



General Assembly

January Session, 2009

**Raised Bill No. 6347**

LCO No. 3000

\*03000\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

***AN ACT CONCERNING THE REDEMPTION OF 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 Section 22a-243 of the general statutes is repealed and the  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, 2009*):

3 For purposes of sections 22a-243 to 22a-245a, inclusive, as amended  
4 by this act:

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

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

12 [(2)] (3) "Beverage container" means the individual, separate, sealed  
13 glass, [metal] aluminum or polyethylene terephthalate plastic bottle,  
14 can, jar or carton (A) two liters or less in size if containing a carbonated

15 beverage, and (B) twenty ounces or less in size if containing a  
16 noncarbonated beverage;

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

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

21 [(5)] (6) "Distributor" means every person who engages in the sale of  
22 beverages in beverage containers to a dealer in this state including any  
23 manufacturer who engages in such sale and includes a dealer who  
24 engages in the sale of beverages in beverage containers on which no  
25 deposit has been collected prior to retail sale;

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 "manufacturer" does not include any person who  
30 bottles and sells two hundred fifty thousand or fewer beverage  
31 containers of water each calendar year where such containers are  
32 twenty ounces 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; [and]

52        [(11)] (13) "Deposit initiator" means the first distributor to collect the  
53 deposit on a beverage container sold to any person within this state;

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

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

65        Sec. 2. Section 22a-245 of the general statutes is repealed and the  
66 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

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

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

108 (c) Any dealer operating a place of business of not less than seventy-  
109 five thousand square feet in size shall certify to the Department of  
110 Environmental Protection that its beverage container redemption  
111 capacity equals or exceeds seventy per cent of its sales capacity of  
112 redeemable beverage containers. On or after October 1, 2009, any  
113 dealer that establishes or significantly expands its place of business or  
114 redemption center, excluding an off-site redemption center, shall locate  
115 such redemption center not more than two hundred feet from the  
116 business' main entrance. Any dealer with a redemption center other  
117 than an off-site redemption center established prior to October 1, 2009,  
118 where such redemption facility is located more than two hundred feet  
119 from the business' main entrance shall post notices stating the location  
120 of such redemption center not more than ten feet from the business'  
121 entrances and exits.

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

142 manufacturer. For the purposes of this subsection, a redemption center  
143 shall be considered to be sponsored by a dealer if (1) the dealer refuses  
144 to redeem beverage containers and refers consumers to the redemption  
145 center, or (2) there is an agreement between the dealer and the  
146 operator of the redemption center requiring the redemption center to  
147 remove empty beverage containers from the premises of the dealer. A  
148 distributor shall redeem an empty container of a kind, size or brand of  
149 beverage container the sale of which has been discontinued by the  
150 distributor for not less than one hundred fifty days after the last  
151 delivery of such kind, size or brand of beverage container. Not less  
152 than one hundred twenty days before the last date such containers  
153 may be redeemed, the distributor shall notify such dealer who bought  
154 the discontinued kind, size or brand of beverage container that such  
155 distributor shall not redeem an empty beverage container of such kind,  
156 size or brand of beverage containers.

157 (e) A redemption center or dealer that uses reverse vending  
158 machines to redeem beverage containers shall use only a reverse  
159 vending accounting system that has been subjected to an agreed upon  
160 procedures review by an independent certified public accountant  
161 during the preceding twelve months.

162 ~~[(d)]~~ (f) In addition to the refund value of a beverage container, [as  
163 provided in subsection (a) of section 22a-244,] a distributor shall pay to  
164 any dealer or operator of a redemption center a handling fee of at least  
165 one and one-half cents for each container of beer or other malt  
166 beverage and two cents for each beverage container [of] containing  
167 mineral waters, soda water and similar carbonated soft drinks or  
168 noncarbonated beverage returned for redemption. A distributor shall  
169 not be required to pay to a manufacturer the refund value of a  
170 nonrefillable beverage container.

171 ~~[(e)]~~ (g) (1) The Commissioner of Environmental Protection shall  
172 adopt regulations, in accordance with the provisions of chapter 54, to  
173 implement the provisions of sections 22a-243 to 22a-245a, inclusive, as

174 amended by this act. Such regulations shall include, but not be limited  
175 to, provisions for the redemption of beverage containers dispensed  
176 through automatic vending machines, the use of vending machines  
177 that dispense cash to consumers for redemption of beverage  
178 containers, scheduling for redemption by dealers and distributors and  
179 for exemptions or modifications to the labeling requirement of section  
180 22a-244.

181 (2) The regulations adopted pursuant to subdivision (1) of this  
182 subsection shall also include provisions creating a prescribed  
183 accounting system for the reimbursement of the refund value for a  
184 redeemed beverage container. The commissioner shall adopt written  
185 policies and procedures to implement the provisions creating such  
186 prescribed accounting system while in the process of adopting such  
187 policies and procedures in regulation form, and the commissioner shall  
188 print a notice of intention to adopt the regulations in the Connecticut  
189 Law Journal not later than twenty days prior to implementing such  
190 policies and procedures. The commissioner shall submit final  
191 regulations to implement such policies and procedures to the  
192 legislative regulation review committee not later than May 1, 2009,  
193 unless a later date is approved by a majority vote of the members  
194 present of said committee. Policies and procedures implemented  
195 pursuant to this subdivision shall be valid until (A) May 1, 2009, or, if  
196 applicable, the later date approved by said committee pursuant to this  
197 subdivision, or (B) the time that the proposed final regulations are  
198 adopted or disapproved by said committee, whichever is earlier.

199 (h) For the purposes of this section, "refund value" means the refund  
200 value established by subsection (a) of section 22a-244.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	22a-243
Sec. 2	<i>October 1, 2009</i>	22a-245

***Statement of Purpose:***

To expand the beverage container redemption provisions to include water bottles, to require dealers to provide certain information to distributors and to require redemption centers established or significantly expanded on or after October 1, 2009, to locate such centers near the main entrance of the business.

*[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.]*