

SUBSTITUTE FOR
SENATE BILL NO. 1394

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,"

by amending section 2 (MCL 445.572), as amended by 1998 PA 473.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) A dealer ~~within this state~~ shall not sell, offer
2 for sale, or give to a consumer a nonreturnable container or a
3 beverage in a nonreturnable container **IN THIS STATE.**

4 (2) ~~A~~ **SUBJECT TO SUBSECTION (3),** A dealer ~~who~~ **THAT** regularly
5 sells beverages for consumption off the dealer's premises shall
6 provide on the premises, or within 100 yards of the premises on
7 which the dealer sells or offers for sale a beverage in a

Senate Bill No. 1394 as amended December 11, 2008

1 returnable container, a convenient means ~~whereby the~~ **WHERE**
 2 containers of any kind, size, and brand sold or offered for sale by
 3 the dealer may be returned by, and the deposit refunded in cash to,
 4 a person, whether or not the person is the original customer of
 5 that dealer ~~—~~ and whether or not the container was sold by that
 6 dealer.

7 (3) Regional centers for the redemption of returnable
 8 containers may be established, in addition to but not as
 9 substitutes for, the means established for refunds of deposits
 10 prescribed in subsection (2).

11 (4) ~~Except~~ **SUBJECT TO SUBSECTION (12), AND EXCEPT** as provided
 12 in subsections (5) and (7), a dealer shall accept from a person an
 13 empty returnable container of any kind, size, and brand sold or
 14 offered for sale by that dealer and pay to that person its full
 15 refund value in cash. **HOWEVER, A DEALER <<LOCATED IN ANY COUNTY OF THIS**
STATE THAT BORDERS ANOTHER STATE, OR ANY COUNTY IN THE LOWER PENINSULA
THAT IS CONTIGUOUS WITH A COUNTY OF THIS STATE THAT BORDERS ANOTHER
STATE,>> MAY ACCEPT, BUT IS NOT

16 **REQUIRED TO ACCEPT, EMPTY RETURNABLE CONTAINERS FROM A PERSON FOR A**
 17 **REFUND THAT EXCEEDS THE FOLLOWING AMOUNTS ON ANY GIVEN DAY:**

18 (A) **EXCEPT FOR A DEALER DESCRIBED IN SUBDIVISION (B), \$10.00.**

19 (B) **IF A DEALER UTILIZES 1 OR MORE REVERSE VENDING MACHINES TO**
 20 **REDEEM BEVERAGE CONTAINERS, \$25.00. AS USED IN THIS SUBDIVISION,**
 21 **"REVERSE VENDING MACHINE" MEANS A DEVICE DESIGNED TO PROPERLY**
 22 **IDENTIFY AN EMPTY RETURNABLE CONTAINER AND PROVIDE A MEANS FOR A**
 23 **DEPOSIT REFUND.**

24 (5) A dealer ~~who~~ **THAT** does not require a deposit on a
 25 returnable container when the contents are consumed in the dealer's
 26 sale or consumption area is not required to pay a refund for
 27 accepting that empty container.

1 (6) ~~Except~~ **SUBJECT TO SUBSECTION (12), AND EXCEPT** as provided
2 in subsection (7), a distributor shall accept from a dealer an
3 empty returnable container of any kind, size, and brand sold or
4 offered for sale by that distributor and pay to the dealer its full
5 refund value in cash.

6 (7) ~~Each~~ **SUBJECT TO SUBSECTION (12), EACH** beverage container
7 sold or offered for sale **IN THIS STATE** by a dealer ~~within this~~
8 ~~state~~ shall clearly indicate, by embossing or by a stamp, a label,
9 or other method securely affixed to the beverage container, the
10 refund value of the container and the name of this state. A dealer
11 or distributor may, but is not required to, refuse to accept from a
12 person an empty returnable container ~~which~~ **THAT** does not state on
13 the container the refund value of the container and the name of
14 this state. This subsection does not apply to a refillable
15 container ~~having a~~ **THAT HAS** refund value of not less than 10 cents,
16 ~~having~~ **HAS** a brand name permanently marked on it, and ~~having~~ **HAS** a
17 securely affixed method of indicating that it is a returnable
18 container.

19 (8) A dealer ~~within this state~~ shall not sell, offer for sale,
20 or give to ~~consumers~~ **A CONSUMER** a metal beverage container, ~~any~~
21 ~~part of which~~ **IN THIS STATE IF ANY PART OF THE CONTAINER** becomes
22 detached when opened.

23 (9) A person, dealer, distributor, or manufacturer shall not
24 return an empty container to a dealer for a refund of the deposit
25 if a dealer has already refunded the deposit on that returnable
26 container. This subsection does not prohibit a dealer from
27 refunding the deposit on an empty returnable container each time

1 the returnable container is sanitized by the manufacturer and
2 reused as a beverage container.

3 ~~—— (10) A dealer may accept, but is not required to accept, from~~
4 ~~a person, empty returnable containers for a refund in excess of~~
5 ~~\$25.00 on any given day.~~

6 (10) ~~(11)~~ A manufacturer licensed by the commission shall not
7 require a distributor licensed by the commission to pay a deposit
8 to the manufacturer on a nonrefillable container. However, a
9 manufacturer licensed by the commission and a distributor licensed
10 by the commission may enter into an agreement providing that either
11 or both may originate a deposit or any portion of a deposit on a
12 nonrefillable container if the agreement is entered into freely and
13 without coercion.

14 (11) ~~(12)~~ A manufacturer shall refund the deposit paid on any
15 container returned by a distributor for which a deposit has been
16 paid by a distributor to the manufacturer.

17 (12) ~~(13)~~ Subsections (4), (6), and (7) apply only to a
18 returnable container that was originally sold in this state as a
19 filled returnable container.