

## **Review of Beverage Container Redemption System 10 V.S.A. Chapter 53**

### **Definitions: 10 V.S.A. § 1521**

- “Beverage” means beer, malt beverages, mineral waters, mixed wine drink, soda water, liquor, and carbonated soft drinks in liquid form and intended for human consumption.
- “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.
  - There is no definition of “beverage container,” but the term is used 31 times in the law and the term has been used since enactment of the redemption system in 1971.
- “Distributor” means every person who engages in the sale of consumer products in containers to a dealer in this state including any manufacturer who engages in such sales.
  - Any dealer or retailer who sells, at the retail level, beverages in containers without having purchased them from a person otherwise classified as a distributor, shall be a distributor.
- “Manufacturer” means any person bottling, canning, packing or filling containers for sale to distributors or dealers.

### **Beverage Container Deposit and Redemption: 10 V.S.A. § 1521**

- A deposit of not less than 5 cents shall be paid by the consumer on each beverage container sold at retail and refunded to the consumer upon return of the empty beverage container.
- Consumers pay a deposit of 15 cents for each liquor container greater than 50 ml.
  - Unredeemed liquor bottle deposits are retained by the Liquor Control for administration.
- A retailer or redemption center shall be reimbursed by the manufacturer or distributor of the beverage container 3.5 cents per container for beverage brands that are part of a commingling program and 4 cents per container for beverage brands that are not part of a commingling program.

### **Acceptance of Beverage Containers: 10 V.S.A. § 1523**

- A retailer shall not refuse to accept a properly labeled empty beverage container of the kind, size, and brand sold by the retailer, or refuse to pay the beverage container’s refund value.
- A manufacturer or distributor may not refuse to pick up from a retailer that sells its product or a person operating a redemption center any empty, properly labelled beverage container of the kind, size, and brand sold by the manufacturer or distributor, or refuse to pay the retailer or a person operating a redemption center the refund value of a beverage container.
- A retailer, with ANR’s approval, may refuse to redeem beverage containers if a redemption center or centers are established which serve the public need.
- A retailer or a person operating a redemption center may refuse to redeem beverage containers that are not clean, or are broken, and shall not redeem improperly labeled beverage containers.

**Labeling of Beverage Containers: 10 V.S.A. § 1524**

- Every beverage container sold or offered for retail sale shall be labeled with the word “Vermont” or the letters “VT” and the refund value of the container.

**Prohibitions on Sale: 10 V.S.A. § 1525**

- No beverage shall be sold or offered for sale at retail in this state in a metal container with a piece of pressure sensitive tape detachable in the opening of the container; or in containers connected to each other with plastic rings or similar devices which are not classified as biodegradable by ANR.
  - For the purposes of these requirements only, the word “beverage” includes all drinks sold in liquid form intended for human consumption.
- No person shall knowingly attempt to redeem a container to a retailer or a redemption center for deposit return if that container was purchased outside this State.

**Beverage Registration: 10 V.S.A. § 1528**

- No distributor or manufacturer shall sell a beverage container in the State without the manufacturer registering the beverage container with ANR prior to sale, except for liquor distributed by DLC.

**Penalty: 10 V.S.A. § 1527**

- A person who violates a requirement of the beverage container redemption chapter shall be fined not more than \$1,000.00 for each violation.