

1 H.175

2 Introduced by Representative McCullough of Williston

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; beverage container redemption;
6 deposit amount; handling fee

7 Statement of purpose of bill as introduced: This bill proposes to expand the
8 beverage container deposit-redemption system to include water bottles, wine
9 bottles, and containers for all noncarbonated and carbonated drinks, except for
10 milk, rice milk, soy milk, almond milk, hemp seed milk, and dairy products.
11 The bill also would increase the deposit on all beverage containers, except
12 those containing liquor, from five cents to ten cents. The bill would require a
13 deposit for all containers containing liquor and would increase the handling fee
14 for non-commingled containers from four cents to five cents per container.

15 An act relating to the beverage container redemption system

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

17 * * * Beverage Container Redemption * * *

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

1 CHAPTER 53. BEVERAGE CONTAINERS; DEPOSIT-REDEMPTION
2 SYSTEM

3 § 1521. DEFINITIONS

4 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, carbonated and noncarbonated water, and all other nonalcoholic carbonated and noncarbonated drinks in liquid form and intended for human consumption, except for milk, ~~rice milk, soy milk, almond milk, hemp seed milk, and dairy products~~ dairy products, and plant-based beverages. As of January 1, 1990, “beverage” also ~~shall mean~~ means liquor.

5 (2) “Biodegradable material” means material that is capable of being
6 broken down by bacteria into basic elements.

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

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

(A) containers made of biodegradable material; or

(B) containers made of material that is not readily recyclable in the
State as determined by the Secretary of Natural Resources.

1 (4) “Distributor” means every person who engages in the sale of
2 consumer products in containers to a dealer in this State including any
3 manufacturer who engages in such sales. Any dealer or retailer who sells, at
4 the retail level, beverages in containers without having purchased them from a
5 person otherwise classified as a distributor, ~~shall be~~ is a distributor.

6 (5) “Manufacturer” means every person bottling, canning, packing, or
7 otherwise filling containers for sale to distributors or dealers.

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

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

15 (8) “Secretary” means the Secretary of Natural Resources.

16 (9) “Mixed wine drink” means a beverage containing wine and more
17 than 15 percent added plain, carbonated, or sparkling water; and that contains
18 added natural or artificial blended material, such as fruit juices, flavors,

1 flavoring, adjuncts, coloring, or preservatives; that contains not more than
2 16 percent alcohol by volume; or other similar product marketed as a wine
3 cooler.

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

*(11) “Plant-based beverage” means a liquid intended for human
consumption that imitates dairy milk, consists of plant material suspended in
water, and the primary protein source in the beverage is from plant material or
a derivative of plant materials. Plant-based beverages include beverages
made from rice, soy, nuts, oats, and hemp.*

5 § 1522. BEVERAGE CONTAINERS; DEPOSIT

 (a) Except with respect to beverage containers that contain liquor, a deposit
of not less than ~~five~~ *five* cents shall be paid by the consumer on each
beverage container sold at the retail level and refunded to the consumer upon
return of the empty beverage container. With respect to beverage containers of
~~volume greater than 50 ml.~~ that contain liquor, a deposit of 15 cents shall be
paid by the consumer on each beverage container sold at the retail level and
refunded to the consumer upon return of the empty beverage container. The
difference between liquor bottle deposits collected and refunds made is hereby
retained by the Liquor Control Enterprise Fund for administration of this
subsection.

1 (b) A retailer or a person operating a redemption center who redeems
2 beverage containers shall be reimbursed by the manufacturer or distributor of
3 such beverage containers in an amount that is three and one-half cents per
4 container for containers of beverage brands that are part of a commingling
5 program and ~~four~~ five cents per container for containers of beverage brands
6 that are not part of a commingling program.

7 (c) [Repealed.]

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

10 * * *

11 § 1524. LABELING

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

20 (b) The Commissioner of Liquor and Lottery may allow, in the case of
21 liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the

1 deposit information required in subsection (a) of this section, provided that the
2 size, placement, and adhesive qualities of the sticker are as approved by the
3 Commissioner. The stickers shall be affixed to the bottles by the manufacturer,
4 except that liquor that is sold in the State in quantities less than 100 cases per
5 year may have stickers affixed by personnel employed by the Division of
6 Liquor Control.

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

8 (d) The Secretary may allow, in the case of wine 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 Secretary. The sticker shall be
12 affixed by the manufacturer.

13 * * *

14 Sec. 2. Subdivision 10-109(b) of the Agency of Natural Resources'

15 Environmental Protection Regulations for the Deposit for Beverage

16 Containers is amended to read:

17 (b) Any commingling agreement shall contain, at a minimum, the
18 following criteria:

19 (1) The agreement shall include pick up of commingled beverage
20 containers from:

