



House of Representatives

General Assembly

File No. 416

January Session, 2001

Substitute House Bill No. 6956

House of Representatives, April 23, 2001

The Committee on Environment reported through REP. STRATTON of the 17th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING REVISIONS TO THE BEVERAGE CONTAINER REDEMPTION PROVISIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-243 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 For purposes of sections 22a-243 to 22a-245, inclusive:

4 (1) "Beverage" means (A) beer or other malt beverages and mineral
5 waters, soda water and similar carbonated soft drinks in liquid form
6 and intended for human consumption that is packaged in a beverage
7 container, and (B) any other nondairy or nonsoy liquid intended for
8 humans to drink that is packaged in a beverage container other than a
9 carton that is (i) greater than or equal to eight fluid ounces and less
10 than or equal to twenty-four fluid ounces, or (ii) equal to one or two
11 liters. "Beverage" does not mean infant formula, wine, as defined in
12 section 30-1 of the general statutes, spirits, as defined in section 30-1,

13 meal replacement drinks with a protein content of greater than or
14 equal to twelve per cent of the product, or liquids used for medicinal
15 purposes;

16 (2) "Beverage container" means the individual, separate, sealed
17 glass, metal or plastic bottle, can, jar or carton containing a beverage;

18 (3) "Consumer" means every person who purchases a beverage in a
19 beverage container for use or consumption;

20 (4) "Dealer" means every person who engages in the sale of
21 beverages in beverage containers to a consumer;

22 (5) "Distributor" means every person who engages in the sale of
23 beverages in beverage containers to a dealer in this state including any
24 manufacturer who engages in such sale and includes a dealer who
25 engages in the sale of beverages in beverage containers on which no
26 deposit has been collected prior to retail sale;

27 (6) "Manufacturer" means every person bottling, canning or
28 otherwise filling beverage containers for sale to distributors or dealers;

29 (7) "Place of business of a dealer" means the location at which a
30 dealer sells or offers for sale beverages in beverage containers to
31 consumers;

32 (8) "Redemption center" means any facility established to redeem
33 empty beverage containers from consumers or to collect and sort
34 empty beverage containers from dealers and to prepare such
35 containers for redemption by the appropriate distributors;

36 (9) "Use or consumption" includes the exercise of any right or power
37 over a beverage incident to the ownership thereof, other than the sale
38 or the keeping or retention of a beverage for the purposes of sale;

39 (10) "Nonrefillable beverage container" means a beverage container

40 which is not designed to be refilled and reused in its original shape.

41 Sec. 2. Section 22a-244 of the general statutes is repealed and the
42 following is substituted in lieu thereof:

43 (a) Every beverage container sold or offered for sale in this state,
44 except beverage containers sold or offered for sale for consumption on
45 an interstate passenger carrier, shall have a refund value. Such refund
46 value shall not be less than five cents and shall be a uniform amount
47 throughout the distribution process in this state.

48 (b) Every beverage container sold or offered for sale in this state,
49 except beverage containers sold or offered for sale for consumption on
50 an interstate passenger carrier, shall clearly indicate by embossing or
51 by a stamp or by a label or other method securely affixed to the
52 beverage container (1) either the refund value of the container or the
53 words "return for deposit" or "return for refund" or other words as
54 approved by the Department of Environmental Protection, and (2)
55 either the word "Connecticut" or the abbreviation "Ct.", provided this
56 subdivision shall not apply to glass beverage containers permanently
57 marked or embossed with a brand name.

58 (c) No person shall sell or offer for sale in this state any metal
59 beverage container (1) a part of which is designed to be detached in
60 order to open such container, or (2) that is connected to another
61 beverage container by a device constructed of a material which does
62 not decompose by photodegradation, chemical degradation or
63 biodegradation within a reasonable time after exposure to the
64 elements.

65 (d) This section shall not apply to persons who sell, for a profit, less
66 than thirty thousand units of noncarbonated water in a beverage
67 container per year.

68 Sec. 3. Subsection (b) of section 22a-245 of the general statutes is

69 repealed and the following is substituted in lieu thereof:

70 (b) A dealer shall not refuse to accept at such dealer's place of
71 business, from any person any empty beverage containers of the kind,
72 size and brand sold by the dealer, or refuse to pay to such person the
73 refund value of a beverage container as established by subsection (a) of
74 section 22a-244 unless (1) such container contains materials which are
75 foreign to the normal contents of the container or unless such container
76 is not labeled in accordance with subsection (b) of section 22a-244, [or
77 unless] (2) such dealer sponsors, solely or with others, a redemption
78 center which is located within a one-mile radius of such place of
79 business and which accepts beverage containers of the kind, size and
80 brand sold by such dealer at such place of business, [or unless] (3)
81 there is established by others, a redemption center which is located
82 within a one-mile radius of such place of business and which accepts
83 beverage containers of the kind, size and brand sold by such dealer at
84 such place of business, or (4) the retail selling space of such dealer is
85 less than or equal to five thousand square feet. A dealer shall redeem
86 an empty container of a kind, size or brand the sale of which has been
87 discontinued by such dealer for not less than sixty days after the last
88 sale by the dealer of such kind, size or brand of beverage container.
89 Sixty days before such date, the dealer shall post, at the point of sale,
90 notice of the last date on which the discontinued kind, size or brand of
91 beverage container shall be redeemed.

92 Sec. 4. (NEW) The Committee on Legislative Management shall, by
93 January 1, 2002, implement a program that provides for the
94 redemption or recycling of beverage containers, as defined in section
95 22a-243 of the general statutes, as amended by this act.

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: See Explanation Below

Affected Agencies: Department of Environmental Protection,
Legislative Management

Municipal Impact: See Explanation Below

Explanation

State and Municipal Impact:

The bill would increase the beverages whose containers must have a refund value and would minimally increase the workload of the Department of Environmental Protection (DEP). Currently, a portion of one of DEP's employee's time is spent on the present law. It is anticipated the expansion of the law and ensuing increase in workload could be absorbed within those resources.

The impact to municipalities and the state, for costs or savings due to loss of value from reduced recycling materials in the waste stream, less pick-ups or tipping fees (which would also depend upon market values for the materials), is indeterminate at this time.

Currently, Legislative Management has a recycling program in place. This bill would require the department to enhance the program to include additional beverage containers. To the extent that Legislative Management would have to purchase additional recycling

containers, a one-time minimal cost of less than \$2,000 would result. In addition, any enhancements to the trash removal contract would also have a minimal impact of less than \$1,000 annually. Any additional cost that Legislative Management incurs as a result of this bill can be handled within the budgeted resources of the department.

Any increase in revenue from fines due to the expansion of the bottle bill is anticipated to be minimal.

OLR BILL ANALYSIS

sHB 6956

AN ACT CONCERNING REVISIONS TO THE BEVERAGE CONTAINER REDEMPTION PROVISIONS.

SUMMARY:

This bill expands the types of containers subject to the beverage container redemption law, commonly known as the bottle bill. At the same time, it no longer requires small retail establishments to accept returns and appears to create a major exemption from the law.

Containers subject to the law must be labeled to indicate that they bear a deposit. The deposit flows from the consumer to the retailer and the beverage distributor, and then back to the consumer when he returns the empty container to a retailer or a redemption center. Retailers generally must accept clean returned containers. By law, beverage distributors must pay retailers and redemption centers a handling fee of 1.5 cents for each soda container and 2 cents for each beer container. The bill does not appear to extend a similar provision to the containers it subjects to the law.

By law, initial violations of the bottle bill are subject to a fine of \$50 to \$100. Second violations are subject to a fine of \$100 to \$200 and third offenses are subject to a fine of \$250 to \$500.

The bill requires the Legislative Management Committee to implement a program by January 1, 2002 for the recycling or redemption of beverage containers covered by existing law and the bill.

EFFECTIVE DATE: October 1, 2001

BEVERAGE CONTAINERS SUBJECT TO THE BOTTLE BILL

By law, beverage containers covered by the bottle bill must bear a refund value of at least 5 cents per container. Beverage containers are

individual containers of beer, soda, and similar drinks. Consumers must pay this deposit when they buy the container. The deposit is refunded when the container is returned to a retailer or to a redemption center.

The bill expands the definition of containers to include those that contain any beverage intended to be drunk, other than dairy and soy liquids, wine, liquor, infant formula, meal replacement liquids with a protein content of 12% or more, and liquids used for medicinal purposes. The bill appears to apply to containers, other than cartons, with a capacity of (1) eight to 24 fluid ounces or (2) one or two liters. However, the bill could be interpreted to apply to all containers, except cartons that meet these criteria.

EXEMPTIONS

Under current law, retailers must accept returns of clean containers of the kind, size, and brand that they sell and refund deposits, except under limited circumstances. The bill additionally exempts a retailer from having to accept returns if his retail selling space is less than or equal to 5,000 square feet. For example, if the total area of a store was 7,500 square feet and 2,500 square feet of this amount was used for storage and offices, the retailer would not be required to accept returns or refund deposits.

Current law bans any person from selling or offering for sale metal containers that (1) are connected to another container with material that does not readily decompose by means of biological, sunlight, or chemical processes or (2) have parts designed to be detached in order to open the container. The bill exempts persons that annually sell fewer than 30,000 units (not defined by the bill) of non-carbonated water in beverage containers from these provisions. But it also appears to exempt such persons from the law altogether. This is because the bill exempts them from CGS § 22a-244, which requires that containers carry a deposit and be labeled accordingly. The requirement to refund deposits is tied to containers that carry a deposit.

While the exemption clearly applies to entities that sell only non-carbonated water, it appears to apply to a much wider range of entities. For example, it appears that most, if not all, package stores sell

fewer than 30,000 units of non-carbonated water per year. Under the bill, it appears that such retailers could sell beverage containers without charging the deposit.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 15 Nay 13