

Requested by SENATE COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

**PROPOSED AMENDMENTS TO
SENATE BILL 247**

1 On page 1 of the printed bill, line 2, after “ORS” insert “459A.700,
2 459A.702, 459A.705 and”.

3 After line 3, insert:

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

5 “459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740,
6 unless the context requires otherwise:

7 “(1) ‘Beverage’ means a fluid described in ORS 459A.702.

8 “(2) ‘Beverage container’ means a container described in ORS 459A.702.

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

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

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

15 “(6) ‘Distributor’ means every person who engages in the sale of beverages
16 in beverage containers to a dealer in this state including any manufacturer
17 who engages in such sales.

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

20 “(8) ‘In this state’ means within the exterior limits of the State of Oregon
21 and includes all territory within these limits owned by or ceded to the

1 United States of America.

2 **“(9) ‘Kombucha’ means a fermented beverage that is made from tea**
3 **and contains not more than 21 percent of alcohol by volume.**

4 “[9] (10) ‘Manufacturer’ means every person bottling, canning or other-
5 wise filling beverage containers for sale to distributors, importers or dealers.

6 “[10] (11) ‘Place of business of a dealer’ means the location at which a
7 dealer sells or offers for sale beverages in beverage containers to consumers.

8 “[11] (12) ‘Use or consumption’ includes the exercise of any right or
9 power over a beverage incident to the ownership thereof, other than the sale
10 or the keeping or retention of a beverage for the purposes of sale.

11 “[12] (13) ‘Water and flavored water’ means any beverage identified
12 through the use of letters, words or symbols on its product label as a type
13 of water.

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

15 **“(b) ‘Wine’ does not mean kombucha.**

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

17 *“459A.702. [(1) Except as provided in subsection (2) of this section, ORS*
18 *459A.700 to 459A.740 apply to any individual, separate, sealed glass, metal or*
19 *plastic bottle or can, except for cartons, foil pouches and drink boxes, that*
20 *contains the following beverages, intended for human consumption and in a*
21 *quantity less than or equal to three fluid liters:]*

22 *“[(a) Water and flavored water;]*

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

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

25 *“[(2) One year after the date on which the Oregon Liquor Control Com-*
26 *mission determines that at least 60 percent of the beverage containers returned*
27 *for the refund value specified in ORS 459A.705 are returned statewide to re-*
28 *demption centers approved under ORS 459A.735, or on January 1, 2018,*
29 *whichever comes first,] ORS 459A.700 to 459A.740 apply to:*

30 **“(1) Any individual, separate, sealed glass, metal or plastic bottle or can,**

1 except for [*cartons, foil pouches, drink boxes and metal containers that require*
2 *a tool to be opened*] **a carton, foil pouch, drink box or metal container**
3 **that requires a tool to be opened**, that contains[:]

4 “[*(a)*] **any one of** the following beverages, intended for human consump-
5 tion and in a quantity less than or equal to three fluid liters:

6 “[*(A)*] *Water and flavored water;*]

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

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

9 **“(a) Water or flavored water;**

10 **“(b) Beer or another malt beverage;**

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

12 **or**

13 **“(d) Kombucha.**

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

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

21 “459A.705. (1) Except as provided in subsections (2) and (3) of this section,
22 every beverage container sold or offered for sale in this state shall have a
23 refund value of not less than five cents.

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

26 “(A) Eight months after the Oregon Liquor Control Commission deter-
27 mines that, in each of the two previous calendar years, the number of
28 beverage containers returned for the refund value specified in this section
29 was less than 80 percent of the total number of beverage containers that
30 were sold in this state; or

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

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

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

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

11 In line 4, delete “1” and insert “4”.

12 On page 2, line 9, delete “2” and insert “5” and delete “3” and insert
13 “6”.

14 In line 11, delete “3” and insert “6”.

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