



General Assembly

February Session, 2008

Raised Bill No. 357

LCO No. 1749

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Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT CONCERNING THE EXPANSION OF THE BEVERAGE
CONTAINER REDEMPTION PROVISIONS TO INCLUDE WATER
BOTTLES.**

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 Section 22a-243 of the general statutes is repealed and the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 (*Effective October 1, 2008*):

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

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

8 (2) "Noncarbonated beverage" means water, including mineral
9 water, flavored water, nutritionally enhanced water and any beverage
10 that is identified through the use of letters, words or symbols on such
11 beverage's product label as a type of water, but excluding juice;

12 [(2)] (3) "Beverage container" means the individual, separate, sealed
13 glass, metal or plastic bottle, can, jar or carton (A) two liters or less in

14 size if containing a carbonated beverage, and (B) one and one-half
15 liters or less in size if containing a noncarbonated beverage;

16 [(3)] (4) "Consumer" means every person who purchases a beverage
17 in a beverage container for use or consumption;

18 [(4)] (5) "Dealer" means every person who engages in the sale of
19 beverages in beverage containers to a consumer;

20 [(5)] (6) "Distributor" means every person who engages in the sale of
21 beverages in beverage containers to a dealer in this state including any
22 manufacturer who engages in such sale and includes a dealer who
23 engages in the sale of beverages in beverage containers on which no
24 deposit has been collected prior to retail sale or where the deposit has
25 not been initiated by the manufacturer;

26 [(6)] (7) "Manufacturer" means every person bottling, canning or
27 otherwise filling beverage containers for sale to distributors or dealers
28 or, in the case of private label brands, the owner of the private label
29 trademark, except that "manufacturer" does not include any person
30 who bottles and sells two hundred fifty thousand or fewer beverage
31 containers of noncarbonated beverage each calendar year where such
32 containers are one liter or less in size;

33 [(7)] (8) "Place of business of a dealer" means the fixed location at
34 which a dealer sells or offers for sale beverages in beverage containers
35 to consumers;

36 [(8)] (9) "Redemption center" means any facility established to
37 redeem empty beverage containers from consumers or to collect and
38 sort empty beverage containers from dealers and to prepare such
39 containers for redemption by the appropriate distributors;

40 (10) "Restaurant" means a business that has the sole purpose of
41 preparing and selling food and beverages intended for individual
42 portion service and includes the site at which individual portions are
43 sold, regardless of whether the consumption of food or beverage

44 occurs on or off of such site;

45 [(9)] (11) "Use or consumption" includes the exercise of any right or
46 power over a beverage incident to the ownership thereof, other than
47 the sale or the keeping or retention of a beverage for the purposes of
48 sale;

49 [(10)] (12) "Nonrefillable beverage container" means a beverage
50 container which is not designed to be refilled and reused in its original
51 shape;

52 (13) "Reverse vending machine" means an automated device that
53 accepts beverage containers from redeemers and issues scrip for any
54 beverage container refund value by using a laser scanner,
55 microprocessor or other technology to recognize the Universal Product
56 Code (UPC) or other accepted industry barcode on beverage
57 containers to determine whether the container is redeemable, and that
58 accumulates information regarding containers redeemed; and

59 (14) "Off-site redemption center" means a redemption center that is
60 located within a one-mile radius of a dealer, and that accepts beverage
61 containers of the kind, size and brand sold by such dealer at the
62 dealer's place of business.

63 Sec. 2. Section 22a-245 of the general statutes is repealed and the
64 following is substituted in lieu thereof (*Effective October 1, 2008*):

65 (a) No person shall establish a redemption center without
66 registering with the commissioner on a form provided by the
67 commissioner with such information as the commissioner deems
68 necessary including (1) the name of the business principals of the
69 redemption center and the address of the business; (2) the name and
70 address of the sponsors and dealers to be served by the redemption
71 center; (3) the types of beverage containers to be accepted; (4) the hours
72 of operation; and (5) whether beverage containers will be accepted
73 from consumers. The operator of the redemption center shall report

74 any change in procedure to the commissioner within forty-eight hours
75 of such change. Any person establishing a redemption center shall
76 have the right to determine what kind, size and brand of beverage
77 container shall be accepted. Any redemption center may be established
78 to serve all persons or to serve certain specified dealers.

79 (b) A dealer shall not refuse to accept at such dealer's place of
80 business, from any person any empty beverage containers of the kind,
81 size and brand sold by the dealer, or refuse to pay to such person the
82 refund value of a beverage container as established by subsection (a) of
83 section 22a-244 unless (1) such container contains materials which are
84 foreign to the normal contents of the container; [or unless] (2) such
85 container is not labeled in accordance with subsection (b) of section
86 22a-244; [or unless] (3) such dealer sponsors, solely or with others, a
87 redemption center which is located within a one-mile radius of such
88 place of business and which accepts beverage containers of the kind,
89 size and brand sold by such dealer at such place of business; or
90 [unless] (4) there is established by others, a redemption center which is
91 located within a one-mile radius of such place of business and which
92 accepts beverage containers of the kind, size and brand sold by such
93 dealer at such place of business. A dealer that is a restaurant shall not
94 be required to redeem any beverage container, the contents of which
95 were not consumed on the premises of such restaurant. A dealer who
96 sponsors an off-site redemption center shall post in a conspicuous
97 location within ten feet of the entrances and exits of such dealer's
98 business a notice stating the name, location, hours of operation and
99 telephone number of the off-site redemption center. A dealer shall
100 redeem an empty container of a kind, size or brand the sale of which
101 has been discontinued by such dealer for not less than sixty days after
102 the last sale by the dealer of such kind, size or brand of beverage
103 container. Sixty days before such date, the dealer shall post, at the
104 point of sale, notice of the last date on which the discontinued kind,
105 size or brand of beverage container shall be redeemed.

106 (c) Any dealer operating a place of business of not less than seventy-

107 five thousand square feet in size shall certify to the Department of
108 Environmental Protection that its beverage container redemption
109 capacity equals or exceeds seventy per cent of its sales capacity of
110 redeemable beverage containers. On or after October 1, 2008, any
111 dealer that establishes or significantly expands its place of business or
112 redemption center, excluding an off-site redemption center, shall locate
113 such redemption center not more than two hundred feet from the
114 business' main entrance. Any dealer with a redemption center other
115 than an off-site redemption center established prior to October 1, 2008,
116 where such redemption facility is located more than two hundred feet
117 from the business' main entrance shall post notices stating the location
118 of such redemption center not more than ten feet from the business'
119 entrances and exits.

120 [(c)] (d) A distributor shall not refuse to accept from a dealer or from
121 an operator of a redemption center, located and operated exclusively
122 within the territory of the distributor or whose operator certifies to the
123 distributor that redeemed containers were from a dealer located within
124 such territory, any empty beverage containers of the kind, size and
125 brand sold by the distributor, or refuse to pay to such dealer or
126 redemption center operator the refund value of a beverage container as
127 established by subsection (a) of section 22a-244 unless such container
128 contains materials which are foreign to the normal contents of the
129 container or unless such container is not labeled in accordance with
130 subsection (b) of section 22a-244. A distributor shall remove any empty
131 beverage container from the premises of a dealer serviced by the
132 distributor or from the premises of a redemption center sponsored by
133 dealers serviced by the distributor, provided such premises are located
134 within the territory of the distributor. The distributor shall pay the
135 refund value to dealers in accordance with the schedule for payment
136 by the dealer to the distributor for full beverage containers and shall
137 pay such refund value to operators of redemption centers not more
138 than twenty days after receipt of the empty container. For the purposes
139 of this subsection, a redemption center shall be considered to be
140 sponsored by a dealer if (1) the dealer refuses to redeem beverage

141 containers and refers consumers to the redemption center, or (2) there
142 is an agreement between the dealer and the operator of the redemption
143 center requiring the redemption center to remove empty beverage
144 containers from the premises of the dealer. A distributor shall redeem
145 an empty container of a kind, size or brand of beverage container the
146 sale of which has been discontinued by the distributor for not less than
147 one hundred fifty days after the last delivery of such kind, size or
148 brand of beverage container. Not less than one hundred twenty days
149 before the last date such containers may be redeemed, the distributor
150 shall notify such dealer who bought the discontinued kind, size or
151 brand of beverage container that such distributor shall not redeem an
152 empty beverage container of such kind, size or brand of beverage
153 containers.

154 (e) Each redemption center or a dealer receiving a refund value
155 pursuant to subsection (d) of this section shall provide sufficient
156 information to the distributor to enable the distributor to fulfill the
157 requirements of this section. Such information shall include, but not be
158 limited to, the redemption center or dealer name and address, the
159 number of beverage containers redeemed, the total amount of deposits
160 paid by the dealer, and the amount of the handling fee collected per
161 beverage container. A dealer or redemption center that has multiple
162 locations shall provide such information for each location. Each dealer
163 or redemption center shall grant a distributor reasonable access to such
164 dealers' or redemption centers' business premises to allow inspection
165 of such distributors' beverage containers. A redemption center or
166 dealer that uses reverse vending machines to redeem beverage
167 containers shall use only a reverse vending accounting system that has
168 been reviewed by an independent certified public accountant during
169 the preceding twelve months. Redemption centers shall take
170 reasonable measures to ensure that they redeem only beverage
171 containers that were purchased in Connecticut.

172 (f) Each operator of a redemption center shall conspicuously display
173 a sign in letters that are not less than one inch in height that reads:

174 "WARNING: Persons knowingly tendering beverage containers for
175 redemption that were not originally purchased in a jurisdiction where
176 a deposit was tendered may be subject to a fine of the greater of one
177 dollar per beverage container or ninety dollars."

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

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

197 Sec. 3. (NEW) (*Effective October 1, 2008*) No person shall tender to a
198 dealer, distributor or redemption center more than fifty empty
199 beverage containers for redemption that such person knows or has
200 reason to know were not originally sold in a state that requires the
201 payment of an equivalent or higher deposit. Any person who violates
202 this section may be assessed a civil penalty of the greater of one dollar
203 per beverage container tendered or ninety dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	22a-243
Sec. 2	<i>October 1, 2008</i>	22a-245
Sec. 3	<i>October 1, 2008</i>	New section

Statement of Purpose:

To expand the beverage container redemption provisions to include water bottles, to require dealers to provide certain information to distributors, to require redemption centers established or significantly expanded on or after October 1, 2008, to locate such center near the main entrance of the business, and to create the offense of knowingly tendering for redemption a beverage container for which a deposit has not been paid.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]