

SENATE BILL No. 223

February 20, 2001, Introduced by Senators LELAND, SMITH, PETERS, MURPHY,
CHERRY, MILLER, EMERSON and SCHWARZ and referred to the Committee
on Natural Resources and Environmental Affairs.

A bill to amend the Initiated Law of 1976, entitled

"A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,"

by amending section 1 (MCL 445.571), as amended by 1989 PA 93.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. As used in this act:

2 (a) "Beverage" means a soft drink, soda water, carbonated
3 natural or mineral water, or other nonalcoholic carbonated drink;
4 FRUIT JUICE OR A NONCARBONATED, NONALCOHOLIC DRINK THAT CONTAINS
5 FRUIT JUICE; beer, ale, or other malt drink of whatever alcoholic
6 content; or a mixed wine drink or a mixed spirit drink.

(b) "Beverage container" means ~~an~~ 1 OF THE FOLLOWING:

(i) AN airtight metal, glass, paper, or plastic container,
or a container composed of a combination of these materials,
which ~~—~~ at the time of sale ~~—~~ contains 1 gallon or less of a
beverage OTHER THAN FRUIT JUICE OR A NONCARBONATED, NONALCOHOLIC
DRINK THAT CONTAINS FRUIT JUICE.

(ii) AN AIRTIGHT METAL, GLASS, OR PLASTIC CONTAINER WHICH AT
THE TIME OF SALE CONTAINS 1 GALLON OR LESS OF FRUIT JUICE OR A
NONCARBONATED, NONALCOHOLIC DRINK THAT CONTAINS FRUIT JUICE OTHER
THAN A CONTAINER COMPOSED IN WHOLE OR IN PART OF ALUMINUM AND
PLASTIC OR ALUMINUM AND PAPER IN COMBINATION IF THE ALUMINUM CON-
TENT REPRESENTS 10% OR LESS OF THE UNFILLED CONTAINER WEIGHT AND
THE UNFILLED CONTAINER WEIGHT IS 5% OR LESS OF THE FILLED CON-
TAINER WEIGHT.

(c) "Empty returnable container" means a beverage container
~~which~~ THAT contains nothing except the residue of its original
contents.

(d) "Returnable container" means a beverage container upon
which a deposit of ~~at least~~ NOT LESS THAN 10 cents has been
paid, or is required to be paid upon the removal of the BEVERAGE
container from the sale or consumption area, and for which a
refund of ~~at least~~ NOT LESS THAN 10 cents in cash is payable by
every dealer or distributor in this state of that beverage in
beverage containers, as further provided in section 2.

(e) "Nonreturnable container" means a beverage container
upon which no deposit or a deposit of less than 10 cents has been
paid, or is required to be paid, upon the removal of the BEVERAGE

1 container from the sale or consumption area, or for which no cash
2 refund or a refund of less than 10 cents is payable by a dealer
3 or distributor in this state of that beverage in beverage con-
4 tainers, as further provided in section 2.

5 (f) "Person" means an individual, partnership, corporation,
6 association, or other legal entity.

7 (g) "Dealer" means a person who sells or offers for sale to
8 consumers within this state a beverage in a beverage container,
9 including an operator of a vending machine containing a beverage
10 in a beverage container.

11 (h) "Operator of a vending machine" means equally its owner,
12 the person who refills it, and the owner or lessee of the prop-
13 erty upon which it is located.

14 (i) "Distributor" means a person who sells beverages in bev-
15 erage containers to a dealer within this state, and includes a
16 manufacturer who engages in such sales.

17 (j) "Manufacturer" means a person who bottles, cans, or oth-
18 erwise places beverages in beverage containers for sale to dis-
19 tributors, dealers, or consumers.

20 (k) "Within this state" means within the exterior limits of
21 the state of Michigan, and includes the territory within these
22 limits owned by or ceded to the United States of America.

23 (l) "Commission" means the ~~Michigan~~ liquor control commis-
24 sion CREATED IN SECTION 209 OF THE MICHIGAN LIQUOR CONTROL CODE
25 OF 1998, 1998 PA 58, MCL 436.1209.

26 (m) "Sale or consumption area" means the premises ~~within~~
27 ON the property of the dealer or of the dealer's lessor where the

1 sale is made, ~~within which~~ WHERE beverages in returnable
2 containers may be consumed without payment of a deposit, and,
3 upon removing a beverage container from which, WHERE the
4 ~~customer~~ CONSUMER is required by the dealer to pay the
5 deposit.

6 (n) "Nonrefillable container" means a returnable container
7 ~~which~~ THAT is not intended to be refilled for sale by a
8 manufacturer.

9 (o) "Mixed wine drink" means a drink or similar product
10 marketed as a wine cooler and containing less than 7% alcohol by
11 volume, consisting of wine and plain, sparkling, or carbonated
12 water and containing any 1 or more of the following:

13 (i) Nonalcoholic beverages.

14 (ii) Flavoring.

15 (iii) Coloring materials.

16 (iv) Fruit juices.

17 (v) Fruit adjuncts.

18 (vi) Sugar.

19 (vii) Carbon dioxide.

20 (viii) Preservatives.

21 (p) "Mixed spirit drink" means a drink containing 10% or
22 less alcohol by volume consisting of distilled spirits mixed with
23 nonalcoholic beverages or flavoring or coloring materials and
24 ~~which~~ THAT may also contain water, fruit juices, fruit
25 adjuncts, sugar, carbon dioxide, or preservatives; or ~~any~~ A
26 spirits based beverage, regardless of the percent of alcohol by

1 volume, that is manufactured for sale in a metal BEVERAGE
2 container.

3 Enacting section 1. This amendatory act takes effect
4 January 1, 2003.