

SENATE BILL No. 1394

June 17, 2008, Introduced by Senators JELINEK, PAPPAGEORGE, GARCIA and BROWN and referred to the Committee on Commerce and Tourism.

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

1 provide on the premises, or within 100 yards of the premises on
2 which the dealer sells or offers for sale a beverage in a
3 returnable container, a convenient means ~~whereby the~~ **WHERE**
4 containers of any kind, size, and brand sold or offered for sale by
5 the dealer may be returned by, and the deposit refunded in cash to,
6 a person, whether or not the person is the original customer of
7 that dealer ~~,~~ and whether or not the container was sold by that
8 dealer.

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

13 (4) ~~Except~~ **SUBJECT TO SUBSECTION (12), AND EXCEPT** as provided
14 in subsections (5) and (7), a dealer shall accept from a person an
15 empty returnable container of any kind, size, and brand sold or
16 offered for sale by that dealer and pay to that person its full
17 refund value in cash. **HOWEVER, A DEALER MAY ACCEPT, BUT IS NOT**
18 **REQUIRED TO ACCEPT, EMPTY RETURNABLE CONTAINERS FROM A PERSON FOR A**
19 **REFUND THAT EXCEEDS THE FOLLOWING AMOUNTS ON ANY GIVEN DAY:**

20 (A) **EXCEPT FOR A DEALER DESCRIBED IN SUBDIVISION (B), \$5.00.**

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

26 (5) A dealer ~~who~~ **THAT** does not require a deposit on a
27 returnable container when the contents are consumed in the dealer's

1 sale or consumption area is not required to pay a refund for
2 accepting that empty container.

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

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

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

25 (9) A person, dealer, distributor, or manufacturer shall not
26 return an empty container to a dealer for a refund of the deposit
27 if a dealer has already refunded the deposit on that returnable

1 container. This subsection does not prohibit a dealer from
2 refunding the deposit on an empty returnable container each time
3 the returnable container is sanitized by the manufacturer and
4 reused as a beverage container.

5 ~~—— (10) A dealer may accept, but is not required to accept, from~~
6 ~~a person, empty returnable containers for a refund in excess of~~
7 ~~\$25.00 on any given day.~~

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

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

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

22 Enacting section 1. This amendatory act does not take effect
23 unless all of the following bills of the 94th Legislature are
24 enacted into law:

25 (a) Senate Bill No. 1391.

26

27 (b) Senate Bill No. 1393.