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H.727

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Introduced by Representatives Pearson of Burlington, Buxton of Tunbridge,

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Christie of Hartford, Deen of Westminster, Lorber of

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Burlington, Martin of Wolcott, McCullough of Williston, Ram

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of Burlington and Woodward of Johnson

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Referred to Committee on

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Date:

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Subject: Conservation and development; recyclable containers;

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deposit-redemption system

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Statement of purpose: This bill proposes to expand the beverage container

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deposit-redemption system to include water bottles and containers for all

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noncarbonated drinks and to include all recyclable plastic containers. The bill

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would also pool deposits in a central fund administered by the agency of

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natural resources, and would provide that unredeemed deposits are the property

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of the state.

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

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

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

2 CHAPTER 53. BEVERAGE CONTAINERS AND RECYCLABLE

3 CONTAINERS; DEPOSIT-REDEMPTION SYSTEM

4 § 1521. DEFINITIONS

5 For the purpose of this chapter:

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

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

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

18 (4) "Distributor" means every person who engages in the sale of  
19 consumer products in containers to a ~~dealer~~ retailer in this state, including any  
20 manufacturer who engages in such sales. Any ~~dealer or~~ retailer who sells, at

1 the retail level, beverages in containers without having purchased them from a  
2 person otherwise classified as a distributor, shall be a distributor.

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

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

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

12 (8) "Secretary" means the secretary of ~~the agency of~~ natural resources.

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

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

1           (11) “Retailer” means a person in this state who sells to a consumer at  
2           the retail level beverages in beverage containers or other consumer products in  
3           recyclable plastic containers.

4           (12) “Recyclable plastic container” means any container made of  
5           polyethylene terephthalate (PET), high density polyethylene (HDPE), or  
6           polypropylene (PP).

7           § 1522. BEVERAGE CONTAINERS AND RECYCLABLE PLASTIC  
8           CONTAINERS; DEPOSIT

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

19          (b) A retailer or a person operating a redemption center who redeems  
20          beverage containers or recyclable plastic containers shall be reimbursed by the  
21          manufacturer or distributor of such beverage containers in an amount which is

1 ~~three and one-half cents~~ \$0.035 per container for containers of beverage brands  
2 that are part of a commingling program and ~~four cents~~ \$0.04 per container for  
3 containers of beverage brands that are not part of a commingling program.

4 (c)(1) A retailer who sells beverage containers or recyclable plastic  
5 containers shall open in a Vermont branch of a financial institution a separate  
6 interest-bearing account to be known as the deposit transaction account. The  
7 retailer shall keep the deposit transaction account separate from all other  
8 revenues and accounts. Each retailer shall deposit in the deposit transaction  
9 account the refund value established by subsection (a) of this section for all  
10 beverage containers or recyclable plastic containers sold by the retailer. The  
11 retailer shall deposit the refund value for each beverage container or recyclable  
12 plastic containers in the account not more than three business days after the  
13 date the beverage container or recyclable plastic container is sold. All interest,  
14 dividends, and returns earned on the deposit transaction account shall be paid  
15 directly to the account, and may be transferred from the deposit transaction  
16 account for use by the retailer.

17 (2) Every retailer shall report to the secretary of natural resources by the  
18 tenth day of each month concerning transactions affecting the retailer's deposit  
19 transaction account in the preceding month. The report shall be submitted on a  
20 form provided by the secretary and shall include:

1           (A) the balance of the account at the beginning of the preceding  
2 month;

3           (B) the number of nonreusable beverage containers sold in the  
4 preceding month and the number of nonreusable beverage containers returned  
5 in the preceding month;

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

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

10           (E) any income earned on the deposit transaction account in the  
11 preceding month;

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

14           (G) any additional information required by the secretary.

15           (3) By the tenth day of each month, each retailer shall remit from its  
16 deposit transaction account to the secretary any abandoned beverage container  
17 deposits from the preceding month. The amount of abandoned beverage  
18 container deposits for a month is the amount equal to the amount of deposits  
19 that should be in the fund less the sum of:

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

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

3           (4) The abandoned beverage container deposits remitted to the secretary  
4           under subdivision (3) of this subsection shall be deposited in the Vermont  
5           container deposit fund under section 1530 of this title and shall be used for the  
6           purposes of that fund.

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

9           § 1522a. RULES

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

13           (1) provisions to ensure that beverage containers and recyclable plastic  
14           containers not labeled in accordance with section 1524 of this title are not  
15           redeemed;

16           (2) provisions to ensure that beverage containers are commingled;

17           (3) administrative penalties for the failure by a redemption center or  
18           retailer to remove beverage containers or recyclable plastic containers that are  
19           not labeled prior to pickup by a distributor or manufacturer. Penalties may  
20           include nonpayment of the deposit and handling fee established under section

1 1522 of this title for a reasonable period of time and for the number of  
2 beverage containers or recyclable plastic containers that were not labeled;

3 (4) any other provision that may be necessary for the implementation of  
4 this chapter.

5 § 1523. ACCEPTANCE OF BEVERAGE CONTAINERS AND  
6 RECYCLABLE PLASTIC 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 or recyclable plastic containers, labeled in accordance  
10 with section 1524 of this title, of the kind, size, and brand sold by the retailer,  
11 or refuse to pay to that person the refund value of a beverage container or  
12 recyclable plastic container as established by section 1522 of this title, except  
13 as provided in subsection (b) of this section.

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



1 (b) A retailer, with the prior approval of the secretary, may refuse to  
2 redeem beverage containers or recyclable plastic containers if a redemption  
3 center or centers are established which serve the public need.

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

8 § 1524. LABELING

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

17 (b) The commissioner of the department of liquor control may allow, in the  
18 case of liquor bottles, a conspicuous, adhesive sticker to be attached to indicate  
19 the deposit information required in subsection (a) of this section, provided that  
20 the size, placement, and adhesive qualities of the sticker are as approved by the  
21 commissioner. The stickers shall be affixed to the bottles by the manufacturer,

1 except that liquor which is sold in the state in quantities less than 100 cases per  
2 year may have stickers affixed by personnel employed by the 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 or recyclable  
5 plastic containers, a conspicuous, adhesive sticker to be attached to indicate the  
6 deposit information required in subsection (a) of this section, provided that the  
7 size, placement, and adhesive qualities of the sticker are as approved by the  
8 secretary. The stickers shall be affixed by the manufacturer.

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10 § 1528. BEVERAGE CONTAINER AND RECYCLABLE PLASTIC

11 CONTAINER REGISTRATION

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

18 (1) The name and principal business address of the manufacturer;

19 (2) The name of the beverage product and the container size;

20 (3) Whether the beverage product is a part of an approved commingling  
21 agreement; and



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

2        All balances in the fund at the end of the fiscal year shall be carried forward

3        and remain a part of the fund.

4        Sec. 2. EFFECTIVE DATE

5        This act shall take effect on July 1, 2012.