

HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3145

By COMMITTEE ON RULES

May 3

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 19 and delete pages 2 through
2 4 and insert:

“BEVERAGE CONTAINERS

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

7 “459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context re-
8 quires otherwise:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 **“(a) Water and flavored water;**

6 **“(b) Beer or other malt beverages; and**

7 **“(c) Mineral waters, soda water and similar carbonated soft drinks.**

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

14 **“(a) The following beverages, intended for human consumption and in a quantity less**
 15 **than or equal to three fluid liters:**

16 **“(A) Water and flavored water;**

17 **“(B) Beer or other malt beverages; and**

18 **“(C) Mineral waters, soda water and similar carbonated soft drinks.**

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

24
 25 **“10-CENT REFUND VALUE**

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

28 **“459A.705. (1) Except as provided in [subsection (2)] subsections (2) and (3) of this section, ev-**
 29 **ery beverage container sold or offered for sale in this state shall have a refund value of not less**
 30 **than five cents.**

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

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

37 **“(B) January 1 of the calendar year following the determination by the commission de-**
 38 **scribed in subparagraph (A) of this paragraph.**

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

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

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

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

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

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11 **“PILOT PROJECT**

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13 “**SECTION 5.** (1)(a) Pursuant to the provisions of ORS 459A.735, the Oregon Liquor Con-
14 trol Commission shall approve one beverage container redemption center pilot project in a
15 city having a population of less than 300,000, operated by a distributor cooperative serving a
16 majority of the dealers in this state.

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

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

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

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

37 “(d) All dealers doing business within either convenience zone that occupy a space of less
38 than 5,000 square feet in a single area may, notwithstanding any other provision of ORS
39 459A.700 to 459A.740, refuse to accept and to pay the refund value of more than 24 individual
40 empty beverage containers returned by any one person during one day.

41 “(e) Any dealer doing business in either convenience zone that occupies a space of 5,000
42 or more square feet in a single area that does not participate in, and is not served by, the
43 pilot project may not refuse to accept and to pay the refund value of up to 300 individual
44 empty beverage containers, as established by ORS 459A.705, returned by any one person
45 during one day and must provide services similar to those provided by the pilot project, in-

1 cluding hand counting of individual empty beverage containers that are returned for the re-
2 fund value established by ORS 459A.705.

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

5
6 “MISCELLANEOUS

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8 “SECTION 6. Sections 2 and 5 of this 2011 Act are added to and made a part of ORS
9 459A.700 to 459A.740.

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11 “UNIT CAPTIONS

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13 “SECTION 7. The unit captions used in this 2011 Act are provided only for the conven-
14 ience of the reader and do not become part of the statutory law of this state or express any
15 legislative intent in the enactment of this 2011 Act.”
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