

SUBSTITUTE FOR
SENATE BILL NO. 1532

A bill to amend 1976 IL 1, 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,"

(MCL 445.571 to 445.576) by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), BEGINNING
2 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
3 THIS SECTION, A MANUFACTURER OF NONALCOHOLIC BEVERAGES SHALL NOT
4 SELL, OFFER FOR SALE, OR GIVE A NONALCOHOLIC BEVERAGE TO A
5 CONSUMER, DEALER, OR DISTRIBUTOR IN THIS STATE IN A 12-OUNCE METAL
6 BEVERAGE CONTAINER THAT IS NOT A DESIGNATED METAL CONTAINER IF

1 EITHER OF THE FOLLOWING IS MET:

2 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE
3 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE AT
4 LEAST 500,000 CASES, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

5 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE
6 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE FEWER
7 THAN 500,000 CASES, AND 12-OUNCE METAL BEVERAGE CONTAINERS OF THAT
8 BRAND OF BEVERAGE WERE OVERREDEEMED BY MORE THAN 600,000 CONTAINERS
9 IN THE PRECEDING CALENDAR YEAR, AS DETERMINED BY THE DEPARTMENT OF
10 TREASURY.

11 (2) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF THE
12 AMENDATORY ACT THAT ADDED THIS SECTION, A MANUFACTURER OF
13 NONALCOHOLIC BEVERAGES SHALL NOT SELL, OFFER FOR SALE, OR GIVE A
14 NONALCOHOLIC BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR IN THE
15 UPPER PENINSULA IN A 12-OUNCE METAL BEVERAGE CONTAINER THAT IS NOT
16 A DESIGNATED METAL CONTAINER IF EITHER OF THE FOLLOWING IS MET:

17 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE
18 CONTAINERS IN THE UPPER PENINSULA WERE AT LEAST 500,000 CASES, AS
19 DETERMINED BY THE DEPARTMENT OF TREASURY.

20 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE
21 CONTAINERS IN THE UPPER PENINSULA IN THE PRECEDING CALENDAR YEAR
22 WERE FEWER THAN 500,000 CASES, AND 12-OUNCE METAL BEVERAGE
23 CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED IN THE UPPER
24 PENINSULA BY MORE THAN 600,000 CONTAINERS IN THE PRECEDING CALENDAR
25 YEAR, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

26 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), BEGINNING 450 DAYS
27 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS

1 SECTION, A MANUFACTURER OF NONALCOHOLIC BEVERAGES SHALL NOT SELL,
2 OFFER FOR SALE, OR GIVE A NONALCOHOLIC BEVERAGE TO A CONSUMER,
3 DEALER, OR DISTRIBUTOR IN THIS STATE IN A 12-OUNCE GLASS BEVERAGE
4 CONTAINER THAT IS NOT A DESIGNATED GLASS CONTAINER IF EITHER OF THE
5 FOLLOWING IS MET:

6 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE
7 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE AT
8 LEAST 500,000 CASES, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

9 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE
10 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE FEWER
11 THAN 500,000 CASES, AND 12-OUNCE GLASS BEVERAGE CONTAINERS OF THAT
12 BRAND OF BEVERAGE WERE OVERREDEEMED BY MORE THAN 600,000 CONTAINERS
13 IN THE PRECEDING CALENDAR YEAR, AS DETERMINED BY THE DEPARTMENT OF
14 TREASURY.

15 (4) BEGINNING 450 DAYS AFTER THE EFFECTIVE DATE OF THE
16 AMENDATORY ACT THAT ADDED THIS SECTION, A MANUFACTURER OF
17 NONALCOHOLIC BEVERAGES SHALL NOT SELL, OFFER FOR SALE, OR GIVE A
18 NONALCOHOLIC BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR IN THE
19 UPPER PENINSULA IN A 12-OUNCE GLASS BEVERAGE CONTAINER THAT IS NOT
20 A DESIGNATED GLASS CONTAINER IF EITHER OF THE FOLLOWING IS MET:

21 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE
22 CONTAINERS IN THE UPPER PENINSULA WERE AT LEAST 500,000 CASES, AS
23 DETERMINED BY THE DEPARTMENT OF TREASURY.

24 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE
25 CONTAINERS IN THE UPPER PENINSULA IN THE PRECEDING CALENDAR YEAR
26 WERE FEWER THAN 500,000 CASES, AND 12-OUNCE GLASS BEVERAGE
27 CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED IN THE UPPER

1 PENINSULA BY MORE THAN 600,000 CONTAINERS IN THE PRECEDING CALENDAR
2 YEAR, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

3 (5) EXCEPT AS PROVIDED IN SUBSECTION (6), BEGINNING 450 DAYS
4 AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS
5 SECTION, A MANUFACTURER OF NONALCOHOLIC BEVERAGES SHALL NOT SELL,
6 OFFER FOR SALE, OR GIVE A NONALCOHOLIC BEVERAGE TO A CONSUMER,
7 DEALER, OR DISTRIBUTOR IN THIS STATE IN A 20-OUNCE PLASTIC BEVERAGE
8 CONTAINER THAT IS NOT A DESIGNATED PLASTIC CONTAINER IF EITHER OF
9 THE FOLLOWING IS MET:

10 (A) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC
11 BEVERAGE CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR
12 WERE AT LEAST 500,000 CASES, AS DETERMINED BY THE DEPARTMENT OF
13 TREASURY.

14 (B) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC
15 BEVERAGE CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR
16 WERE FEWER THAN 500,000 CASES, AND 20-OUNCE PLASTIC BEVERAGE
17 CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED BY MORE THAN
18 600,000 CONTAINERS IN THE PRECEDING CALENDAR YEAR, AS DETERMINED BY
19 THE DEPARTMENT OF TREASURY.

20 (6) BEGINNING 450 DAYS AFTER THE EFFECTIVE DATE OF THE
21 AMENDATORY ACT THAT ADDED THIS SECTION, A MANUFACTURER OF
22 NONALCOHOLIC BEVERAGES SHALL NOT SELL, OFFER FOR SALE, OR GIVE A
23 NONALCOHOLIC BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR IN THE
24 UPPER PENINSULA IN A 20-OUNCE PLASTIC BEVERAGE CONTAINER THAT IS
25 NOT A DESIGNATED PLASTIC CONTAINER IF EITHER OF THE FOLLOWING IS
26 MET:

27 (A) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC

1 BEVERAGE CONTAINERS IN THE UPPER PENINSULA WERE AT LEAST 500,000
2 CASES, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

3 (B) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC
4 BEVERAGE CONTAINERS IN THE UPPER PENINSULA IN THE PRECEDING
5 CALENDAR YEAR WERE FEWER THAN 500,000 CASES, AND 20-OUNCE PLASTIC
6 BEVERAGE CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED IN
7 THE UPPER PENINSULA BY MORE THAN 600,000 CONTAINERS IN THE
8 PRECEDING CALENDAR YEAR, AS DETERMINED BY THE DEPARTMENT OF
9 TREASURY.

10 (7) BEGINNING 90 DAYS AFTER THE EFFECTIVE DATE OF THE
11 AMENDATORY ACT THAT ADDED THIS SECTION, A MANUFACTURER OF ALCOHOLIC
12 BEVERAGES SHALL NOT SELL, OFFER FOR SALE, OR GIVE AN ALCOHOLIC
13 BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR IN THIS STATE IN A
14 12-OUNCE METAL BEVERAGE CONTAINER THAT IS NOT A DESIGNATED METAL
15 CONTAINER IF EITHER OF THE FOLLOWING IS MET:

16 (A) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
17 PRECEDING CALENDAR YEAR WERE AT LEAST 500,000 CASE EQUIVALENTS, AS
18 DETERMINED BY THE DEPARTMENT OF TREASURY.

19 (B) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
20 PRECEDING CALENDAR YEAR WERE FEWER THAN 500,000 CASE EQUIVALENTS,
21 AND BEVERAGE CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED
22 BY MORE THAN 600,000 CONTAINERS IN THE PRECEDING CALENDAR YEAR, AS
23 DETERMINED BY THE DEPARTMENT OF TREASURY.

24 (8) BEGINNING 450 DAYS AFTER THE EFFECTIVE DATE OF THE
25 AMENDATORY ACT THAT ADDED THIS SECTION, A MANUFACTURER OF ALCOHOLIC
26 BEVERAGES SHALL NOT SELL, OFFER FOR SALE, OR GIVE AN ALCOHOLIC
27 BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR IN THIS STATE IN A

1 12-OUNCE GLASS BEVERAGE CONTAINER THAT IS NOT A DESIGNATED GLASS
2 CONTAINER IF EITHER OF THE FOLLOWING IS MET:

3 (A) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
4 PRECEDING CALENDAR YEAR WERE AT LEAST 500,000 CASE EQUIVALENTS, AS
5 DETERMINED BY THE DEPARTMENT OF TREASURY.

6 (B) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
7 PRECEDING CALENDAR YEAR WERE FEWER THAN 500,000 CASE EQUIVALENTS,
8 AND BEVERAGE CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED
9 BY MORE THAN 600,000 CONTAINERS IN THE PRECEDING CALENDAR YEAR, AS
10 DETERMINED BY THE DEPARTMENT OF TREASURY.

11 (9) BEGINNING 450 DAYS AFTER THE EFFECTIVE DATE OF THE
12 AMENDATORY ACT THAT ADDED THIS SECTION, A MANUFACTURER OF ALCOHOLIC
13 BEVERAGES SHALL NOT SELL, OFFER FOR SALE, OR GIVE AN ALCOHOLIC
14 BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR IN THIS STATE IN A
15 20-OUNCE PLASTIC BEVERAGE CONTAINER THAT IS NOT A DESIGNATED
16 PLASTIC CONTAINER IF EITHER OF THE FOLLOWING IS MET:

17 (A) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
18 PRECEDING CALENDAR YEAR WERE AT LEAST 500,000 CASE EQUIVALENTS, AS
19 DETERMINED BY THE DEPARTMENT OF TREASURY.

20 (B) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
21 PRECEDING CALENDAR YEAR WERE FEWER THAN 500,000 CASE EQUIVALENTS,
22 AND BEVERAGE CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED
23 BY MORE THAN 600,000 CONTAINERS IN THE PRECEDING CALENDAR YEAR, AS
24 DETERMINED BY THE DEPARTMENT OF TREASURY.

25 (10) A SYMBOL, MARK, OR OTHER DISTINGUISHING CHARACTERISTIC
26 THAT IS PLACED ON A DESIGNATED METAL CONTAINER, DESIGNATED GLASS
27 CONTAINER, OR DESIGNATED PLASTIC CONTAINER BY A MANUFACTURER TO

1 ALLOW A REVERSE VENDING MACHINE TO DETERMINE IF THAT CONTAINER IS A
2 RETURNABLE CONTAINER MUST BE UNIQUE TO THIS STATE, OR USED ONLY IN
3 THIS STATE AND 1 OR MORE OTHER STATES THAT HAVE LAWS SUBSTANTIALLY
4 SIMILAR TO THIS ACT.

5 (11) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A
6 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS
7 OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH. SECTION 4 DOES NOT
8 APPLY TO A VIOLATION DESCRIBED IN THIS SUBSECTION.

9 (12) AS USED IN THIS SECTION:

10 (A) "ALCOHOLIC BEVERAGE" MEANS BEER, ALE, ANY OTHER MALT DRINK
11 OF WHATEVER ALCOHOLIC CONTENT, A MIXED WINE DRINK, OR A MIXED
12 SPIRIT DRINK.

13 (B) "BRAND" MEANS ANY WORD, NAME, GROUP OF LETTERS, SYMBOL, OR
14 TRADEMARK, OR ANY COMBINATION OF THEM, ADOPTED AND USED BY A
15 MANUFACTURER TO IDENTIFY A SPECIFIC FLAVOR OR TYPE OF BEVERAGE AND
16 TO DISTINGUISH THAT FLAVOR OR TYPE OF BEVERAGE FROM ANOTHER
17 BEVERAGE PRODUCED OR MARKETED BY THAT MANUFACTURER OR ANOTHER
18 MANUFACTURER.

19 (C) "DESIGNATED GLASS CONTAINER" MEANS A 12-OUNCE GLASS
20 BEVERAGE CONTAINER THAT CONTAINS A SYMBOL, MARK, OR OTHER
21 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE
22 TO DETERMINE IF THE BEVERAGE CONTAINER IS OR IS NOT A RETURNABLE
23 CONTAINER.

24 (D) "DESIGNATED METAL CONTAINER" MEANS A 12-OUNCE METAL
25 BEVERAGE CONTAINER THAT CONTAINS A SYMBOL, MARK, OR OTHER
26 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE
27 TO DETERMINE IF THE BEVERAGE CONTAINER IS OR IS NOT A RETURNABLE

1 CONTAINER.

2 (E) "DESIGNATED PLASTIC CONTAINER" MEANS A 20-OUNCE PLASTIC
3 BEVERAGE CONTAINER THAT CONTAINS A SYMBOL, MARK, OR OTHER
4 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE
5 TO DETERMINE IF THE BEVERAGE CONTAINER IS OR IS NOT A RETURNABLE
6 CONTAINER.

7 (F) "GLASS BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER
8 COMPOSED PRIMARILY OF GLASS.

9 (G) "METAL BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER
10 COMPOSED PRIMARILY OF METAL.

11 (H) "NONALCOHOLIC BEVERAGE" MEANS A SOFT DRINK, SODA WATER,
12 CARBONATED NATURAL OR MINERAL WATER, OR OTHER NONALCOHOLIC
13 CARBONATED DRINK.

14 (I) "PLASTIC BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER
15 COMPOSED PRIMARILY OF PLASTIC.

16 (J) "REVERSE VENDING MACHINE" MEANS A DEVICE DESIGNED TO
17 PROPERLY IDENTIFY AND PROCESS EMPTY BEVERAGE CONTAINERS AND PROVIDE
18 A MEANS FOR A DEPOSIT REFUND ON RETURNABLE CONTAINERS.

19 Enacting section 1. This amendatory act takes effect on the
20 date that deposits into the beverage container redemption antifraud
21 fund created in the beverage container redemption antifraud act
22 from money appropriated by the legislature equal or exceed
23 \$1,000,000.00.

24 Enacting section 2. This amendatory act does not take effect
25 unless all of the following bills of the 94th Legislature are
26 enacted into law:

27 (a) Senate Bill No. 1648.

1 (b) House Bill No. 5147.