



General Assembly

Amendment

January Session, 2007

LCO No. 9131

SB0135609131SR0

Offered by:
SEN. MCKINNEY, 28th Dist.

To: Subst. Senate Bill No. 1356 File No. 195 Cal. No. 194

(As Amended)

**"AN ACT CONCERNING THE ESTABLISHMENT OF A
CONNECTICUT MILK COMMISSION."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 22a-243 of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective October 1, 2008*):

5 For purposes of sections 22a-243 to 22a-245, inclusive, as amended
6 by this act, unless the context clearly indicates otherwise:

7 (1) ["Beverage"] "Carbonated beverage" means beer or other malt
8 beverages, [and mineral waters,] soda water and similar carbonated
9 soft drinks in liquid form and intended for human consumption;

10 (2) "Noncarbonated beverage" means isotonic drinks and other
11 noncarbonated, nonalcoholic, nondairy drinks in liquid form intended
12 for human consumption, excluding water and liquid that is (A) a

13 syrup, (B) in concentrated form, (C) a minor flavoring ingredient for
14 food or drink, such as extracts, cooking additives, sauces or
15 condiments but excluding juice, (D) a seafood, meat or vegetable broth
16 or soup, or (E) a soy milk or rice milk;

17 [(2)] (3) "Beverage container" means the individual, separate, sealed
18 glass, [metal] aluminum or polyethylene terephthalate plastic bottle,
19 can, jar or carton (A) two liters or less in size if containing a carbonated
20 beverage, and (B) twenty ounces or less in size if containing a
21 noncarbonated beverage;

22 [(3)] (4) "Consumer" means every person who purchases a beverage
23 in a beverage container for use or consumption;

24 [(4)] (5) "Dealer" means every person who engages in the sale of
25 beverages in beverage containers to a consumer;

26 [(5)] (6) "Distributor" means every person who engages in the sale of
27 beverages in beverage containers to a dealer in this state including any
28 manufacturer who engages in such sale and includes a dealer who
29 engages in the sale of beverages in beverage containers on which no
30 deposit has been collected prior to retail sale or where the deposit has
31 not been initiated by the manufacturer;

32 [(6)] (7) "Manufacturer" means every person bottling, canning or
33 otherwise filling beverage containers for sale to distributors or dealers
34 or, in the case of private label brands, the owner of the private label
35 trademark except that "manufacturer" does not include any person
36 who bottles water and sells not more than two hundred fifty thousand
37 containers of water per calendar year in containers containing not
38 more than twenty ounces of water;

39 [(7)] (8) "Place of business of a dealer" means the fixed location at
40 which a dealer sells or offers for sale beverages in beverage containers
41 to consumers;

42 [(8)] (9) "Redemption center" means any facility established to

43 redeem empty beverage containers from consumers or to collect and
44 sort empty beverage containers from dealers and to prepare such
45 containers for redemption by the appropriate distributors;

46 (10) "Restaurant" means a business that has the sole purpose of
47 preparing and selling food and beverages intended for individual
48 portion service and includes the site at which individual portions are
49 sold, regardless of whether the consumption of the food or beverage
50 occurs on or off of the business' premises;

51 [(9)] (11) "Use or consumption" includes the exercise of any right or
52 power over a beverage incident to the ownership thereof, other than
53 the sale or the keeping or retention of a beverage for the purposes of
54 sale;

55 [(10)] (12) "Nonrefillable beverage container" means a beverage
56 container which is not designed to be refilled and reused in its original
57 shape;

58 (13) "Reverse vending machine" means an automated device that
59 accepts beverage containers from redeemers and issues scrip for any
60 beverage container refund value by using a laser scanner,
61 microprocessor or other technology to recognize the Universal Product
62 Code (UPC) or other accepted industry barcode on beverage
63 containers to determine if the container is redeemable and that
64 accumulates information regarding containers redeemed;

65 (14) "Off-site redemption center" means a redemption center that is
66 located within a one-mile radius of a dealer, and that accepts beverage
67 containers of the kind, size and brand sold by such dealer at the
68 dealer's place of business; and

69 (15) "Deposit initiator" means the first distributor or manufacturer to
70 pay the deposit of a beverage container sold to any person within
71 Connecticut.

72 Sec. 2. Section 22a-245 of the general statutes is repealed and the

73 following is substituted in lieu thereof (*Effective October 1, 2008*):

74 (a) No person shall establish a redemption center without
75 registering with the commissioner on a form provided by the
76 commissioner with such information as the commissioner deems
77 necessary including (1) the name of the business principals of the
78 redemption center and the address of the business; (2) the name and
79 address of the sponsors and dealers to be served by the redemption
80 center; (3) the types of beverage containers to be accepted; (4) the hours
81 of operation; and (5) whether beverage containers will be accepted
82 from consumers. The operator of the redemption center shall report
83 any change in procedure to the commissioner within forty-eight hours
84 of such change. Any person establishing a redemption center shall
85 have the right to determine what kind, size and brand of beverage
86 container shall be accepted. Any redemption center may be established
87 to serve all persons or to serve certain specified dealers.

88 (b) A dealer shall not refuse to accept at such dealer's place of
89 business, from any person any empty beverage containers of the kind,
90 size and brand sold by the dealer, or refuse to pay to such person the
91 refund value of a beverage container as established by subsection (a) of
92 section 22a-244 unless (1) such container contains materials which are
93 foreign to the normal contents of the container, [or] (2) unless such
94 container, is not labeled in accordance with subsection (b) of section
95 22a-244, [or unless] (3) such dealer sponsors, solely or with others, a
96 redemption center which is located within a one-mile radius of such
97 place of business and which accepts beverage containers of the kind,
98 size and brand sold by such dealer at such place of business, or
99 [unless] (4) there is established by others, a redemption center which is
100 located within a one-mile radius of such place of business and which
101 accepts beverage containers of the kind, size and brand sold by such
102 dealer at such place of business. A dealer that is a restaurant shall not
103 be required to redeem any beverage container, the contents of which
104 were not consumed on the premises of such restaurant. A dealer who
105 sponsors an off-site redemption center shall post in a conspicuous
106 location within ten feet of the entrances and exits of such dealer's place

107 of business a notice stating the name, location, hours of operation and
108 telephone number of the off-site redemption center. A dealer shall
109 redeem an empty container of a kind, size or brand the sale of which
110 has been discontinued by such dealer for not less than sixty days after
111 the last sale by the dealer of such kind, size or brand of beverage
112 container. Sixty days before such date, the dealer shall post, at the
113 point of sale, notice of the last date on which the discontinued kind,
114 size or brand of beverage container shall be redeemed.

115 (c) Dealers operating a place of business of not less than seventy-
116 five thousand square feet in size shall certify to the Department of
117 Environmental Protection that their beverage container redemption
118 capacity equals or exceeds seventy per cent of their sales capacity of
119 redeemable beverage containers. Dealers who establish or significantly
120 expand their place of business or redemption center, excluding an off-
121 site redemption center, on or after October 1, 2008, shall locate such
122 redemption center not more than two hundred feet from the business'
123 main entrance. Dealers with a redemption center, other than an off-site
124 redemption center, established prior to October 1, 2008, where such
125 redemption center is located more than two hundred feet from the
126 business' main entrance shall post notices stating the location of such
127 redemption center not more than ten feet from the business' entrances
128 and exits.

129 [(c)] (d) A distributor shall not refuse to accept from a dealer or from
130 an operator of a redemption center, located and operated exclusively
131 within the territory of the distributor or whose operator certifies to the
132 distributor that redeemed containers were from a dealer located within
133 such territory, any empty beverage containers of the kind, size and
134 brand sold by the distributor, or refuse to pay to such dealer or
135 redemption center operator the refund value of a beverage container as
136 established by subsection (a) of section 22a-244 unless such container
137 contains materials which are foreign to the normal contents of the
138 container or unless such container is not labeled in accordance with
139 subsection (b) of section 22a-244. A distributor shall remove any empty
140 beverage container from the premises of a dealer serviced by the

141 distributor or from the premises of a redemption center sponsored by
142 dealers serviced by the distributor, provided such premises are located
143 within the territory of the distributor. The distributor or manufacturer
144 shall pay the refund value to dealers in accordance with the schedule
145 for payment by the dealer to the distributor for full beverage
146 containers and shall pay such refund value to operators of redemption
147 centers not more than twenty days after receipt of the empty container
148 unless such refund value has already been paid by the manufacturer.
149 For the purposes of this subsection, a redemption center shall be
150 considered to be sponsored by a dealer if (1) the dealer refuses to
151 redeem beverage containers and refers consumers to the redemption
152 center, or (2) there is an agreement between the dealer and the
153 operator of the redemption center requiring the redemption center to
154 remove empty beverage containers from the premises of the dealer. A
155 distributor shall redeem an empty container of a kind, size or brand of
156 beverage container the sale of which has been discontinued by the
157 distributor for not less than one hundred fifty days after the last
158 delivery of such kind, size or brand of beverage container. Not less
159 than one hundred twenty days before the last date such containers
160 may be redeemed, the distributor shall notify such dealer who bought
161 the discontinued kind, size or brand of beverage container that such
162 distributor shall not redeem an empty beverage container of such kind,
163 size or brand of beverage containers.

164 (e) Each redemption center or a dealer receiving a refund value
165 pursuant to subsection (d) of this section shall provide sufficient
166 information to the distributor in order to enable the distributor to
167 fulfill the requirements of this section. Such information shall include,
168 but not be limited to: The redemption center or dealer name and
169 address, the number of beverage containers redeemed, the total
170 amount of deposits paid by the dealer and the amount of the handling
171 fee collected per beverage container. A dealer or redemption center
172 who has multiple locations shall provide such information for each
173 individual location. Each dealer or redemption center shall grant a
174 distributor reasonable access to such dealers' or redemption centers'

175 business premises to allow inspection of distributors beverage
 176 containers. A redemption center or dealer that uses reverse vending
 177 machines to redeem beverage containers shall use only a reverse
 178 vending accounting system that has been subjected to an agreed upon
 179 procedures review by an independent certified public accountant not
 180 later than the preceding twelve months. Redemption centers shall take
 181 reasonable measures to ensure that they redeem only beverage
 182 containers that were purchased in Connecticut.

183 [(d)] (f) In addition to the refund value of a beverage container as
 184 provided in subsection (a) of section 22a-244, a distributor shall pay to
 185 any dealer or operator of a redemption center a handling fee of at least
 186 one and one-half cents for each beverage container of beer or other
 187 malt beverage and [two] three cents for each container [of mineral
 188 waters, soda water and similar carbonated soft drinks] of a
 189 noncarbonated beverage or a carbonated beverage other than beer or
 190 other malt beverage returned for redemption. A distributor shall not
 191 be required to pay to a manufacturer the refund value of a
 192 nonrefillable beverage container.

193 [(e)] (g) The Commissioner of Environmental Protection shall adopt
 194 regulations, in accordance with the provisions of chapter 54, to
 195 implement the provisions of sections 22a-243 to 22a-245, inclusive, as
 196 amended by this act. Such regulations shall include, but not be limited
 197 to, provisions for the redemption of beverage containers dispensed
 198 through automatic vending machines, the use of vending machines
 199 which dispense cash to consumers for redemption of beverage
 200 containers, scheduling for redemption by dealers and distributors and
 201 for exemptions or modifications to the labeling requirement of section
 202 22a-244."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	22a-243
Sec. 2	October 1, 2008	22a-245