

HOUSE AMENDMENTS TO HOUSE BILL 2184

By COMMITTEE ON ENVIRONMENT AND WATER

April 7

- 1 On page 1 of the printed bill, line 2, after “459A.705” insert “, 459A.735”.
- 2 Delete lines 12 through 30.
- 3 On page 2, delete lines 1 through 30 and insert:
- 4 “**SECTION 2.** ORS 459A.700, as amended by section 1, chapter 303, Oregon Laws 2007, is
- 5 amended to read:
- 6 “459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context re-
- 7 quires otherwise:
- 8 “(1) ‘Beverage’ means **any of the following in liquid form and intended for human con-**
- 9 **sumption:**
- 10 “(a) Water and flavored water[,];
- 11 “(b) Beer or other malt beverages [*and*];
- 12 “(c) Mineral waters, soda water and similar carbonated soft drinks [*in liquid form and intended*
- 13 *for human consumption*]; **and**
- 14 “(d) **Sports drinks, coffee, tea, juice and similar noncarbonated drinks.**
- 15 “(2)(a) ‘Beverage container’ means an individual, separate, sealed glass, metal or plastic bottle
- 16 or can containing a beverage in a quantity less than or equal to three fluid liters.
- 17 “(b) ‘Beverage container’ does not include cartons, foil pouches and drink boxes.
- 18 “(3) ‘Commission’ means the Oregon Liquor Control Commission.
- 19 “(4) ‘Consumer’ means every person who purchases a beverage in a beverage container for use
- 20 or consumption.
- 21 “(5) ‘Dealer’ means every person in this state who engages in the sale of beverages in beverage
- 22 containers to a consumer, or means a redemption center certified under ORS 459A.735.
- 23 “(6) ‘Distributor’ means every person who engages in the sale of beverages in beverage con-
- 24 tainers to a dealer in this state including any manufacturer who engages in such sales.
- 25 “(7) ‘Importer’ means any dealer or manufacturer who directly imports beverage containers into
- 26 this state.
- 27 “(8) ‘In this state’ means within the exterior limits of the State of Oregon and includes all ter-
- 28 ritory within these limits owned by or ceded to the United States of America.
- 29 “(9) ‘Manufacturer’ means every person bottling, canning or otherwise filling beverage contain-
- 30 ers for sale to distributors, importers or dealers.
- 31 “(10) ‘Place of business of a dealer’ means the location at which a dealer sells or offers for sale
- 32 beverages in beverage containers to consumers.
- 33 “(11) ‘Use or consumption’ includes the exercise of any right or power over a beverage incident
- 34 to the ownership thereof, other than the sale or the keeping or retention of a beverage for the
- 35 purposes of sale.

1 “(12) ‘Water and flavored water’ means any beverage identified through the use of letters, words
2 or symbols on its product label as a type of water.

3 “**SECTION 3.** ORS 459A.705 is amended to read:

4 “459A.705. (1) Except as provided in subsection [(2)] (3) of this section, every beverage container
5 sold or offered for sale in this state shall have a refund value of not less than five cents.

6 “(2) **Notwithstanding subsection (1) of this section, if the Department of Environmental**
7 **Quality determines pursuant to section 1 of this 2009 Act that in the previous calendar year**
8 **the annual beverage container return rate is not at least 80 percent, every beverage con-**
9 **tainer sold or offered for sale in this state on or after January 1 of the calendar year next**
10 **following the calendar year in which the determination is made shall have a refund value of**
11 **not less than 10 cents. Once the refund value increases under the provisions of this sub-**
12 **section, it shall remain at not less than 10 cents.**

13 “[2)] (3) Every beverage container certified as provided in ORS 459A.725, sold or offered for
14 sale in this state, shall have a refund value of not less than two cents.

15 “**SECTION 4.** ORS 471.501 is amended to read:

16 “471.501. Nothing in this chapter prevents a brewery licensed under ORS 471.220 or a brewery-
17 public house licensed under ORS 471.200 from establishing a refund value for malt beverage con-
18 tainers **in excess of the amount specified** under the provisions of ORS 459A.705 [*that is in excess*
19 *of five cents*] per container for the purpose of encouraging purchasers to return the containers di-
20 rectly to the brewery or brewery-public house. A refund value in excess of [*five cents*] **the amount**
21 **specified under ORS 459A.705** per container may be paid under this section only to persons who
22 are not licensed under this chapter and who return the containers directly to the brewery or
23 brewery-public house.

24 “**SECTION 4a.** ORS 459A.735, as amended by section 5, chapter 303, Oregon Laws 2007, is
25 amended to read:

26 “459A.735. (1) To facilitate the return of empty beverage containers and to serve dealers of
27 beverages, any person may establish a redemption center, subject to the approval of the Oregon
28 Liquor Control Commission, at which any person may return empty beverage containers and receive
29 payment of the refund value of such beverage containers.

30 “(2) Application for approval of a redemption center shall be filed with the commission. The
31 application shall state the name and address of the person responsible for the establishment and
32 operation of the redemption center, the kind of beverage containers that will be accepted at the
33 redemption center and the names and addresses of the dealers to be served by the redemption cen-
34 ter. The application shall include such additional information as the commission may require.

35 “(3) The commission shall approve a redemption center if it finds the redemption center will
36 provide a convenient service to persons for the return of empty beverage containers. The order of
37 the commission approving a redemption center [*shall*] **must** state the dealers to be served by the
38 redemption center and the kind of empty beverage containers that the redemption center must ac-
39 cept. **The order must require each dealer served by the redemption center to accept for re-**
40 **fund at least 24 empty beverage containers per person per day at the dealer’s location.** The
41 order may contain such other provisions to ensure the redemption center will provide a convenient
42 service to the public as the commission may determine.

43 “(4) The commission may review at any time approval of a redemption center. After written
44 notice to the person responsible for the establishment and operation of the redemption center, and
45 to the dealers served by the redemption center, the commission may, after hearing, withdraw ap-

1 proval of a redemption center if the commission finds there has not been compliance with its order
2 approving the redemption center, or if the redemption center no longer provides a convenient ser-
3 vice to the public.”.

4 On page 3, line 9, delete “2011” and insert “2016”.

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