

**A-Engrossed
House Bill 3145**

Ordered by the House April 26
Including House Amendments dated April 26

Sponsored by Representatives BERGER, CANNON

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.

Changes definition of "beverage[.]" and "beverage container."

Specifies application of laws regulating redemption of beverage containers. Expands application of such laws one year after date on which Oregon Liquor Control Commission determines that at least 60 percent of beverage containers are returned or on January 1, 2018, whichever comes first.

[Allows beverage distributors or importers to establish distributor cooperative for certain purposes. Provides that dealer that uses distributor cooperative is not required to return beverage containers to distributor or importer that does not participate in distributor cooperative. Requires distributor cooperative and distributors and importers that do not participate in distributor cooperative to provide Oregon Liquor Control Commission with report on beverage container return rate each calendar year.]

Increases refund value for beverage containers beginning on January 1 of calendar year following determination by commission that, in each of two previous calendar years, less than 80 percent of total number of beverage containers sold in Oregon were returned.

[Requires local governments to allow siting of redemption center in certain cases.]

Authorizes commission to create one pilot project for establishment of beverage container redemption center.

A BILL FOR AN ACT

Relating to beverage containers; creating new provisions; and amending ORS 459A.700, 459A.705 and 471.501.

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

BEVERAGE CONTAINERS

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

459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context requires otherwise:

(1) "Beverage" *[means water and flavored water, beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption]* **means a fluid described in section 2 of this 2011 Act.**

(2)(a) "Beverage container" *[means an individual, separate, sealed glass, metal or plastic bottle or can containing a beverage in a quantity less than or equal to three fluid liters]* **means a container described in section 2 of this 2011 Act.**

[(b) "Beverage container" does not include cartons, foil pouches and drink boxes.]

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

(4) "Consumer" means every person who purchases a beverage in a beverage container for use

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 or consumption.

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

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

6 (7) "Importer" means any dealer or manufacturer who directly imports beverage containers into
7 this state.

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

10 (9) "Manufacturer" means every person bottling, canning or otherwise filling beverage contain-
11 ers for sale to distributors, importers or dealers.

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

14 (11) "Use or consumption" includes the exercise of any right or power over a beverage incident
15 to the ownership thereof, other than the sale or the keeping or retention of a beverage for the
16 purposes of sale.

17 (12) "Water and flavored water" means any beverage identified through the use of letters, words
18 or symbols on its product label as a type of water.

19 **SECTION 2. (1) Except as provided in subsection (2) of this section, ORS 459A.700 to**
20 **459A.740 apply to any individual, separate, sealed glass, metal or plastic bottle or can, except**
21 **for cartons, foil pouches and drink boxes, that contains the following, in a liquid form, that**
22 **is intended for human consumption and is in a quantity less than or equal to three fluid li-**
23 **ters:**

24 (a) Water and flavored water;

25 (b) Beer or other malt beverages;

26 (c) Mineral water; or

27 (d) Soda water and similar carbonated soft drinks.

28 (2) One year after the date on which the Oregon Liquor Control Commission determines
29 that at least 60 percent of the beverage containers returned for the refund value specified
30 in ORS 459A.705 are returned to a redemption center approved under ORS 459A.735, or on
31 January 1, 2018, whichever comes first, ORS 459A.700 to 459A.740 apply to any individual,
32 separate, sealed glass, metal or plastic bottle or can, except for cartons, foil pouches, drink
33 boxes and metal containers that require a tool to be opened, that contains:

34 (a) In a liquid form, that is intended for human consumption and is in a quantity less
35 than or equal to three fluid liters:

36 (A) Water and flavored water;

37 (B) Beer or other malt beverages;

38 (C) Mineral water; or

39 (D) Soda water and similar carbonated soft drinks.

40 (b) Any liquid other than those specified in paragraph (a) of this subsection that is in-
41 tended for human consumption and is in a quantity less than or equal to one and one-half
42 fluid liters, except cough syrup, caramel syrup, distilled liquor, wine, and any dairy, or dairy
43 equivalent, product.

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10-CENT REFUND VALUE

1 to pay the refund value of empty beverage containers.

2 (c) All dealers doing business within the second convenience zone that occupy a space
3 of 5,000 or more square feet in a single area may participate in, and be served by, the pilot
4 project and, if such a dealer participates in, and is served by, the pilot project, the dealer
5 may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and
6 to pay the refund value of more than 24 individual empty beverage containers returned by
7 any one person during one day.

8 (d) All dealers doing business within either convenience zone that occupy a space of less
9 than 5,000 square feet in a single area may, notwithstanding any other provision of ORS
10 459A.700 to 459A.740, refuse to accept and to pay the refund value of more than 24 individual
11 empty beverage containers returned by any one person during one day.

12 (e) Any dealer doing business in either convenience zone that occupies a space of 5,000
13 or more square feet in a single area that does not participate in, and is not served by, the
14 pilot project must provide services similar to those provided by the pilot project and must
15 provide hand counting of individual empty beverage containers that are returned for the re-
16 fund value established by ORS 459A.705.

17 (3) The commission may adopt all rules necessary to implement and administer the pro-
18 visions of this section.

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20 MISCELLANEOUS

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22 SECTION 6. Sections 2 and 5 of this 2011 Act are added to and made a part of ORS
23 459A.700 to 459A.740.

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25 UNIT CAPTIONS

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27 SECTION 7. The unit captions used in this 2011 Act are provided only for the convenience
28 of the reader and do not become part of the statutory law of this state or express any leg-
29 islative intent in the enactment of this 2011 Act.

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