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H.67

Introduced by Representatives Weed of Enosburgh, Bartholomew of Hartland,
Buckholz of Hartford, Chesnut-Tangerman of Middletown
Springs, Cina of Burlington, Colburn of Burlington, Dunn of
Essex, Gannon of Wilmington, Gonzalez of Winooski, Masland
of Thetford, McCormack of Burlington, McCullough of
Williston, Squirrell of Underhill, Sullivan of Burlington, and
Webb of Shelburne

Referred to Committee on

Date:

Subject: Conservation and development; beverage containers; deposit
redemption system

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

An act relating to the expansion of the beverage container redemption
system

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

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

3 § 1521. DEFINITIONS

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

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

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

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

17 (4) "Distributor" means every person who engages in the sale of
18 consumer products in containers to a ~~dealer~~ retailer in this ~~state~~ State, including
19 any manufacturer who engages in such sales. Any ~~dealer or~~ retailer who sells,
20 ~~at the retail level~~, beverages in containers without having purchased them from
21 a person otherwise classified as a distributor, shall be a distributor.

1 (5) “Manufacturer” means every person bottling, canning, packing or
2 otherwise filling containers for sale to distributors or ~~dealers~~ retailers.

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

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

10 (8) “Secretary” means the ~~secretary of the agency of natural resources~~
11 Secretary of Natural Resources.

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

18 (10) “Liquor” means spirits as defined in 7 V.S.A. § 2.

19 (11) “Retailer” means a person in Vermont who sells beverages in
20 beverage containers to a consumer at the retail level.

1 § 1522. BEVERAGE CONTAINERS; DEPOSIT

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

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

18 (c)(1) A retailer who sells beverage containers shall open in a Vermont
19 branch of a financial institution a separate interest-bearing account to be
20 known as the deposit transaction account. The retailer shall keep the deposit
21 transaction account separate from all other revenues and accounts. Each

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

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

12 (A) the balance of the account at the beginning of the preceding
13 month;

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

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

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

1 (E) any income earned on the deposit transaction account in the
2 preceding month;

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

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

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

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

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

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

18 (d) Containers shall be redeemed during no fewer than 40 hours per week
19 during the regular operating hours of the establishment.

20 * * *

1 § 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

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

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

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

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

17 (c) A retailer or a person operating a redemption center may refuse to
18 redeem beverage containers that are not clean, or are broken, and shall not
19 redeem beverage containers that are not labeled in accordance with section
20 1524 of this title.

21 (d)-(f) ~~[Deleted.]~~ [Repealed.]

1 § 1524. LABELING

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

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

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

20 (d) The Secretary may allow, in the case of wine bottles, a conspicuous,
21 adhesive sticker to be attached to indicate the deposit information required in

1 subsection (a) of this section, provided that the size, placement, and adhesive
2 qualities of the sticker are as approved by the Secretary. The stickers shall be
3 affixed by the manufacturer.

4 * * *

5 § 1530. VERMONT CONTAINER DEPOSIT FUND

6 (a) There is established in the State Treasury a special fund to be known as
7 the Vermont Container Deposit Fund, to be administered and expended by the
8 Secretary to fund programs or projects that promote or support recycling and
9 solid waste management, provided that expenditures from the Fund shall not
10 be used to fund programs or projects associated with the incineration of solid
11 waste.

12 (b) The Secretary may authorize disbursement from the Fund to:

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

15 (2) reimburse the costs to the Agency of Natural Resources of
16 implementing solid waste management and recycling activities in Vermont,
17 including State-funded or State-managed extended producer responsibility
18 programs.

19 (c) There shall be deposited into the Fund:

20 (1) all beverage container deposits remitted to the Secretary by retailers
21 under section 1523 of this title; and

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

2 (d) Interest earned by the Fund shall be credited and deposited to the Fund.

3 All balances in the Fund at the end of the fiscal year shall be carried forward

4 and remain a part of the Fund.

5 Sec. 2. EFFECTIVE DATE

6 This act shall take effect on July 1, 2017.