

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.