

HOUSE AMENDMENTS TO HOUSE BILL 3145

By COMMITTEE ON ENERGY, ENVIRONMENT AND WATER

April 26

1 On page 1 of the printed bill, delete lines 5 through 27 and delete pages 2 through 4 and insert:

“BEVERAGE CONTAINERS

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5 “**SECTION 1.** ORS 459A.700 is 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 water and flavored water, beer or other malt beverages and mineral waters,*
9 *soda water and similar carbonated soft drinks in liquid form and intended for human consumption*]
10 **means a fluid described in section 2 of this 2011 Act.**

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

14 “[*(b) ‘Beverage container’ does not include cartons, foil pouches and drink boxes.*]

15 “(3) ‘Commission’ means the Oregon Liquor Control Commission.

16 “(4) ‘Consumer’ means every person who purchases a beverage in a beverage container for use
17 or consumption.

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

20 “(6) ‘Distributor’ means every person who engages in the sale of beverages in beverage con-
21 tainers to a dealer in this state including any manufacturer who engages in such sales.

22 “(7) ‘Importer’ means any dealer or manufacturer who directly imports beverage containers into
23 this state.

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

26 “(9) ‘Manufacturer’ means every person bottling, canning or otherwise filling beverage contain-
27 ers for sale to distributors, importers or dealers.

28 “(10) ‘Place of business of a dealer’ means the location at which a dealer sells or offers for sale
29 beverages in beverage containers to consumers.

30 “(11) ‘Use or consumption’ includes the exercise of any right or power over a beverage incident
31 to the ownership thereof, other than the sale or the keeping or retention of a beverage for the
32 purposes of sale.

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

35 “**SECTION 2.** (1) **Except as provided in subsection (2) of this section, ORS 459A.700 to**

1 459A.740 apply to any individual, separate, sealed glass, metal or plastic bottle or can, except
2 for cartons, foil pouches and drink boxes, that contains the following, in a liquid form, that
3 is intended for human consumption and is in a quantity less than or equal to three fluid li-
4 ters:

5 “(a) Water and flavored water;

6 “(b) Beer or other malt beverages;

7 “(c) Mineral water; or

8 “(d) Soda water and similar carbonated soft drinks.

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

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

17 “(A) Water and flavored water;

18 “(B) Beer or other malt beverages;

19 “(C) Mineral water; or

20 “(D) Soda water and similar carbonated soft drinks.

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

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26 “10-CENT REFUND VALUE

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

29 “459A.705. (1) Except as provided in [*subsection (2)*] **subsections (2) and (3)** of this section, ev-
30 ery beverage container sold or offered for sale in this state shall have a refund value of not less
31 than five cents.

32 “(2)(a) Every beverage container sold or offered for sale in this state shall have a refund
33 value of not less than 10 cents beginning on January 1 of the calendar year following a de-
34 termination by the Oregon Liquor Control Commission that, in each of the two previous
35 calendar years, the annual percentage of beverage containers returned for the refund value
36 specified in this section was less than 80 percent of the total number of beverage containers
37 that were sold in this state.

38 “(b) The commission may not make a determination under this subsection before Janu-
39 ary 1, 2016.

40 “(c) In making a determination under this subsection, the commission may not include
41 the beverage containers and beverages described in section 2 (2)(b) of this 2011 Act before
42 January 1, 2021.

43 “[2] (3) Every beverage container certified as provided in ORS 459A.725, sold or offered for
44 sale in this state, shall have a refund value of not less than two cents.

45 “SECTION 4. ORS 471.501 is amended to read:

1 “471.501. Nothing in this chapter prevents a brewery licensed under ORS 471.220 or a brewery-
2 public house licensed under ORS 471.200 from establishing a refund value for malt beverage con-
3 tainers under the provisions of ORS 459A.705 that is in excess of five cents, **or in excess of 10**
4 **cents as described in ORS 459A.705 (2)**, per container for the purpose of encouraging purchasers
5 to return the containers directly to the brewery or brewery-public house. A refund value in excess
6 of five cents, **or in excess of 10 cents as described in ORS 459A.705 (2)**, per container may be
7 paid under this section only to persons who are not licensed under this chapter and who return the
8 containers directly to the brewery or brewery-public house.

9
10 **“PILOT PROJECT**

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12 **“SECTION 5. (1)(a) Pursuant to the provisions of ORS 459A.735, the Oregon Liquor Con-**
13 **trol Commission may approve one beverage container redemption center pilot project in a**
14 **city having a population of less than 300,000.**

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

19 **“(2)(a) The commission by rule shall specify two convenience zones for the pilot project.**
20 **The first convenience zone shall be the sector within the one and one-half mile radius around**
21 **the beverage container redemption center pilot project, and the second convenience zone**
22 **shall be the sector within the three mile radius around the beverage container redemption**
23 **center pilot project.**

24 **“(b) All dealers doing business within the first convenience zone that occupy a space of**
25 **5,000 or more square feet in a single area may participate in, and be served by, the pilot**
26 **project and, if such a dealer participates in, and is served by, the pilot project, the dealer**
27 **may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and**
28 **to pay the refund value of empty beverage containers.**

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

35 **“(d) All dealers doing business within either convenience zone that occupy a space of less**
36 **than 5,000 square feet in a single area may, notwithstanding any other provision of ORS**
37 **459A.700 to 459A.740, refuse to accept and to pay the refund value of more than 24 individual**
38 **empty beverage containers returned by any one person during one day.**

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

44 **“(3) The commission may adopt all rules necessary to implement and administer the**
45 **provisions of this section.**

1 "MISCELLANEOUS

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3 "SECTION 6. Sections 2 and 5 of this 2011 Act are added to and made a part of ORS
4 459A.700 to 459A.740.

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6 "UNIT CAPTIONS

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8 "SECTION 7. The unit captions used in this 2011 Act are provided only for the conven-
9 ience of the reader and do not become part of the statutory law of this state or express any
10 legislative intent in the enactment of this 2011 Act."
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