AN ACT CONCERNING BOTTLE REDEMPTION IN THE STATE.

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

Section 1. Section 22a-243 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

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

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

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

(3) "Beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a carbonated or noncarbonated beverage, but does not include a bottle, can, jar or carton (A) three liters or more in size if containing a noncarbonated beverage, or (B) made of high-density polyethylene;

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

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

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

(7) "Manufacturer" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers or, in the case of private label brands, the owner of the private label trademark;

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

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

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

(11) "Nonrefillable beverage container" means a beverage container which is not designed to be refilled and reused in its original shape; and

(12) "Deposit initiator" means the first distributor to collect the deposit on a beverage container sold to any person within this state.

Sec. 2. Section 22a-244 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2022):

(a) (1) Every beverage container containing a carbonated beverage
sold or offered for sale in this state, except for any such beverage
containers sold or offered for sale for consumption on an interstate
passenger carrier, shall have a refund value. Such refund value shall
not be less than [five] ten cents and shall be a uniform amount
throughout the distribution process in this state. (2) Every beverage
container containing a noncarbonated beverage sold or offered for sale
in this state shall have a refund value, except for beverage containers
containing a noncarbonated beverage that are (A) sold or offered for
sale for consumption on an interstate passenger carrier, or (B) that
comprise any dealer's existing inventory as of March 31, 2009. Such
refund value shall not be less than [five] ten cents and shall be a
uniform amount throughout the distribution process in this state.

(b) Every beverage container sold or offered for sale in this state,
that has a refund value pursuant to subsection (a) of this section, shall
clearly indicate by embossing or by a stamp or by a label or other
method securely affixed to the beverage container (1) either the refund
value of the container or the words "return for deposit" or "return for
refund" or other words as approved by the Department of Energy and
Environmental Protection, and (2) either the word "Connecticut" or the
abbreviation "Ct.", provided this subdivision shall not apply to glass
beverage containers permanently marked or embossed with a brand
name.

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

Sec. 3. Section 22a-245 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective July 1, 2020):

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

(b) A dealer shall not refuse to accept at such dealer's place of business, from any person any empty beverage containers of the kind, size and brand sold by the dealer, or refuse to pay to such person the refund value of a beverage container unless (1) such container contains materials which are foreign to the normal contents of the container; (2) such container is not labeled in accordance with subsection (b) of section 22a-244, as amended by this act; (3) such dealer sponsors, solely or with others, a redemption center which is located within a [one-mile] five-mile radius of such place of business and which accepts beverage containers of the kind, size and brand sold by such dealer at such place of business; or (4) there is established by others, a redemption center which is located within a [one-mile] five-mile radius of such place of business and which accepts beverage containers of the kind, size and brand sold by such dealer at such place of business. A dealer shall redeem an empty container of a kind, size or brand the sale of which has been discontinued by such dealer for not less than sixty days after the last sale by the dealer of such kind, size or brand of beverage container. Sixty days before such date, the dealer shall post, at the point of sale, notice of the last date on which the discontinued kind, size or brand of beverage container shall be redeemed.

(c) A distributor shall not refuse to accept from a dealer or from an
operator of a redemption center, located and operated exclusively
within the territory of the distributor or whose operator certifies to the
distributor that redeemed containers were from a dealer located within
such territory, any empty beverage containers of the kind, size and
brand sold by the distributor, or refuse to pay to such dealer or
redemption center operator the refund value of a beverage container
unless such container contains materials which are foreign to the
normal contents of the container or unless such container is not labeled
in accordance with subsection (b) of section 22a-244, as amended by
this act. A distributor shall remove any empty beverage container from
the premises of a dealer serviced by the distributor or from the
premises of a redemption center sponsored by dealers serviced by the
distributor, provided such premises are located within the territory of
the distributor. The distributor shall pay the refund value to dealers in
accordance with the schedule for payment by the dealer to the
distributor for full beverage containers and shall pay such refund
value to operators of redemption centers not more than twenty days
after receipt of the empty container. For the purposes of this
subsection, a redemption center shall be considered to be sponsored by
a dealer if (1) the dealer refuses to redeem beverage containers and
refers consumers to the redemption center, or (2) there is an agreement
between the dealer and the operator of the redemption center
requiring the redemption center to remove empty beverage containers
from the premises of the dealer. A distributor shall redeem an empty
container of a kind, size or brand of beverage container the sale of
which has been discontinued by the distributor for not less than one
hundred fifty days after the last delivery of such kind, size or brand of
beverage container. Not less than one hundred twenty days before the
last date such containers may be redeemed, the distributor shall notify
such dealer who bought the discontinued kind, size or brand of
beverage container that such distributor shall not redeem an empty
beverage container of such kind, size or brand of beverage containers.

(d) In addition to the refund value of a beverage container, a
distributor shall pay to any dealer or operator of a redemption center a
handling fee of at least [one] three and one-half cents for each
container of beer or other malt beverage and [two] four and one-half cents for each beverage container of mineral waters, soda water and similar carbonated soft drinks or noncarbonated beverage returned for redemption. A distributor shall not be required to pay to a manufacturer the refund value of a nonrefillable beverage container.

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

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

Sec. 4. Section 22a-245a of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2020):

(a) Each deposit initiator shall open a special interest-bearing account at a Connecticut branch of a financial institution, as defined in section 45a-557a, to the credit of the deposit initiator. Each deposit initiator shall deposit in such account an amount equal to the refund value established pursuant to subsection (a) of section 22a-244, as amended by this act, for each beverage container sold by such deposit initiator. Such deposit shall be made not more than one month after the date such beverage container is sold, provided for any beverage container sold during the period from December 1, 2008, to December 31, 2008, inclusive, such deposit shall be made not later than January 5, 2009. All interest, dividends and returns earned on the special account shall be paid directly into such account. Such moneys shall be kept separate and apart from all other moneys in the possession of the
deposit initiator. The amount required to be deposited pursuant to this
section, when deposited, shall be held to be a special fund in trust for
the state.

(b) (1) Any reimbursement of the refund value for a redeemed
beverage container shall be paid from the deposit initiator's special
account, with such payment to be computed, subject to the provisions
of subdivision (2) of this subsection, under the cash receipts and
disbursements method of accounting, as described in Section 446(c)(1)
of the Internal Revenue Code of 1986, or any subsequent
Corresponding Internal Revenue Code of the United States, as
amended from time to time.

(2) A deposit initiator may petition the Commissioner of Revenue
Services for an alternate method of accounting by filing with such
deposit initiator's return a statement of objections and other proposed
alternate method of accounting, as such deposit initiator believes
proper and equitable under the circumstances, that is accompanied by
supporting details and proof. The Commissioner of Revenue Services
shall promptly notify such deposit initiator whether the proposed
alternate method is accepted as reasonable and equitable and, if so
accepted, shall adjust such deposit initiator's return and payment of
reimbursement accordingly.

(c) (1) Each deposit initiator shall submit a report on March 15, 2009,
for the period from December 1, 2008, to February 28, 2009, inclusive.
Each deposit initiator shall submit a report on July 31, 2009, for the
period from March 1, 2009, to June 30, 2009, inclusive, and thereafter
shall submit a quarterly report for the immediately preceding calendar
quarter one month after the close of such quarter. Each such report
shall be submitted to the Commissioner of Energy and Environmental
Protection, on a form prescribed by the commissioner and with such
information as the commissioner deems necessary, including, but not
limited to: (A) The balance in the special account at the beginning of
the quarter for which the report is prepared; (B) a list of all deposits
credited to such account during such quarter, including all refund
values paid to the deposit initiator and all interest, dividends or
returns received on the account; (C) a list of all withdrawals from such
account during such quarter, all service charges and overdraft charges
on the account and all payments made pursuant to subsection (d) of
this section; and (D) the balance in the account at the close of the
quarter for which the report is prepared.

(2) Each deposit initiator shall submit a report on October 31, 2010,
for the calendar quarter beginning July 1, 2010. Subsequently, each
deposit initiator shall submit a quarterly report for the immediately
preceding calendar quarter, on or before the last day of the month next
succeeding the close of such quarter. Each such report shall be
submitted to the Commissioner of Revenue Services, on a form
prescribed by the Commissioner of Revenue Services, and with such
information as the Commissioner of Revenue Services deems
necessary, including, but not limited to, the following information: (A)
The balance in the special account at the beginning of the quarter for
which the report is prepared, (B) all deposits credited to such account
during such quarter, including all refund values paid to the deposit
initiator and all interest, dividends or returns received on such
account, (C) all withdrawals from such account during such quarter,
including all service charges and overdraft charges on such account
and all payments made pursuant to subsection (d) of this section, and
(D) the balance in such account at the close of the quarter for which the
report is prepared. Such quarterly report shall be filed electronically
with the Commissioner of Revenue Services, in the manner provided
by chapter 228g.

(d) (1) On or before April 30, 2009, each deposit initiator shall pay
the balance outstanding in the special account that is attributable to the
period from December 1, 2008, to March 31, 2009, inclusive, to the
Commissioner of Energy and Environmental Protection for deposit in
the General Fund. Thereafter, the balance outstanding in the special
account that is attributable to the immediately preceding calendar
quarter shall be paid by the deposit initiator one month after the close
of such quarter to the Commissioner of Energy and Environmental
Protection for deposit in the General Fund. If the amount of the required payment pursuant to this subdivision is not paid by the date seven days after the due date, a penalty of ten per cent of the amount due shall be added to the amount due. The amount due shall bear interest at the rate of one and one-half per cent per month or fraction thereof, from the due date. Any such penalty or interest shall not be paid from funds maintained in the special account.

(2) On or before October 31, 2010, each deposit initiator shall pay the balance outstanding in the special account that is attributable to the period from July 1, 2010, to September 30, 2010, inclusive, to the Commissioner of Revenue Services for deposit in the General Fund. Subsequently, eighty per cent of the balance outstanding in the special account that is attributable to the immediately preceding calendar quarter shall be paid by the deposit initiator on or before the last day of the month next succeeding the close of such quarter to the Commissioner of Revenue Services for deposit in the General Fund. If the amount of the required payment pursuant to this subdivision is not paid on or before the due date, a penalty of ten per cent of the amount due and unpaid, or fifty dollars, whichever is greater, shall be imposed. The amount due and unpaid shall bear interest at the rate of one per cent per month or fraction thereof, from the due date. Any such penalty or interest shall not be paid from funds maintained in such special account. Such required payment shall be made by electronic funds transfer to the Commissioner of Revenue Services, in the manner provided by chapter 228g.

(e) If moneys deposited in the special account are insufficient to pay for withdrawals authorized pursuant to subsection (b) of this section, the amount of such deficiency shall be subtracted from the next succeeding payment or payments due pursuant to subsection (d) of this section until the amount of the deficiency has been subtracted in full.

(f) The Commissioner of Revenue Services may examine the accounts and records of any deposit initiator maintained under this
section or sections 22a-243 to 22a-245, inclusive, as amended by this act, and any related accounts and records, including receipts, disbursements and such other items as the Commissioner of Revenue Services deems appropriate.

(g) The Attorney General may, independently or upon complaint of the Commissioner of Energy and Environmental Protection or the Commissioner of Revenue Services, institute any appropriate action or proceeding to enforce any provision of this section or any regulation adopted pursuant to section 22a-245, as amended by this act, to implement the provisions of this section.

(h) The provisions of sections 12-548, 12-550 to 12-554, inclusive, and 12-555a shall be deemed to apply to the provisions of this section, except any provision of sections 12-548, 12-550 to 12-554, inclusive, and 12-555a that is inconsistent with the provision in this section.

(i) Any payment required pursuant to this section shall be treated as a tax for purposes of sections 12-30b, 12-33a, 12-35a, 12-39g and 12-39h.

(j) Not later than July 1, 2010, the Department of Energy and Environmental Protection or successor agency shall establish a procedure that allows each such deposit initiator to take a credit against any payment made pursuant to subsection (d) of this section in the amount of the deposits refunded on beverage containers which such deposit initiator donated for any charitable purpose.

Sec. 5. (NEW) (Effective October 1, 2019) The state shall have a redemption goal of ninety per cent for beverage containers, as defined in section 22a-243 of the general statutes, as amended by this act. The Commissioner of Energy and Environmental Protection may develop a strategy for attaining such goal. In developing any such strategy, the commissioner shall consult with municipalities, dealers and redemption centers, as defined in section 22a-243 of the general statutes, as amended by this act. The commissioner may report to the General Assembly and the Governor, from time to time, on the status of the state's attainment of such goal and any legislative
recommendations for enabling such attainment or increasing such goal.

Sec. 6. Section 22a-245b of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

Any manufacturer who bottles and sells: (1) Two hundred fifty thousand or fewer beverage containers containing a noncarbonated beverage that are twenty ounces or less in size each calendar year, or (2) one hundred thousand gallons or less of juice in beverage containers each calendar year, may apply to the Commissioner of Energy and Environmental Protection for an exemption from the requirements of sections 22a-244 to 22a-245a, inclusive, as amended by this act, with regard to such beverage containers containing noncarbonated beverages or with regard to such one hundred thousand gallons or less of juice in beverage containers. Such application shall be accompanied by a sworn affidavit signed by such manufacturer or such manufacturer's authorized agent certifying such manufacturer bottles and sells two hundred fifty thousand or fewer of such beverage containers per calendar year or bottles and sells one hundred thousand gallons or less of juice in beverage containers per calendar year. Any such application filed on or before April 1, 2009, shall be deemed automatically approved and such exemption shall remain valid until December 31, 2009. Not later than November 1, 2009, and each year thereafter, each such manufacturer or such manufacturer's authorized agent may apply to the commissioner for an exemption in accordance with this section on a form prescribed by the commissioner. The commissioner shall approve each such application not later than thirty days after the receipt of the application by the commissioner, provided the applicant satisfies the requirements of this section.

This act shall take effect as follows and shall amend the following sections:

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