

A-Engrossed
Senate Bill 247

Ordered by the Senate April 16
Including Senate Amendments dated April 16

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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.

Adds containers that contain kombucha to types of beverage containers covered by provisions of Bottle Bill.

Requires persons responsible for operation of beverage container redemption centers to annually register with Oregon Liquor Control Commission and pay registration fee. Requires fees collected by commission to be deposited in Bottle Bill Fund.

Establishes Bottle Bill Fund. Continuously appropriates moneys in fund to pay costs of commission in carrying out commission's duties under Bottle Bill provisions.

A BILL FOR AN ACT

1
2 Relating to beverage containers; creating new provisions; and amending ORS 459A.700, 459A.702,
3 459A.705 and 459A.737.

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

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 a fluid described in ORS 459A.702.

9 (2) "Beverage container" means a container described in ORS 459A.702.

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

11 (4) "Consumer" means every person who purchases a beverage in a beverage container for use
12 or consumption.

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

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

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

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

21 **(9) "Kombucha" means a fermented beverage that is made from tea and contains not**
22 **more than 21 percent of alcohol by volume.**

23 *[(9)]* **(10) "Manufacturer" means every person bottling, canning or otherwise filling beverage**
24 **containers for sale to distributors, importers or dealers.**

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 [(10)] (11) “Place of business of a dealer” means the location at which a dealer sells or offers
2 for sale beverages in beverage containers to consumers.

3 [(11)] (12) “Use or consumption” includes the exercise of any right or power over a beverage
4 incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for
5 the purposes of sale.

6 [(12)] (13) “Water and flavored water” means any beverage identified through the use of letters,
7 words or symbols on its product label as a type of water.

8 (14)(a) **“Wine” has the meaning given that term in ORS 471.001.**

9 (b) **“Wine” does not mean kombucha.**

10 **SECTION 2.** ORS 459A.702 is amended to read:

11 459A.702. [(1) *Except as provided in subsection (2) of this section, ORS 459A.700 to 459A.740 apply*
12 *to any individual, separate, sealed glass, metal or plastic bottle or can, except for cartons, foil pouches*
13 *and drink boxes, that contains the following beverages, intended for human consumption and in a*
14 *quantity less than or equal to three fluid liters:]*

15 [(a) *Water and flavored water;*]

16 [(b) *Beer or other malt beverages; and*]

17 [(c) *Mineral waters, soda water and similar carbonated soft drinks.*]

18 [(2) *One year after the date on which the Oregon Liquor Control Commission determines that at*
19 *least 60 percent of the beverage containers returned for the refund value specified in ORS 459A.705*
20 *are returned statewide to redemption centers approved under ORS 459A.735, or on January 1, 2018,*
21 *whichever comes first,]*

 ORS 459A.700 to 459A.740 apply to:

22 (1) Any individual, separate, sealed glass, metal or plastic bottle or can, except for [*cartons, foil*
23 *pouches, drink boxes and metal containers that require a tool to be opened*] **a carton, foil pouch,**
24 **drink box or metal container that requires a tool to be opened,** that contains[:]

25 [(a)] **any one of** the following beverages, intended for human consumption and in a quantity less
26 than or equal to three fluid liters:

27 [(A) *Water and flavored water;*]

28 [(B) *Beer or other malt beverages; and*]

29 [(C) *Mineral waters, soda water and similar carbonated soft drinks.*]

30 (a) **Water or flavored water;**

31 (b) **Beer or another malt beverage;**

32 (c) **Mineral water, soda water or a similar carbonated soft drink; or**

33 (d) **Kombucha.**

34 [(b)] (2) Any beverage other than those specified in [*paragraph (a) of this*] subsection (1) **of this**
35 **section** that is intended for human consumption and is in a quantity more than or equal to four fluid
36 ounces and less than or equal to one and one-half fluid liters, except distilled liquor, wine, dairy or
37 plant-based milks, infant formula and any other exemptions set forth in rule [*of*] **by** the Oregon Li-
38 quor Control Commission.

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

40 459A.705. (1) Except as provided in subsections (2) and (3) of this section, every beverage con-
41 tainer sold or offered for sale in this state shall have a refund value of not less than five cents.

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

44 (A) Eight months after the Oregon Liquor Control Commission determines that, in each of the
45 two previous calendar years, the number of beverage containers returned for the refund value

1 specified in this section was less than 80 percent of the total number of beverage containers that
2 were sold in this state; or

3 (B) January 1 of the calendar year following the determination by the commission described in
4 subparagraph (A) of this paragraph.

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

6 (c) In making a determination under this subsection, the commission may not include the
7 beverage containers and beverages described in ORS 459A.702 [(2)(b)] (2) before January 1, 2021.

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

10 **SECTION 4.** ORS 459A.737 is amended to read:

11 459A.737. (1) Pursuant to the provisions of ORS 459A.735, the Oregon Liquor Control Commis-
12 sion:

13 (a) Shall approve one beverage container redemption center in a city having a population of less
14 than 300,000, operated by a distributor cooperative serving a majority of the dealers in this state;
15 and

16 (b) May approve one or more additional beverage container redemption centers.

17 (2) Notwithstanding any other provision of ORS 459A.700 to 459A.740, a beverage container re-
18 demption center:

19 (a) May not refuse to accept and to pay the refund value of up to 350 individual empty beverage
20 containers, as established by ORS 459A.705, returned by any one person during one day;

21 (b) Must provide hand counting of up to 50 individual empty beverage containers returned by
22 any one person during one day for the refund value established by ORS 459A.705;

23 (c) May provide drop off service for at least 125 individual empty beverage containers returned
24 by any one person during one day for the refund value established by ORS 459A.705, and may pro-
25 vide an accounting mechanism by which the person may redeem the refund value of the beverage
26 containers at a later date; and

27 (d) May provide other services as determined necessary by the person responsible for the oper-
28 ation of the beverage container redemption center.

29 **(3)(a) By July 1 of each calendar year, a person responsible for the operation of one or
30 more redemption centers shall register with the commission, for a period to cover the up-
31 coming year, on a form provided by the commission. The registration shall include:**

32 **(A) A list of each beverage container redemption center that the person is responsible
33 for operating during the upcoming year and the address of each redemption center; and**

34 **(B) Any other information required by the commission to process the registration.**

35 **(b) Each person responsible for the operation of one or more redemption centers shall
36 pay an annual registration fee to the commission. The fee shall be paid at the time of reg-
37 istration under paragraph (a) of this subsection. The registration fee shall be \$3,000 for each
38 redemption center that the person is responsible for operating.**

39 **(c) Fees collected by the commission under this subsection shall be deposited in the
40 Bottle Bill Fund established under section 6 of this 2019 Act.**

41 [(3)] (4) The commission may adopt all rules necessary to implement and administer the pro-
42 visions of this section and ORS 459A.738.

43 **SECTION 5.** Section 6 of this 2019 Act is added to and made a part of ORS 459A.700 to
44 459A.740.

45 **SECTION 6.** The Bottle Bill Fund is established, separate and distinct from the General

1 **Fund. Interest earned by the Bottle Bill Fund shall be credited to the fund. Moneys in the**
2 **fund are continuously appropriated to the Oregon Liquor Control Commission and may be**
3 **used to pay the costs of the commission in carrying out the duties of the commission under**
4 **ORS 459A.700 to 459A.740.**

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