



General Assembly

January Session, 2009

Raised Bill No. 661

LCO No. 2496

02496_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT EXPANDING THE BEVERAGE CONTAINER REDEMPTION PROVISIONS TO INCLUDE NONCARBONATED BEVERAGES.

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 Section 22a-243 of the general statutes is repealed and the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
7 soft drinks in liquid form and intended for human consumption;

8 (2) "Noncarbonated beverage" means water and other
9 noncarbonated, nonalcoholic, nondairy drinks in liquid form intended
10 for human consumption, excluding liquid that is (A) a syrup, (B) in
11 concentrated form, (C) a minor flavoring ingredient for food or drink,
12 such as extracts, cooking additives, sauces or condiments but
13 excluding juice, (D) a seafood, meat or vegetable broth or soup, or (E) a
14 soy milk or rice milk;

15 [(2)] (3) "Beverage container" means the individual, separate, sealed
16 glass, [metal] aluminum or polyethylene terephthalate plastic bottle,
17 can, jar or carton (A) two liters or less in size if containing a carbonated
18 beverage, and (B) twenty ounces or less in size if containing a
19 noncarbonated beverage;

20 [(3)] (4) "Consumer" means every person who purchases a beverage
21 in a beverage container for use or consumption;

22 [(4)] (5) "Dealer" means every person who engages in the sale of
23 beverages in beverage containers to a consumer;

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

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

36 [(7)] (8) "Place of business of a dealer" means the fixed location at
37 which a dealer sells or offers for sale beverages in beverage containers
38 to consumers;

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

43 (10) "Restaurant" means a business that has the sole purpose of
44 preparing and selling food and beverages intended for individual

45 portion service and includes the site at which individual portions are
46 sold, regardless of whether the consumption of food or beverage
47 occurs on or off of such site;

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

52 [(10)] (12) "Nonrefillable beverage container" means a beverage
53 container which is not designed to be refilled and reused in its original
54 shape; [and]

55 [(11)] (13) "Deposit initiator" means the first distributor to collect the
56 deposit on a beverage container sold to any person within this state;

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

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

68 Sec. 2. Section 22a-244 of the general statutes is repealed and the
69 following is substituted in lieu thereof (*Effective October 1, 2009*):

70 (a) Every beverage container sold or offered for sale in this state,
71 except beverage containers sold or offered for sale for consumption on
72 an interstate passenger carrier, shall have a refund value. Such refund
73 value shall not be less than [five] ten cents and shall be a uniform

74 amount throughout the distribution process in this state.

75 (b) Every beverage container sold or offered for sale in this state,
76 except beverage containers sold or offered for sale for consumption on
77 an interstate passenger carrier, shall clearly indicate by embossing or
78 by a stamp or by a label or other method securely affixed to the
79 beverage container (1) either the refund value of the container or the
80 words "return for deposit" or "return for refund" or other words as
81 approved by the Department of Environmental Protection and (2)
82 either the word "Connecticut" or the abbreviation "Ct.", provided this
83 subdivision shall not apply to glass beverage containers permanently
84 marked or embossed with a brand name.

85 (c) No person shall sell or offer for sale in this state any metal
86 beverage container (1) a part of which is designed to be detached in
87 order to open such container, or (2) that is connected to another
88 beverage container by a device constructed of a material which does
89 not decompose by photodegradation, chemical degradation or
90 biodegradation within a reasonable time after exposure to the
91 elements.

92 Sec. 3. Section 22a-245 of the general statutes is repealed and the
93 following is substituted in lieu thereof (*Effective October 1, 2009*):

94 (a) No person shall establish a redemption center without
95 registering with the commissioner on a form provided by the
96 commissioner with such information as the commissioner deems
97 necessary including (1) the name of the business principals of the
98 redemption center and the address of the business; (2) the name and
99 address of the sponsors and dealers to be served by the redemption
100 center; (3) the types of beverage containers to be accepted; (4) the hours
101 of operation; and (5) whether beverage containers will be accepted
102 from consumers. The operator of the redemption center shall report
103 any change in procedure to the commissioner within forty-eight hours
104 of such change. Any person establishing a redemption center shall
105 have the right to determine what kind, size and brand of beverage

106 container shall be accepted. Any redemption center may be established
107 to serve all persons or to serve certain specified dealers.

108 (b) A dealer shall not refuse to accept at such dealer's place of
109 business, from any person any empty beverage containers of the kind,
110 size and brand sold by the dealer, or refuse to pay to such person the
111 refund value of a beverage container [as established by subsection (a)
112 of section 22a-244] unless (1) such container contains materials which
113 are foreign to the normal contents of the container; [or unless] (2) such
114 container is not labeled in accordance with subsection (b) of section
115 22a-244, as amended by this act; [or unless] (3) such dealer sponsors,
116 solely or with others, a redemption center which is located within a
117 one-mile radius of such place of business and which accepts beverage
118 containers of the kind, size and brand sold by such dealer at such place
119 of business; or [unless] (4) there is established by others, a redemption
120 center which is located within a one-mile radius of such place of
121 business and which accepts beverage containers of the kind, size and
122 brand sold by such dealer at such place of business. A dealer that is a
123 restaurant shall not be required to redeem any beverage container, the
124 contents of which were not consumed on the premises of such
125 restaurant. A dealer who sponsors an off-site redemption center shall
126 post in a conspicuous location, within ten feet of the entrances and
127 exits of such dealer's place of business, a notice stating the name,
128 location, hours of operation and telephone number of the off-site
129 redemption center. A dealer shall redeem an empty container of a
130 kind, size or brand the sale of which has been discontinued by such
131 dealer for not less than sixty days after the last sale by the dealer of
132 such kind, size or brand of beverage container. Sixty days before such
133 date, the dealer shall post, at the point of sale, notice of the last date on
134 which the discontinued kind, size or brand of beverage container shall
135 be redeemed.

136 (c) Any dealer operating a place of business of not less than seventy-
137 five thousand square feet in size shall certify to the Department of
138 Environmental Protection that its beverage container redemption

139 capacity equals or exceeds seventy per cent of its sales capacity of
140 redeemable beverage containers. On or after October 1, 2009, any
141 dealer that establishes or significantly expands its place of business or
142 redemption center, excluding an off-site redemption center, shall locate
143 such redemption center not more than two hundred feet from the
144 business' main entrance. Any dealer with a redemption center other
145 than an off-site redemption center established prior to October 1, 2009,
146 where such redemption facility is located more than two hundred feet
147 from the business' main entrance shall post notices stating the location
148 of such redemption center not more than ten feet from the business'
149 entrances and exits.

150 [(c)] (d) A distributor shall not refuse to accept from a dealer or from
151 an operator of a redemption center, located and operated exclusively
152 within the territory of the distributor or whose operator certifies to the
153 distributor that redeemed containers were from a dealer located within
154 such territory, any empty beverage containers of the kind, size and
155 brand sold by the distributor, or refuse to pay to such dealer or
156 redemption center operator the refund value of a beverage container
157 [as established by subsection (a) of section 22a-244] unless such
158 container contains materials which are foreign to the normal contents
159 of the container or unless such container is not labeled in accordance
160 with subsection (b) of section 22a-244, as amended by this act. A
161 distributor shall remove any empty beverage container from the
162 premises of a dealer serviced by the distributor or from the premises of
163 a redemption center sponsored by dealers serviced by the distributor,
164 provided such premises are located within the territory of the
165 distributor. The distributor or manufacturer shall pay the refund value
166 to dealers in accordance with the schedule for payment by the dealer
167 to the distributor for full beverage containers and shall pay such
168 refund value to operators of redemption centers not more than twenty
169 days after receipt of the empty container unless such refund value has
170 already been paid by the manufacturer. For the purposes of this
171 subsection, a redemption center shall be considered to be sponsored by
172 a dealer if (1) the dealer refuses to redeem beverage containers and

173 refers consumers to the redemption center, or (2) there is an agreement
174 between the dealer and the operator of the redemption center
175 requiring the redemption center to remove empty beverage containers
176 from the premises of the dealer. A distributor shall redeem an empty
177 container of a kind, size or brand of beverage container the sale of
178 which has been discontinued by the distributor for not less than one
179 hundred fifty days after the last delivery of such kind, size or brand of
180 beverage container. Not less than one hundred twenty days before the
181 last date such containers may be redeemed, the distributor shall notify
182 such dealer who bought the discontinued kind, size or brand of
183 beverage container that such distributor shall not redeem an empty
184 beverage container of such kind, size or brand of beverage containers.

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

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

198 ~~[(e)]~~ (g) (1) The Commissioner of Environmental Protection shall
199 adopt regulations, in accordance with the provisions of chapter 54, to
200 implement the provisions of sections 22a-243 to 22a-245a, inclusive, as
201 amended by this act. Such regulations shall include, but not be limited
202 to, provisions for the redemption of beverage containers dispensed
203 through automatic vending machines, the use of vending machines
204 that dispense cash to consumers for redemption of beverage

205 containers, scheduling for redemption by dealers and distributors and
206 for exemptions or modifications to the labeling requirement of section
207 22a-244, as amended by this act.

208 (2) The regulations adopted pursuant to subdivision (1) of this
209 subsection shall also include provisions creating a prescribed
210 accounting system for the reimbursement of the refund value for a
211 redeemed beverage container. The commissioner shall adopt written
212 policies and procedures to implement the provisions creating such
213 prescribed accounting system while in the process of adopting such
214 policies and procedures in regulation form, and the commissioner shall
215 print a notice of intention to adopt the regulations in the Connecticut
216 Law Journal not later than twenty days prior to implementing such
217 policies and procedures. The commissioner shall submit final
218 regulations to implement such policies and procedures to the
219 legislative regulation review committee not later than May 1, 2009,
220 unless a later date is approved by a majority vote of the members
221 present of said committee. Policies and procedures implemented
222 pursuant to this subdivision shall be valid until (A) May 1, 2009, or, if
223 applicable, the later date approved by said committee pursuant to this
224 subdivision, or (B) the time that the proposed final regulations are
225 adopted or disapproved by said committee, whichever is earlier.

226 (h) For the purposes of this section, "refund value" means the refund
227 value established by subsection (a) of section 22a-244, as amended by
228 this act.

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-244
Sec. 3	<i>October 1, 2009</i>	22a-245

Statement of Purpose:

To expand the beverage container redemption provisions to include water bottles and other noncarbonated, nonalcoholic and nondairy

drinks, to raise the refund value of beverage containers to ten cents, to require dealers to provide certain information to distributors, to require redemption centers established or significantly expanded on or after October 1, 2009, to locate such center near the main entrance of the business, and to raise the handling fee for redemption centers to three cents for all beverage containers.

[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.]