

HOUSE BILL No. 6460

September 17, 2008, Introduced by Rep. Bieda and referred to the Committee on Great Lakes and Environment.

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) IN ADDITION TO THE REQUIREMENTS OF SECTION 2(1),
2 BEGINNING JANUARY 1, 2009, A DEALER SHALL NOT SELL, OFFER FOR SALE,
3 OR GIVE A BEVERAGE TO A CONSUMER IN THIS STATE IN A 12-OUNCE METAL
4 BEVERAGE CONTAINER THAT IS NOT A DESIGNATED METAL CONTAINER IF
5 EITHER OF THE FOLLOWING IS MET:

6 (A) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE

1 PRECEDING CALENDAR YEAR WERE AT LEAST 500,000 CASE EQUIVALENTS, AS
2 DETERMINED BY THE COMMISSION.

3 (B) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
4 PRECEDING CALENDAR YEAR WERE FEWER THAN 500,000 CASE EQUIVALENTS,
5 AND BEVERAGE CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED
6 BY MORE THAN 100,000 CONTAINERS IN THE PRECEDING CALENDAR YEAR, AS
7 DETERMINED BY THE COMMISSION.

8 (2) IN ADDITION TO THE REQUIREMENTS OF SECTION 2(1), BEGINNING
9 JANUARY 1, 2010, A DEALER SHALL NOT SELL, OFFER FOR SALE, OR GIVE A
10 BEVERAGE TO A CONSUMER IN THIS STATE IN A 12-OUNCE GLASS BEVERAGE
11 CONTAINER THAT IS NOT A DESIGNATED GLASS CONTAINER IF EITHER OF THE
12 FOLLOWING IS MET:

13 (A) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
14 PRECEDING CALENDAR YEAR WERE AT LEAST 500,000 CASE EQUIVALENTS, AS
15 DETERMINED BY THE COMMISSION.

16 (B) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
17 PRECEDING CALENDAR YEAR WERE FEWER THAN 500,000 CASE EQUIVALENTS,
18 AND BEVERAGE CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED
19 BY MORE THAN 100,000 CONTAINERS IN THE PRECEDING CALENDAR YEAR, AS
20 DETERMINED BY THE COMMISSION.

21 (3) IN ADDITION TO THE REQUIREMENTS OF SECTION 2(1), BEGINNING
22 JANUARY 1, 2010, A DEALER SHALL NOT SELL, OFFER FOR SALE, OR GIVE A
23 BEVERAGE TO A CONSUMER IN THIS STATE IN A 20-OUNCE PLASTIC BEVERAGE
24 CONTAINER THAT IS NOT A DESIGNATED PLASTIC CONTAINER IF EITHER OF
25 THE FOLLOWING IS MET:

26 (A) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
27 PRECEDING CALENDAR YEAR WERE AT LEAST 500,000 CASE EQUIVALENTS, AS

1 DETERMINED BY THE COMMISSION.

2 (B) SALES OF THAT BRAND OF BEVERAGE IN THIS STATE IN THE
3 PRECEDING CALENDAR YEAR WERE FEWER THAN 500,000 CASE EQUIVALENTS,
4 AND BEVERAGE CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED
5 BY MORE THAN 100,000 CONTAINERS IN THE PRECEDING CALENDAR YEAR, AS
6 DETERMINED BY THE COMMISSION.

7 (4) A SYMBOL, ETCHING, MARK, OR OTHER DISTINGUISHING
8 CHARACTERISTIC THAT IS PLACED ON A DESIGNATED METAL CONTAINER,
9 DESIGNATED GLASS CONTAINER, OR DESIGNATED PLASTIC CONTAINER BY A
10 MANUFACTURER TO ALLOW A REVERSE VENDING MACHINE TO DETERMINE IF
11 THAT CONTAINER IS A RETURNABLE CONTAINER MUST BE UNIQUE TO THIS
12 STATE, OR USED ONLY IN THIS STATE AND 1 OR MORE OTHER STATES THAT
13 HAVE LAWS SUBSTANTIALLY SIMILAR TO THIS ACT.

14 (5) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A
15 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS
16 OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH. SECTION 4 DOES NOT
17 APPLY TO A VIOLATION DESCRIBED IN THIS SUBSECTION.

18 (6) AS USED IN THIS SECTION:

19 (A) "BRAND" MEANS ANY WORD, NAME, GROUP OF LETTERS, SYMBOL, OR
20 TRADEMARK, OR ANY COMBINATION OF THEM, ADOPTED AND USED BY A
21 MANUFACTURER TO IDENTIFY A SPECIFIC BEVERAGE AND TO DISTINGUISH
22 THAT BEVERAGE FROM ANOTHER BEVERAGE PRODUCED OR MARKETED BY THAT
23 MANUFACTURER OR ANOTHER MANUFACTURER.

24 (B) "DESIGNATED GLASS CONTAINER" MEANS A 12-OUNCE GLASS
25 BEVERAGE CONTAINER THAT MEETS EITHER OF THE FOLLOWING:

26 (i) IT CONTAINS A SYMBOL, ETCHING, MARK, OR OTHER
27 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE

1 TO DETERMINE IF THE BEVERAGE CONTAINER IS A RETURNABLE CONTAINER.

2 (ii) IT CONTAINS A SYMBOL, ETCHING, MARK, OR OTHER
3 DISTINGUISHING CHARACTERISTIC THAT INDICATES IT IS A BEVERAGE
4 CONTAINER THAT IS SOLD OUTSIDE THIS STATE AND THE LACK OF THAT
5 SYMBOL, ETCHING, MARK, OR OTHER DISTINGUISHING CHARACTERISTIC
6 ALLOWS A REVERSE VENDING MACHINE TO DETERMINE IF THE BEVERAGE
7 CONTAINER IS A RETURNABLE CONTAINER.

8 (C) "DESIGNATED METAL CONTAINER" MEANS A 12-OUNCE METAL
9 BEVERAGE CONTAINER THAT MEETS EITHER OF THE FOLLOWING:

10 (i) IT CONTAINS A SYMBOL, ETCHING, MARK, OR OTHER
11 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE
12 TO DETERMINE IF THE BEVERAGE CONTAINER IS A RETURNABLE CONTAINER.

13 (ii) IT CONTAINS A SYMBOL, ETCHING, MARK, OR OTHER
14 DISTINGUISHING CHARACTERISTIC THAT INDICATES IT IS A BEVERAGE
15 CONTAINER THAT IS SOLD OUTSIDE THIS STATE AND THE LACK OF THAT
16 SYMBOL, ETCHING, MARK, OR OTHER DISTINGUISHING CHARACTERISTIC
17 ALLOWS A REVERSE VENDING MACHINE TO DETERMINE IF THE BEVERAGE
18 CONTAINER IS A RETURNABLE CONTAINER.

19 (D) "DESIGNATED PLASTIC CONTAINER" MEANS A 20-OUNCE PLASTIC
20 BEVERAGE CONTAINER THAT MEETS EITHER OF THE FOLLOWING:

21 (i) IT CONTAINS A SYMBOL, ETCHING, MARK, OR OTHER
22 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE
23 TO DETERMINE IF THE BEVERAGE CONTAINER IS A RETURNABLE CONTAINER.

24 (ii) IT CONTAINS A SYMBOL, ETCHING, MARK, OR OTHER
25 DISTINGUISHING CHARACTERISTIC THAT INDICATES IT IS A BEVERAGE
26 CONTAINER THAT IS SOLD OUTSIDE THIS STATE AND THE LACK OF THAT
27 SYMBOL, ETCHING, MARK, OR OTHER DISTINGUISHING CHARACTERISTIC

1 ALLOWS A REVERSE VENDING MACHINE TO DETERMINE IF THE BEVERAGE
2 CONTAINER IS A RETURNABLE CONTAINER.

3 (E) "GLASS BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER
4 COMPOSED PRIMARILY OF GLASS.

5 (F) "METAL BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER
6 COMPOSED PRIMARILY OF METAL.

7 (G) "PLASTIC BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER
8 COMPOSED PRIMARILY OF PLASTIC.

9 (H) "REVERSE VENDING MACHINE" MEANS A DEVICE DESIGNED TO
10 PROPERLY IDENTIFY AND PROCESS EMPTY BEVERAGE CONTAINERS AND PROVIDE
11 A MEANS FOR A DEPOSIT REFUND ON RETURNABLE CONTAINERS.

12 Enacting section 1. This amendatory act does not take effect
13 unless Senate Bill No. 822 or House Bill No. 5147 of the 94th
14 Legislature is enacted into law.