

**B-Engrossed**  
**House Bill 3145**

Ordered by the House May 3  
Including House Amendments dated April 26 and May 3

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.

Increases refund value for beverage containers [*beginning on January 1 of calendar year*] **by specified date** 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.

[*Authorizes*] **Requires** commission to create one pilot project for establishment of beverage container redemption center.

**A BILL FOR AN ACT**

1  
2 Relating to beverage containers; creating new provisions; and amending ORS 459A.700, 459A.705 and  
3 471.501.

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

5  
6 **BEVERAGE CONTAINERS**

7  
8 **SECTION 1.** ORS 459A.700 is amended to read:

9 459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context re-  
10 quires otherwise:

11 (1) "Beverage" [*means water and flavored water, beer or other malt beverages and mineral waters,*  
12 *soda water and similar carbonated soft drinks in liquid form and intended for human consumption*]

13 **means a fluid described in section 2 of this 2011 Act.**

14 (2)[(a)] "Beverage container" [*means an individual, separate, sealed glass, metal or plastic bottle*  
15 *or can containing a beverage in a quantity less than or equal to three fluid liters*] **means a container**

16 **described in section 2 of this 2011 Act.**

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.

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

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

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

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

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

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

14 **SECTION 2. (1) Except as provided in subsection (2) of this section, ORS 459A.700 to**  
15 **459A.740 apply to any individual, separate, sealed glass, metal or plastic bottle or can, except**  
16 **for cartons, foil pouches and drink boxes, that contains the following beverages, intended for**  
17 **human consumption and in a quantity less than or equal to three fluid liters:**

18 (a) Water and flavored water;

19 (b) Beer or other malt beverages; and

20 (c) Mineral waters, soda water and similar carbonated soft drinks.

21 (2) One year after the date on which the Oregon Liquor Control Commission determines  
22 that at least 60 percent of the beverage containers returned for the refund value specified  
23 in ORS 459A.705 are returned statewide to redemption centers approved under ORS 459A.735,  
24 or on January 1, 2018, whichever comes first, ORS 459A.700 to 459A.740 apply to any individ-  
25 ual, separate, sealed glass, metal or plastic bottle or can, except for cartons, foil pouches,  
26 drink boxes and metal containers that require a tool to be opened, that contains:

27 (a) The following beverages, intended for human consumption and in a quantity less than  
28 or equal to three fluid liters:

29 (A) Water and flavored water;

30 (B) Beer or other malt beverages; and

31 (C) Mineral waters, soda water and similar carbonated soft drinks.

32 (b) Any beverage other than those specified in paragraph (a) of this subsection that is  
33 intended for human consumption and is in a quantity more than or equal to four fluid ounces  
34 and less than or equal to one and one-half fluid liters, except distilled liquor, wine, dairy or  
35 plant-based milks, infant formula and any other exemptions set forth in rule of the Oregon  
36 Liquor Control Commission.

37  
38 **10-CENT REFUND VALUE**  
39

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

41 459A.705. (1) Except as provided in [subsection (2)] **subsections (2) and (3)** of this section, every  
42 beverage container sold or offered for sale in this state shall have a refund value of not less than  
43 five cents.

44 (2)(a) Every beverage container sold or offered for sale in this state shall have a refund  
45 value of not less than 10 cents, beginning on the later of:

1 (A) Eight months after the Oregon Liquor Control Commission determines that, in each  
2 of the two previous calendar years, the number of beverage containers returned for the re-  
3 fund value specified in this section was less than 80 percent of the total number of beverage  
4 containers that were sold in this state; or

5 (B) January 1 of the calendar year following the determination by the commission de-  
6 scribed in subparagraph (A) of this paragraph.

7 (b) The commission may not make a determination under this subsection before January  
8 1, 2016.

9 (c) In making a determination under this subsection, the commission may not include the  
10 beverage containers and beverages described in section 2 (2)(b) of this 2011 Act before Jan-  
11 uary 1, 2021.

12 [(2)] (3) Every beverage container certified as provided in ORS 459A.725, sold or offered for sale  
13 in this state, shall have a refund value of not less than two cents.

14 **SECTION 4.** ORS 471.501 is amended to read:

15 471.501. Nothing in this chapter prevents a brewery licensed under ORS 471.220 or a brewery-  
16 public house licensed under ORS 471.200 from establishing a refund value for malt beverage con-  
17 tainers under the provisions of ORS 459A.705 that is in excess of five cents, **or in excess of 10**  
18 **cents as described in ORS 459A.705 (2)**, per container for the purpose of encouraging purchasers  
19 to return the containers directly to the brewery or brewery-public house. A refund value in excess  
20 of five cents, **or in excess of 10 cents as described in ORS 459A.705 (2)**, per container may be  
21 paid under this section only to persons who are not licensed under this chapter and who return the  
22 containers directly to the brewery or brewery-public house.

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24 **PILOT PROJECT**

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26 **SECTION 5.** (1)(a) Pursuant to the provisions of ORS 459A.735, the Oregon Liquor Control  
27 Commission shall approve one beverage container redemption center pilot project in a city  
28 having a population of less than 300,000, operated by a distributor cooperative serving a ma-  
29 jority of the dealers in this state.

30 (b) Notwithstanding any other provision of ORS 459A.700 to 459A.740, the beverage con-  
31 tainer redemption center operated under the pilot project may not refuse to accept and to  
32 pay the refund value of up to 300 individual empty beverage containers, as established by  
33 ORS 459A.705, returned by any one person during one day.

34 (2)(a) The commission shall specify two convenience zones for the pilot project. The first  
35 convenience zone shall be the sector within the one and one-half mile radius around the  
36 beverage container redemption center pilot project, and the second convenience zone shall  
37 be the sector within the three mile radius around the beverage container redemption center  
38 pilot project.

39 (b) All dealers doing business within the first convenience zone that occupy a space of  
40 5,000 or more square feet in a single area may participate in, and be served by, the pilot  
41 project and, if such a dealer participates in, and is served by, the pilot project, the dealer  
42 may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and  
43 to pay the refund value of empty beverage containers.

44 (c) All dealers doing business within the second convenience zone that occupy a space  
45 of 5,000 or more square feet in a single area may participate in, and be served by, the pilot

1 project and, if such a dealer participates in, and is served by, the pilot project, the dealer  
2 may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and  
3 to pay the refund value of more than 24 individual empty beverage containers returned by  
4 any one person during one day.

5 (d) All dealers doing business within either convenience zone that occupy a space of less  
6 than 5,000 square feet in a single area may, notwithstanding any other provision of ORS  
7 459A.700 to 459A.740, refuse to accept and to pay the refund value of more than 24 individual  
8 empty beverage containers returned by any one person during one day.

9 (e) Any dealer doing business in either convenience zone that occupies a space of 5,000  
10 or more square feet in a single area that does not participate in, and is not served by, the  
11 pilot project may not refuse to accept and to pay the refund value of up to 300 individual  
12 empty beverage containers, as established by ORS 459A.705, returned by any one person  
13 during one day and must provide services similar to those provided by the pilot project, in-  
14 cluding hand counting of individual empty beverage containers that are returned for the re-  
15 fund value established by ORS 459A.705.

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

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19 **MISCELLANEOUS**

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

23  
24 **UNIT CAPTIONS**

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