

1 H.375

2 Introduced by Representatives Weed of Enosburgh, Burke of Brattleboro,
3 Buxton of Tunbridge, Christie of Hartford, Cole of Burlington,
4 Connor of Fairfield, Davis of Washington, French of Randolph,
5 Haas of Rochester, Krowinski of Burlington, Lenes of
6 Shelburne, Macaig of Williston, Martin of Wolcott, Masland of
7 Thetford, McCarthy of St. Albans City, McCormack of
8 Burlington, McCullough of Williston, Michelsen of Hardwick,
9 Moran of Wardsboro, O'Sullivan of Burlington, Pearson of
10 Burlington, Poirier of Barre City, Ram of Burlington, Stevens
11 of Waterbury, Till of Jericho, and Wizowaty of Burlington

12 Referred to Committee on

13 Date:

14 Subject: Conservation and development; beverage containers;
15 deposit-redemption system

16 Statement of purpose of bill as introduced: This bill proposes to expand the
17 beverage container deposit-redemption system to include water bottles and
18 containers for all noncarbonated drinks. The bill would also pool deposits in a
19 central fund administered by the Agency of Natural Resources, and would
20 provide that unredeemed deposits are the property of the State.

1 An act relating to the expansion of Vermont's bottle bill

2 It is hereby enacted by the General Assembly of the State of Vermont:

3 Sec. 1. 10 V.S.A. chapter 53 is amended to read:

4 CHAPTER 53. BEVERAGE CONTAINERS; DEPOSIT-REDEMPTION
5 SYSTEM

6 § 1521. DEFINITIONS

7 ~~For the purpose of~~ As used in this chapter:

8 (1) "Beverage" means beer or other malt beverages and mineral waters,
9 mixed wine drink, wine, soda water ~~and~~, carbonated and noncarbonated soft
10 drinks, noncarbonated water, and all nonalcoholic carbonated and
11 noncarbonated drinks in liquid form and intended for human consumption,
12 except for rice milk, soymilk, hempseed milk, milk, and dairy products. As of
13 January 1, 1990, "beverage" also shall mean liquor.

14 (2) "Biodegradable material" means material which is capable of being
15 broken down by bacteria into basic elements.

16 (3) "Container" means the individual, separate, bottle, can, jar, or carton
17 composed of glass, metal, paper, plastic, or any combination of those materials
18 containing a consumer product. This definition shall not include containers
19 made of biodegradable material.

20 (4) "Distributor" means every person who engages in the sale of
21 consumer products in containers to a ~~dealer~~ retailer in this state Vermont.

1 including any manufacturer who engages in such sales. Any ~~dealer or~~ retailer
2 who sells, at the retail level, beverages in containers without having purchased
3 them from a person otherwise classified as a distributor, shall be a distributor.

4 (5) "Manufacturer" means every person bottling, canning, packing, or
5 otherwise filling containers for sale to distributors or ~~dealers~~ retailers.

6 (6) "Recycling" means the process of sorting, cleansing, treating, and
7 reconstituting waste and other discarded materials for the purpose of reusing
8 the materials in the same or altered form.

9 (7) "Redemption center" means a store or other location where any
10 person may, during normal business hours, redeem the amount of the deposit
11 for any empty beverage container labeled or certified pursuant to section 1524
12 of this title.

13 (8) "Secretary" means the ~~secretary of the agency of natural resources~~
14 Secretary of Natural Resources.

15 (9) "Mixed wine drink" means a beverage containing wine and more
16 than 15 percent added plain, carbonated, or sparkling water; and which
17 contains added natural or artificial blended material, such as fruit juices,
18 flavors, flavoring, adjuncts, coloring, or preservatives; which contains not
19 more than 16 percent alcohol by volume; or other similar product marketed as
20 a wine cooler.

21 (10) "Liquor" means spirits as defined in 7 V.S.A. § 2.

1 (11) "Retailer" means a person in Vermont who sells to a consumer at
2 the retail level beverages in beverage containers.

3 § 1522. BEVERAGE CONTAINERS; DEPOSIT

4 (a) Except with respect to beverage containers which contain liquor, a
5 deposit of ~~not less than five cents~~ \$0.05 shall be paid by the consumer on each
6 beverage container sold at the retail level and refunded to the consumer upon
7 return of the empty beverage container. With respect to beverage containers of
8 volume greater than 50 ml. which contain liquor, a deposit of ~~15 cents~~ \$0.15
9 shall be paid by the consumer on each beverage container sold at the retail
10 level and refunded to the consumer upon return of the empty beverage
11 container. The difference between liquor bottle deposits collected and refunds
12 made is hereby retained by the liquor control fund for administration of this
13 subsection.

14 (b) A retailer or a person operating a redemption center who redeems
15 beverage containers shall be reimbursed by the manufacturer or distributor of
16 such beverage containers in an amount which is ~~three and one half cents~~
17 \$0.035 per container for containers of beverage brands that are part of a
18 commingling program and ~~four cents~~ \$0.04 per container for containers of
19 beverage brands that are not part of a commingling program.

20 (c)(1) A retailer who sells beverage containers shall open in a Vermont
21 branch of a financial institution a separate interest-bearing account to be

1 known as the deposit transaction account. The retailer shall keep the deposit
2 transaction account separate from all other revenues and accounts. Each
3 retailer shall deposit in the deposit transaction account the refund value
4 established by subsection (a) of this section for all beverage containers sold by
5 the retailer. The retailer shall deposit the refund value for each beverage
6 container in the account not more than three business days after the date the
7 beverage container is sold. All interest, dividends, and returns earned on the
8 deposit transaction account shall be paid directly to the account, and may be
9 transferred from the deposit transaction account for use by the retailer.

10 (2) Every retailer shall report to the Secretary of Natural Resources by
11 the tenth day of each month concerning transactions affecting the retailer's
12 deposit transaction account in the preceding month. The report shall be
13 submitted on a form provided by the Secretary and shall include:

14 (A) the balance of the account at the beginning of the preceding
15 month;

16 (B) the number of nonreusable beverage containers sold in the
17 preceding month and the number of nonreusable beverage containers returned
18 in the preceding month;

19 (C) the amount of beverage container deposits received by the retailer
20 and deposited into the deposit transaction account;

1 (D) the amount of refund payments made from the deposit
2 transaction account in the preceding month;

3 (E) any income earned on the deposit transaction account in the
4 preceding month;

5 (F) any other transactions, withdrawals, or service charges on the
6 deposit transaction account from the preceding month; and

7 (G) any additional information required by the Secretary.

8 (3) By the tenth day of each month, each retailer shall remit from its
9 deposit transaction account to the Secretary any abandoned beverage container
10 deposits from the preceding month. The amount of abandoned beverage
11 container deposits for a month is the amount equal to the amount of deposits
12 that should be in the fund less the sum of:

13 (A) income earned on amounts on the account during that month; and

14 (B) the total amount of refund value received by the deposit initiator
15 for nonrefillable containers during that month.

16 (4) The abandoned beverage container deposits remitted to the Secretary
17 under subdivision (3) of this subsection shall be deposited in the Vermont
18 Container Deposit Fund under section 1530 of this title and shall be used for
19 the purposes of that fund.

20 (d) Containers shall be redeemed during no fewer than 40 hours per week
21 during the regular operating hours of ~~the~~ a retail establishment.

1 § 1522a. RULES

2 The ~~secretary~~ Secretary may adopt rules, in accordance with 3 V.S.A.
3 chapter 25 of Title 3, necessary for the administration of this chapter. These
4 rules may include the following:

5 * * *

6 § 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

7 (a) Except as provided in section 1522 of this title:

8 (1) A retailer shall not refuse to accept from any person any empty
9 beverage containers, labeled in accordance with section 1524 of this title, of
10 the kind, size, and brand sold by the retailer, or refuse to pay to that person the
11 refund value of a beverage container as established by section 1522 of this
12 title, except as provided in subsection (b) of this section.

13 (2) A manufacturer or distributor may not refuse to pick up from a
14 retailer that sells its product or a person operating a certified redemption center
15 any empty beverage containers, labeled in accordance with section 1524 of this
16 title, of the kind, size, and brand sold by the manufacturer or distributor, ~~or~~
17 ~~refuse to pay the retailer or a person operating a redemption center the refund~~
18 ~~value of a beverage container as established by section 1522 of this title.~~

19 (b) A retailer, with the prior approval of the ~~secretary~~ Secretary, may refuse
20 to redeem beverage containers if a redemption center or centers are established
21 which serve the public need.

1 (c) A retailer or a person operating a redemption center may refuse to
2 redeem beverage containers that are not clean, or are broken, and shall not
3 redeem beverage containers that are not labeled in accordance with section
4 1524 of this title.

5 ~~(d)–(f)~~

6 § 1524. LABELING

7 (a) Every beverage container sold or offered for sale at retail in ~~this state~~
8 Vermont shall clearly indicate by embossing or imprinting on the normal
9 product label, or in the case of a metal beverage container on the top of the
10 container, the word “Vermont” or the letters “VT” and the refund value of the
11 container in not less than ~~one-eighth-inch~~ one-eighth-inch type size or such
12 other alternate indications as may be approved by the ~~secretary~~ Secretary. This
13 subsection does not prohibit including names or abbreviations of other states
14 with deposit legislation comparable to this chapter.

15 (b) The ~~commissioner of the department of liquor control~~ Commissioner of
16 Liquor Control may allow, in the case of liquor bottles, a conspicuous,
17 adhesive sticker to be attached to indicate the deposit information required in
18 subsection (a) of this section, provided that the size, placement, and adhesive
19 qualities of the sticker are as approved by the ~~commissioner~~ Commissioner.
20 The stickers shall be affixed to the bottles by the manufacturer, except that
21 liquor which is sold in ~~the state~~ Vermont in quantities less than 100 cases per

1 year may have stickers affixed by personnel employed by the ~~department~~
2 Department.

3 (c) This section shall not apply to permanently labeled beverage containers.

4 (d) The Secretary may allow, in the case of wine bottles, a conspicuous,
5 adhesive sticker to be attached to indicate the deposit information required in
6 subsection (a) of this section, provided that the size, placement, and adhesive
7 qualities of the sticker are as approved by the Secretary. The stickers shall be
8 affixed by the manufacturer.

9 * * *

10 § 1528. BEVERAGE CONTAINER REGISTRATION

11 No distributor or manufacturer shall sell a beverage container in ~~the state of~~
12 Vermont without the manufacturer registering the beverage container with the
13 ~~agency of natural resources~~ Agency of Natural Resources prior to sale, unless
14 distributed by the ~~department of liquor control~~ Department of Liquor Control.
15 This registration shall take place on a form provided by the ~~secretary~~ Secretary
16 and include the following:

17 * * *

18 § 1530. VERMONT CONTAINER DEPOSIT FUND

19 (a) There is hereby established in the State Treasury a special fund to be
20 known as the Vermont Container Deposit Fund, to be administered and
21 expended by the Secretary to fund programs or projects that promote or

1 support recycling and solid waste management, provided that expenditures
2 from the fund shall not be used to fund programs or projects associated with
3 the incineration of solid waste.

4 (b) The Secretary may authorize disbursement from the fund to:

5 (1) provide loans or grants to Vermont citizens or businesses initiating
6 or expanding a business engaged in recycling or solid waste management; and

7 (2) reimburse the costs to the Agency of Natural Resources of
8 implementing solid waste management and recycling activities in Vermont
9 including state-funded or state-managed extended producer responsibility
10 programs.

11 (c) There shall be deposited into the fund:

12 (1) all remitted deposits from retailers; and

13 (2) such sums as may be appropriated by the General Assembly.

14 (d) Interest earned by the fund shall be credited and deposited to the fund.

15 All balances in the fund at the end of the fiscal year shall be carried forward
16 and remain a part of the fund.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on July 1, 2013.