

SENATE AMENDMENTS TO SENATE BILL 93

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 12

1 On page 1 of the printed bill, line 2, after “centers;” delete the rest of the line and insert “cre-
2 ating new provisions; and amending ORS 459A.700, 459A.715, 459A.735, 459A.737 and 459A.738 and
3 section 4, chapter 106, Oregon Laws 2013.”.

4 Delete lines 4 through 29 and delete pages 2 through 4 and insert:

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 **full-service** redemption center [*certified*] **approved** under ORS
15 459A.735.

16 “(6) ‘**Dealer redemption center**’ means a location that meets the requirements of section
17 **3 of this 2019 Act, at which any person may return empty beverage containers and receive**
18 **payment of the refund value of the beverage containers.**

19 “[~~(6)~~] (7) ‘Distributor’ means every person who engages in the sale of beverages in beverage
20 containers to a dealer in this state including any manufacturer who engages in such sales.

21 “(8) ‘**Full-service redemption center**’ means a location that meets the requirements of
22 **ORS 459A.737, at which any person may return empty beverage containers and receive pay-**
23 **ment of the refund value of the beverage containers.**

24 “[~~(7)~~] (9) ‘Importer’ means any dealer or manufacturer who directly imports beverage containers
25 into this state.

26 “[~~(8)~~] (10) ‘In this state’ means within the exterior limits of the State of Oregon and includes
27 all territory within these limits owned by or ceded to the United States of America.

28 “[~~(9)~~] (11) ‘Manufacturer’ means every person bottling, canning or otherwise filling beverage
29 containers for sale to distributors, importers or dealers.

30 “[~~(10)~~] (12) ‘Place of business of a dealer’ means the location at which a dealer sells or offers
31 for sale beverages in beverage containers to consumers.

32 “(13) ‘**Redemption center**’ means a **full-service redemption center or a dealer redemption**
33 **center.**

34 “[~~(11)~~] (14) ‘Use or consumption’ includes the exercise of any right or power over a beverage
35 incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for

1 the purposes of sale.

2 “[(12)] (15) ‘Water and flavored water’ means any beverage identified through the use of letters,
3 words or symbols on its product label as a type of water.

4 “**SECTION 2.** Section 3 of this 2019 Act and ORS 459A.738 and 459A.739 are added to and
5 made a part of ORS 459A.700 to 459A.740.

6 “**SECTION 3.** (1) Any person may establish a dealer redemption center to serve one or
7 more dealers doing business in an area that is not part of a convenience zone specified by
8 the Oregon Liquor Control Commission under ORS 459A.738.

9 “(2) Notwithstanding any other provision of ORS 459A.700 to 459A.740, a dealer redemp-
10 tion center must:

11 “(a) Provide secure drop off service at no charge for empty beverage containers to be
12 returned by any person for the refund value established by ORS 459A.705 in a bag or other
13 bulk return container sold for that purpose;

14 “(b) Provide an accounting mechanism by which a person may redeem the refund value
15 of beverage containers returned in bulk either immediately in cash from a dealer partic-
16 ipating in the dealer redemption center or no later than one week after the beverage con-
17 tainers are dropped off;

18 “(c) Be serviced by a distributor cooperative for purposes of transporting and processing
19 redeemed beverage containers;

20 “(d) Be available for persons to return beverage containers to the dealer redemption
21 center during any time that a participating dealer is open between the hours of 8 a.m. and
22 8 p.m.; and

23 “(e) Be of a sufficient capacity to provide convenient service to the public as the com-
24 mission may determine.

25 “(3) A dealer redemption center may provide services other than those specified in sub-
26 section (2) of this section as determined necessary by the person responsible for operation
27 of the dealer redemption center.

28 “(4) A distributor cooperative that services dealer redemption centers shall:

29 “(a) Provide notice to the commission no later than 14 days after the date that a dealer
30 redemption center:

31 “(A) Begins providing drop off service to persons for the return of empty beverage con-
32 tainers; or

33 “(B) Ceases operations; and

34 “(b) Annually provide to the commission the names and addresses of the dealers served
35 by all dealer redemption centers serviced by the distributor cooperative, and such additional
36 information as the commission may require.

37 “(5)(a) A dealer that participates in, is served by and pays the cost of participation in a
38 dealer redemption center may, notwithstanding any other provision of ORS 459A.700 to
39 459A.740, refuse to accept and to pay the refund value of more than 24 individual empty
40 beverage containers returned by any one person during one day.

41 “(b) If a dealer redemption center is established in a city having a population of less than
42 10,000 people, the Oregon Liquor Control Commission shall specify a dealer redemption cen-
43 ter convenience zone. The dealer redemption center convenience zone shall be the sector
44 within a radius of not more than one mile around the dealer redemption center. Any dealer
45 doing business within a dealer redemption center convenience zone may participate in, be

1 served by and pay the cost of participation in the dealer redemption center and receive the
2 benefit provided for in paragraph (a) of this subsection.

3 “SECTION 4. Section 4, chapter 106, Oregon Laws 2013, is amended to read:

4 “Sec. 4. No later than March 1 of each odd-numbered year, the Oregon Liquor Control Com-
5 mission shall submit a report to the Legislative Assembly regarding [*beverage container*] **full-service**
6 redemption centers approved pursuant to the provisions of ORS 459A.737 **and dealer redemption**
7 **centers established pursuant to section 3 of this 2019 Act.** The report must include, for the two
8 previous calendar years:

9 “(1) The number of beverage containers that are returned for refund value as a percentage of
10 the total number of beverage containers sold in this state.

11 “(2) The number of [*beverage container*] redemption centers operating in this state and the
12 number of full-service redemption centers for which applications are pending with the commission.

13 “(3) The number of beverage containers that are returned for refund value in areas designated
14 by the commission and the number of beverage containers returned for refund value in each area
15 in the year before the beverage container redemption center began operation.

16 “(4) The number of beverage containers that are returned for refund value to [*beverage*
17 *container*] redemption centers in this state and the number of beverage containers that are returned
18 for refund value to dealers in this state.

19 “SECTION 5. ORS 459A.715 is amended to read:

20 “459A.715. (1) A dealer may refuse to accept from any person, and a distributor or importer may
21 refuse to accept from a dealer, any empty beverage container that does not state thereon a refund
22 value as established by ORS 459A.705.

23 “(2) A dealer may refuse to accept and to pay the refund value of:

24 “(a) Empty beverage containers if the place of business of the dealer and the kind of empty
25 beverage containers are included in an order of the Oregon Liquor Control Commission approving
26 a **full-service** redemption center under ORS 459A.735.

27 “(b) Any beverage container visibly containing or contaminated by a substance other than wa-
28 ter, residue of the original contents or ordinary dust.

29 “(c)(A) More than 144 individual beverage containers returned by any one person during one
30 day, if the dealer occupies a space of 5,000 or more square feet in a single area.

31 “(B) More than 50 individual beverage containers returned by any one person during one day,
32 if the dealer occupies a space of less than 5,000 square feet in a single area.

33 “(d) Any beverage container that is damaged to the extent that the brand appearing on the
34 container cannot be identified.

35 “(3)(a) In order to refuse containers under subsection (2)(b), (c)(A) or (d) of this section, if a
36 dealer occupies a space of 5,000 or more square feet in a single area, the dealer must post in each
37 area where containers are received a clearly visible and legible sign containing the following in-
38 formation:

39 “ _____

40
41 NOTICE:

42
43 Oregon Law allows a dealer to refuse to accept:

44 1. Beverage containers visibly containing or contaminated by a substance other than water,
45 residue of the original contents or ordinary dust;

1 “(f) **Whether the full-service redemption center will be located in an area zoned for**
2 **commercial use under state statute or local ordinance or will be located in an area that will**
3 **provide more convenient service given the proximity of the location to the dealers within the**
4 **convenience zones to be served by the full-service redemption center; and**

5 “[*f*] (g) Such other provisions to ensure [*the*] **that the full-service** redemption center will
6 provide a convenient service to the public as the commission may determine.

7 “(4) **A full-service redemption center approved by the commission under this section is**
8 **not a recycling depot for purposes of ORS 90.318, 459A.007, 459A.010, 459A.050 or 459A.080.**

9 “[*(4)(a)*] (5)(a) No later than five days after approving a **full-service** redemption center under
10 subsection (3) of this section, the commission shall provide written notice to each dealer that is
11 identified in the order approving the **full-service** redemption center as a dealer within the conven-
12 ience zones not to be served by or not participating in the **full-service** redemption center.

13 “(b) The notice required under this subsection shall include:

14 “(A) All information required to be in the order approving the **full-service** redemption center
15 under subsection (3) of this section; and

16 “(B) Notice of the provisions of ORS 459A.738 that are applicable to the dealer receiving the
17 notice.

18 “[*(5)*] (6) The commission may review at any time approval of a **full-service** redemption center.
19 After written notice to the person responsible for the establishment and operation of the **full-**
20 **service** redemption center, and to the dealers served by the **full-service** redemption center, the
21 commission may, after hearing, withdraw approval of a **full-service** redemption center if the com-
22 mission finds there has not been compliance with its order approving the **full-service** redemption
23 center, or if the **full-service** redemption center no longer provides a convenient service to the
24 public.

25 “**SECTION 7.** ORS 459A.737 is amended to read:

26 “459A.737. (1) Pursuant to the provisions of ORS 459A.735, the Oregon Liquor Control Commis-
27 sion:

28 “(a) Shall approve one [*beverage container*] **full-service** redemption center in a city having a
29 population of less than 300,000, operated by a distributor cooperative serving a majority of the
30 dealers in this state; and

31 “(b) May approve one or more additional [*beverage container*] **full-service** redemption centers.

32 “(2) Notwithstanding any other provision of ORS 459A.700 to 459A.740, a [*beverage container*]
33 **full-service** redemption center:

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

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

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

42 “(d) May provide other services as determined necessary by the person responsible for the op-
43 eration of the [*beverage container*] **full-service** redemption center.

44 “(3) The commission may adopt all rules necessary to implement and administer the provisions
45 of this section, **section 3 of this 2019 Act** and ORS 459A.738.

1 “**SECTION 8.** ORS 459A.738 is amended to read:

2 “459A.738. (1) For each [*beverage container*] **full-service** redemption center, the Oregon Liquor
3 Control Commission shall specify up to two convenience zones. The first convenience zone shall be
4 the sector within a radius of not more than two miles around the [*beverage container*] **full-service**
5 redemption center. The second convenience zone shall be the sector beginning at the border of the
6 first convenience zone and continuing to a radius of not more than three and one-half miles around
7 the [*beverage container*] **full-service** redemption center. The convenience zones shall be based to the
8 greatest extent practicable upon the proposals submitted as part of the application for approval of
9 the **full-service** redemption center under ORS 459A.735.

10 “(2) All dealers doing business within the first convenience zone that occupy a space of 5,000
11 or more square feet in a single area may participate in, be served by and be charged the cost of
12 participation in the [*beverage container*] **full-service** redemption center and, if such a dealer partic-
13 ipates in, is served by and pays the cost of participation in the **full-service** redemption center, the
14 dealer may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and
15 to pay the refund value of empty beverage containers.

16 “(3) All dealers doing business within the second convenience zone that occupy a space of 5,000
17 or more square feet in a single area may participate in, be served by and be charged the cost of
18 participation in the [*beverage container*] **full-service** redemption center and, if such a dealer partic-
19 ipates in, is served by and pays the cost of participation in the **full-service** redemption center, the
20 dealer may, notwithstanding any other provision of ORS 459A.700 to 459A.740, refuse to accept and
21 to pay the refund value of more than 24 individual empty beverage containers returned by any one
22 person during one day.

23 “(4) All dealers doing business within either convenience zone that occupy a space of less than
24 5,000 square feet in a single area may, notwithstanding any other provision of ORS 459A.700 to
25 459A.740, refuse to accept and to pay the refund value of more than 24 individual empty beverage
26 containers returned by any one person during one day.

27 “(5)(a) Any dealer doing business in either convenience zone that occupies a space of 5,000 or
28 more square feet in a single area that does not participate in, and is not served by, the [*beverage*
29 *container*] **full-service** redemption center may not refuse to accept and to pay the refund value of
30 up to 350 individual empty beverage containers, as established by ORS 459A.705, returned by any
31 one person during one day and must, beginning on the date that the **full-service** redemption center
32 begins accepting beverage containers, provide services equivalent to those provided by the redemp-
33 tion center under ORS 459A.737 (2), including hand counting and drop off service.

34 “(b) In addition to complying with the requirements specified in paragraph (a) of this subsection,
35 a dealer described in paragraph (a) of this subsection must:

36 “(A) Post in each area where beverage containers are received a clearly visible and legible sign
37 that contains the list of services that must be provided by the dealer; and

38 “(B) Provide two automated reverse vending machines capable of processing metal, plastic and
39 glass beverage containers, or one automated reverse vending machine capable of processing metal,
40 plastic and glass beverage containers for each 500,000 beverage containers sold by the dealer in the
41 previous calendar year, whichever is greater.

42 “(c)(A) The provisions of paragraphs (a) and (b) of this subsection do not apply to a dealer de-
43 scribed in paragraph (a) of this subsection if the dealer sold fewer than 100,000 beverage containers
44 in the previous calendar year. To be eligible for the exemption under this paragraph, a dealer de-
45 scribed in paragraph (a) of this subsection must report to the commission the number of beverage

1 containers sold by the dealer in the previous calendar year.

2 “(B) The report required under this paragraph must be submitted by a dealer:

3 “(i) Except as provided in subsection (6) of this section, no later than 60 days after issuance of
4 the notice required under ORS 459A.735 [(4)] (5); and

5 “(ii) No later than January 1 of each calendar year following the year that the notice under
6 ORS 459A.735 [(4)] (5) was issued and for which the dealer intends to claim the exemption.

7 “(d) The commission shall ensure compliance with this subsection by a dealer described in par-
8 agraph (a) of this subsection that is not subject to an exemption under paragraph (c) of this sub-
9 section.

10 “(6) A dealer that plans to begin doing business in either convenience zone after the date that
11 the [*beverage container*] **full-service** redemption center associated with the convenience zone begins
12 accepting beverage containers shall, not less than 60 days prior to the date that the dealer begins
13 doing business:

14 “(a) Provide notice to the commission explaining whether the dealer will or will not participate
15 in, be served by and pay the cost of participation in the **full-service** redemption center; and

16 “(b) If the dealer will not participate in the redemption center and will claim an exemption un-
17 der subsection (5)(c) of this section, provide documentation of compliance with the requirements for
18 nonparticipating dealers under this section and an estimate of the number of beverage containers
19 that the dealer expects to sell during the first calendar year that the dealer does business in the
20 convenience zone.

21 “(7) The provisions of subsections (2) to (6) of this section do not apply to any dealer for which
22 the driving distance from the place of business of the dealer to the [*beverage container*] **full-service**
23 redemption center, calculated using the shortest route, is more than two times the radius specified
24 for the second convenience zone or, if only one convenience zone is specified by the commission, two
25 times the radius specified for that convenience zone.

26 “(8) Not more than 60 days after issuance of notice from the commission under ORS 459A.735
27 [(4)] (5), a dealer shall provide the commission with written documentation confirming compliance
28 with each of the requirements of this section that are applicable to the dealer receiving notice.”.

29