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S.285

Senator Pollina moves that the bill be amended by striking out Sec. 4 (effective date) and its reader assistance and inserting in lieu thereof six new sections to be Secs. 4–9 and their reader assistances to read as follows:

* * * Beverage Container Redemption * * *

Sec. 4. 10 V.S.A. § 1521 is amended to read:

§ 1521. DEFINITIONS

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

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

* * *

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

(4) “Distributor” means every person who engages in the sale of consumer products in containers to a dealer in this ~~state~~ State, including any

1 manufacturer who engages in such sales. Any dealer or retailer who sells, at
2 the retail level, beverages in containers without having purchased them from a
3 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.

6 * * *

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

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

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

16 (11) “Deposit initiator” means the first distributor or manufacturer to
17 collect the deposit on a beverage container sold to any person within the State.

18 Sec. 5. 10 V.S.A. § 1522 is amended to read:

19 § 1522. BEVERAGE CONTAINERS; DEPOSIT

20 (a) Except with respect to beverage containers ~~which~~ that contain liquor, a
21 deposit of ~~not less than five cents~~ \$0.05 shall be paid by the consumer on each

1 beverage container sold at the retail level and shall be refunded to the
2 consumer upon return of the empty beverage container. With respect to
3 beverage containers of volume greater than 50 ml. ~~which that~~ contain liquor or
4 wine, a deposit of ~~15 cents~~ \$0.15 shall be paid by the consumer on each
5 beverage container sold at the retail level and shall be refunded to the
6 consumer upon return of the empty beverage container. The difference
7 between liquor bottle deposits collected and refunds made is ~~hereby~~ retained
8 by the Liquor Control Enterprise Fund for administration of this subsection.

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

15 (c) ~~[Deleted.]~~ [Repealed.]

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

18 Sec. 6. 10 V.S.A. § 1524 is amended to read:

19 § 1524. LABELING

20 (a) Every beverage container sold or offered for sale at retail in this ~~state~~
21 State shall clearly indicate by embossing or imprinting on the normal product

1 label, or in the case of a metal beverage container on the top of the container,
2 the word “Vermont” or the letters “VT” and the refund value of the container
3 in not less than one-eighth inch type size or such other alternate indications as
4 may be approved by the ~~secretary~~ Secretary. This subsection does not prohibit
5 including names or abbreviations of other states with deposit legislation
6 comparable to this chapter.

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

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

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

1 Sec. 7. 10 V.S.A. § 1530 is added to read:

2 § 1530. ABANDONED BEVERAGE CONTAINER DEPOSITS; DEPOSIT
3 TRANSACTION ACCOUNT; BEVERAGE REDEMPTION FUND

4 (a) A deposit initiator shall open a separate interest-bearing account in a
5 Vermont branch of a financial institution to be known as the deposit
6 transaction account. The deposit initiator shall keep the deposit transaction
7 account separate from all other revenues and accounts.

8 (b) Beginning on July 1, 2019, each deposit initiator shall deposit in its
9 deposit transaction account the refund value established by section 1522 of this
10 title for all beverage containers sold by the deposit initiator. The deposit
11 initiator shall deposit the refund value for each beverage container in the
12 account not more than three business days after the date on which the beverage
13 container is sold. All interest, dividends, and returns earned on the deposit
14 transaction account shall be paid directly to the account. The deposit initiator
15 shall pay all refunds on returned beverage containers from the deposit
16 transaction account.

17 (c) Beginning on August 10, 2019, and by the tenth day of each month
18 thereafter, every deposit initiator shall report to the Secretary of Natural
19 Resources and the Commissioner of Taxes concerning transactions affecting
20 the deposit initiator's deposit transaction account in the preceding month.

1 The deposit initiator shall submit the report on a form provided by the
2 Commissioner of Taxes. The report shall include:

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

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

7 (3) the amount of beverage container deposits received by the deposit
8 initiator and deposited into the deposit transaction account;

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

11 (5) any income earned on the deposit transaction account in the
12 preceding month;

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

15 (7) any additional information required by the Commissioner of Taxes.

16 (d) On or before August 10, 2019, and on the tenth day of each month
17 thereafter, each deposit initiator shall remit from its deposit transaction account
18 to the Commissioner of Taxes any abandoned beverage container deposits
19 from the preceding month. The amount of abandoned beverage container
20 deposits for a month is the amount equal to the amount of deposits that should
21 be in the fund less the sum of:

- 1 (1) income earned on amounts on the account during that month; and
2 (2) the total amount of refund value received by the deposit initiator for
3 nonrefillable containers during that month.

4 (e) The Secretary of Natural Resources may prohibit the sale of a beverage
5 that is sold or distributed in the State by a deposit initiator who fails to comply
6 with the requirements of this chapter. The Secretary may allow the sale of a
7 beverage upon the deposit initiator's coming into compliance with the
8 requirements of this chapter.

9 (f) The Commissioner of Taxes shall deposit in the Solid Waste
10 Management Assistance Account of the Waste Management Assistance Fund
11 established under section 6618 of this title all abandoned beverage container
12 deposits remitted under subsection (d) of this section.

13 Sec. 8. 10 V.S.A. § 6618 is amended to read:

14 § 6618. WASTE MANAGEMENT ASSISTANCE FUND

15 (a) There is hereby created in the State Treasury a fund to be known as the
16 Waste Management Assistance Fund, to be expended by the Secretary of
17 Natural Resources. The Fund shall have three accounts: one for Solid Waste
18 Management Assistance, one for Hazardous Waste Management Assistance,
19 and one for Electronic Waste Collection and Recycling Assistance. The
20 Hazardous Waste Management Assistance Account shall consist of a
21 percentage of the tax on hazardous waste under the provisions of 32 V.S.A.

1 chapter 237, as established by the Secretary, the toxics use reduction fees
2 under subsection 6628(j) of this title, and appropriations of the General
3 Assembly. In no event shall the amount of the hazardous waste tax ~~which~~ that
4 is deposited to the Hazardous Waste Management Assistance Account exceed
5 40 percent of the annual tax receipts. The Solid Waste Management
6 Assistance Account shall consist of the franchise tax on waste facilities
7 assessed under the provisions of 32 V.S.A. chapter 151, subchapter 13,
8 abandoned beverage container deposits remitted to the State under section
9 1530 of this title, and appropriations of the General Assembly. The Electronic
10 Waste Collection and Recycling Account shall consist of the program and
11 implementation fees required under section 7553 of this title. All balances in
12 the Fund accounts at the end of any fiscal year shall be carried forward and
13 remain a part of the Fund accounts, except as provided in subsection (e) of this
14 section. Interest earned by the Fund shall be deposited into the appropriate
15 Fund account. Disbursements from the Fund accounts shall be made by the
16 State Treasurer on warrants drawn by the Commissioner of Finance and
17 Management.

18 (b) The Secretary may authorize disbursements from the Solid Waste
19 Management Assistance Account for the purpose of enhancing solid waste
20 management in the State in accordance with the adopted waste management
21 plan. This includes:

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(9) The Secretary shall annually allocate 17 percent of the receipts of this account, based on the projected revenue for that year, for implementation of the Plan adopted pursuant to section 6604 of this title and Solid Waste Implementation Plans adopted pursuant to 24 V.S.A. § 2202a.

* * *

(11) Costs of solid waste management entities and commercial haulers in complying with universal recycling requirements.

* * * Effective Date * * *

Sec. 9. EFFECTIVE DATE

This act shall take effect on passage.