700, 459A.705 and 471.501.

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

4 **SECTION 1.** ORS 459A.700 is amended to read:

5 459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context re-
6 quires otherwise:

7 (1) "Beverage" means **water**, beer or other malt beverages and mineral waters, soda water and
8 similar carbonated soft drinks in liquid form and intended for human consumption.

9 (2) "Beverage container" means *[the]* **an** individual, separate, sealed glass, metal or plastic bot-
10 tle, can, jar[,] or carton *[containing a beverage]* **that:**

11 (a) **Holds more than seven fluid ounces and less than one gallon; and**

12 (b) **Contains a beverage.**

13 (3) "Commission" means the Oregon Liquor Control Commission.

14 (4) "Consumer" means every person who purchases a beverage in a beverage container for use
15 or consumption.

16 (5) "Dealer" means every person in this state who engages in the sale of beverages in beverage
17 containers to a consumer, or means a redemption center certified under ORS 459A.735.

18 (6) "Distributor" means every person who engages in the sale of beverages in beverage con-
19 tainers to a dealer in this state including any manufacturer who engages in such sales.

20 (7) "In this state" means within the exterior limits of the State of Oregon and includes all ter-
21 ritory within these limits owned by or ceded to the United States of America.

22 (8) "Manufacturer" means every person bottling, canning or otherwise filling beverage contain-
23 ers for sale to distributors or dealers.

24 (9) "Place of business of a dealer" means the location at which a dealer sells or offers for sale
25 beverages in beverage containers to consumers.

26 (10) "Use or consumption" includes the exercise of any right or power over a beverage incident
27 to the ownership thereof, other than the sale or the keeping or retention of a beverage for the
28 purposes of sale.

29 **SECTION 2.** ORS 459A.705 is amended to read:

30 459A.705. (1) Except as provided in subsection (2) of this section, every beverage container sold
31 or offered for sale in this state shall have a refund value of not less than *[five]* **10** cents.

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 (2) Every beverage container certified as provided in ORS 459A.725, sold or offered for sale in
2 this state, shall have a refund value of not less than two cents.

3 **SECTION 3.** ORS 471.501 is amended to read:

4 471.501. Nothing in this chapter prevents a brewery licensed under ORS 471.220 or a brewery-
5 public house licensed under ORS 471.200 from establishing a refund value for malt beverage con-
6 tainers under the provisions of ORS 459A.705 that is in excess of [*five*] **10** cents per container for
7 the purpose of encouraging purchasers to return the containers directly to the brewery or
8 brewery-public house. A refund value in excess of [*five*] **10** cents per container may be paid under
9 this section only to persons who are not licensed under this chapter and who return the containers
10 directly to the brewery or brewery-public house.

11