

REQUIRE UNIQUE MARKINGS ON CERTAIN BEVERAGES SOLD IN 12-OUNCE METAL CANS

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House Bill 6460

Sponsor: Rep. Steve Bieda

Committee: Great Lakes and Environment

Complete to 11-12-08

A SUMMARY OF HOUSE BILL 6460 AS INTRODUCED 9-17-08

House Bill 6460 would amend the Initiated Law of 1976—commonly known as the "Bottle Bill,"—to prohibit dealers from selling beverages in beverage containers without required distinguishing markings if the brand was either sold or over-redeemed in large quantities in Michigan during the previous calendar year. The bill would apply to sales of beverages in 12-ounce metal cans and glass containers and 20-ounce plastic containers.

Covered brands. The bill would apply to brands that either (1) had sales of at least 500,000 case equivalents in Michigan in the previous calendar year or (2) had over-redemptions of more than 100,000 containers in the previous calendar year. The Michigan Liquor Control Commission would determine which brands were covered, presumably on an annual basis. Although the bill does not specifically say so, presumably the over-redemptions would have to occur in Michigan.

Effective dates. The bill has different effective dates for different types of beverage containers:

- 12-ounce metal: January 1, 2009.
- 12-ounce glass: January 1, 2010.
- 20-ounce plastic: January 1, 2010.

Required markings; violation. For each type of covered beverage container (12-ounce metal, 12-ounce glass, and 20-ounce plastic), a dealer could not sell, offer for sale, or give away a brand with high Michigan sales or over-redemptions unless the beverage container was of a kind that would allow a reverse vending machine to determine if it is returnable in Michigan. (Under the bill, this means it would either (1) contain a symbol, etching, mark, or other distinguishing characteristic that allows a vending machine to determine if the beverage container is returnable or (2) contain a symbol, etching, mark, or other distinguishing characteristic that indicates it is a beverage container sold outside the state and the lack of that symbol, etc. allows a reverse vending machine to determine if the beverage container is a returnable container.)

The symbol or mark would be placed on the container by a manufacturer and would have to be unique to Michigan or used only in Michigan and one or more states with substantially similar laws.

Penalty. A violation would be a misdemeanor punishable by imprisonment for not more than 180 days or a fine of not more than \$2,000, or both. Section 4 of the Bottle Bill would not apply to a violation of the bill. (Section 4 currently provides that the minimum fine for a violation of the Bottle Bill is \$100 with a maximum of \$1,000, that a person who violates the act is liable for the costs of prosecution, and that each day a violation occurs, a separate offense is committed.)

FISCAL IMPACT:

A fiscal analysis is in process.

Legislative Analyst: Shannan Kane

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.