

H.175

An act relating to the beverage container redemption system

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

* * * Beverage Container Redemption * * *

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

CHAPTER 53. BEVERAGE CONTAINERS; DEPOSIT-REDEMPTION
SYSTEM

§ 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, carbonated and noncarbonated water, and all other nonalcoholic carbonated and noncarbonated drinks in liquid form and intended for human consumption, except for milk, dairy products, and plant-based beverages. “Beverage” does not include nonalcoholic cider. As of January 1, 1990, “beverage” also ~~shall mean~~ means liquor.

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

(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.

(4) “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~~ is a distributor.

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

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

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

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

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

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

(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.

§ 1522. BEVERAGE CONTAINERS; DEPOSIT

(a) Except with respect to beverage containers that contain liquor, a deposit of not less than 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.

(b) A retailer or a person operating a redemption center who redeems beverage containers shall be reimbursed by the manufacturer or distributor of

such beverage containers in an amount that is three and one-half cents per container for containers of beverage brands that are part of a commingling program and ~~four~~ five cents per container for containers of beverage brands that are not part of a commingling program.

(c) [Repealed.]

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

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§ 1524. LABELING

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

(b) The Commissioner of Liquor and Lottery may allow, in the case of liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the deposit information required in subsection (a) of this section, provided that the size, placement, and adhesive qualities of the sticker are as approved by the

Commissioner. The stickers shall be affixed to the bottles by the manufacturer, except that liquor that is sold in the State in quantities less than 100 cases per year may have stickers affixed by personnel employed by the Division of Liquor Control.

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

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

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Sec. 2. Subdivision 10-109(b) of the Agency of Natural Resources' Environmental Protection Regulations for the Deposit for Beverage Containers is amended to read:

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

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

(A) at least 30 percent of the beverage containers redeemed in the state State of Vermont; or

(B) as otherwise approved by the Secretary.

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Sec. 2a. APPROPRIATIONS; ANR TRANSITION; EXPANDED
BEVERAGE CONTAINER REDEMPTION

(a) Prior to deposit of the abandoned beverage container deposits into the Clean Water Fund under 10 V.S.A. § 1388 in fiscal year 2022, the Commissioner of Taxes shall deposit into the General Fund the first \$18,000.00 of the abandoned beverage container deposits remitted to the State under 10 V.S.A. § 1530.

(b) In fiscal year 2022, \$18,000.00 is appropriated to the Agency of Natural Resources from the General Fund for the purposes of conducting information technology upgrades in order to implement expansion of the beverage container redemption system under Sec. 1 of this act.

* * * Effective Date * * *

Sec. 3. EFFECTIVE DATE

This act shall take effect on July 1, 2022.