

ORIGINAL

HISTORY SHEET HOUSE

By:	Bill	1036	DATE ENGROSSED ▶ April 7, 1971
Representatives	-Resolution		<i>Printed by Senate</i> ▶ May 18, 1971
	Memorial		DATE REENGROSSED
			DATE ENROLLED ▶ Jul. 11, 1971

2 HANNEMAN, SAM JOHNSON, MACPHERSON, MEEKER, Senator McKAY, Representative INGALLS, Senator GROENER (at the request of the Joint Committee on Rules and Resolutions)

TITLE

Relating to beverage containers; ^{and} providing penalties ^{and} ~~prescribing an effective date~~ 64-39

HOUSE ACTION		SENATE ACTION	
READ FIRST TIME FEB 19 1971	READ SECOND TIME FEB 19 1971	READ FIRST TIME APR 12 1971	READ SECOND TIME APR 13 1971
REFERRED TO <i>State and Federal Affairs</i>	REFERRED TO <i>Consumer Affairs</i>	REFERRED TO <i>Consumer Affairs</i>	REFERRED TO <i>Consumer Affairs</i>
REPORTED BACK MAY 18 1971	REPORTED BACK MAY 18 1971	REPORTED BACK MAY 18 1971	REPORTED BACK MAY 18 1971
<input type="checkbox"/> DO PASS	<input checked="" type="checkbox"/> DO PASS WITH AMENDMENT	<input type="checkbox"/> DO PASS	<input checked="" type="checkbox"/> DO PASS WITH AMENDMENT
REREFERRED TO	REREFERRED TO <i>Consumer Affairs</i>	REREFERRED TO <i>Consumer Affairs</i>	REREFERRED TO <i>Consumer Affairs</i>
REPORTED BACK	REPORTED BACK MAY 24 1971	REPORTED BACK MAY 24 1971	REPORTED BACK MAY 24 1971
<input type="checkbox"/> DO PASS	<input type="checkbox"/> DO PASS WITH AMENDMENT	<input type="checkbox"/> DO PASS	<input type="checkbox"/> DO PASS WITH AMENDMENT
READ THIRD TIME AND PASSED APR 9 1971	READ THIRD TIME AND PASSED APR 9 1971	READ THIRD TIME AND PASSED MAY 27 1971	READ THIRD TIME AND PASSED MAY 27 1971
SIGNED <i>[Signature]</i>	SIGNED <i>Cecil L. Edwards</i>	SIGNED <i>Cecil L. Edwards</i>	SIGNED <i>Cecil L. Edwards</i>
DATE MAY 11 1971	CHIEF CLERK <i>[Signature]</i>	SECRETARY OF SENATE <i>Cecil L. Edwards</i>	SECRETARY OF SENATE <i>Cecil L. Edwards</i>

ADDITIONAL ACTION

DATE	ACTION
MAY 27 1971	Bain served notice of possible reconsideration
MAY 28 1971	Vote to reconsider failed

Eng Re **DATE ENGROSSED** ▶ May 24 1971

DATE REENGROSSED

DATE ENROLLED

U.S. GPO: 1967 O-347-877

Enrolled
House Bill 1036

Sponsored by Representatives HANNEMAN, SAM JOHNSON,
MACPHERSON, MEEKER, Senator MCKAY, Representative
INGALLS, Senator GROENER

CHAPTER.....

AN ACT

Relating to beverage containers; and providing penalties.

Be It Enacted by the People of the State of Oregon:

SECTION 1. As used in this Act, unless the context requires otherwise:

(1) "Beverage" means beer or other malt beverages and mineral waters, soda water and similar carbonated soft drinks in liquid form and intended for human consumption.

(2) "Beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a beverage.

(3) "Commission" means the Oregon Liquor Control Commission.

(4) "Consumer" means every person who purchases a beverage in a beverage container for use or consumption.

(5) "Dealer" means every person in this state who engages in the sale of beverages in beverage containers to a consumer, or means a redemption center certified under section 8 of this Act.

(6) "Distributor" means every person who engages in the sale of beverages in beverage containers to a dealer in this state including any manufacturer who engages in such sales.

(7) "In this state" means within the exterior limits of the State of Oregon and includes all territory within these limits owned by or ceded to the United States of America.

(8) "Manufacturer" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.

(9) "Place of business of a dealer" means the location at which a dealer sells or offers for sale beverages in beverage containers to consumers.

(10) "Use or consumption" includes the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purposes of sale.

SECTION 2. (1) Except as provided in subsection (2) of this section, every beverage container sold or offered for sale in this state shall have a refund value of not less than five cents.

(2) Every beverage container certified as provided in section 6 of this Act, sold or offered for sale in this state, shall have a refund value of not less than two cents.

SECTION 3. Except as provided in section 4 of this Act:

(1) A dealer shall not refuse to accept from a consumer any empty beverage containers of the kind, size and brand sold by the dealer, or re-

fuse to pay to the consumer the refund value of a beverage container as established by section 2 of this Act.

(2) A distributor shall not refuse to accept from a dealer any empty beverage containers of the kind, size and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage container as established by section 2 of this Act.

SECTION 4. (1) A dealer may refuse to accept from a consumer, and a distributor may refuse to accept from a dealer any empty beverage container which does not state thereon a refund value as established by section 2 of this Act.

(2) A dealer may refuse to accept and to pay the refund value of empty beverage containers if the place of business of the dealer and the kind and brand of empty beverage containers are included in an order of the commission approving a redemption center under section 8 of this Act.

SECTION 5. (1) Every beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the beverage container, the refund value of the container.

(2) Subsection (1) of this section shall not apply to glass beverage containers designed for beverages having a brand name permanently marked thereon which, on the operative date of this Act had a refund value of not less than five cents.

(3) No person shall sell or offer for sale at retail in this state any metal beverage container so designed and constructed that a part of the container is detachable in opening the container without the aid of a can opener.

SECTION 6. (1) To promote the use in this state of reusable beverage containers of uniform design, and to facilitate the return of containers to manufacturers for reuse as a beverage container, the commission shall certify beverage containers which satisfy the requirements of this section.

(2) A beverage container shall be certified if:

(a) It is reusable as a beverage container by more than one manufacturer in the ordinary course of business; and

(b) More than one manufacturer will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

(3) A beverage container shall not be certified under this section if by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a manufacturer of a beverage sold under a specific brand name.

SECTION 7. (1) Unless an application for certification under section 6 of this Act is denied by the commission within 60 days after the filing of the application, the beverage container shall be deemed certified.

(2) The commission may review at any time certification of a beverage container. If after such review, with written notice and hearing afforded to the person who filed the application for certification under section 6 of this Act, the commission determines the container is no longer qualified for certification, it shall withdraw certification.

(3) Withdrawal of certification shall be effective not less than 30 days after written notice to the person who filed the application for certification under section 6 of this Act and to the manufacturers referred to in subsection (2) of section 6 of this Act.

SECTION 8. (1) To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the Oregon Liquor Control

Commission, at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers.

(2) Application for approval of a redemption center shall be filed with the commission. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center, the kind and brand names of the beverage containers which will be accepted at the redemption center and the names and addresses of the dealers to be served by the redemption center. The application shall include such additional information as the commission may require.

(3) The commission shall approve a redemption center if it finds the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The order of the commission approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order may contain such other provisions to insure the redemption center will provide a convenient service to the public as the commission may determine.

(4) The commission may review at any time approval of a redemption center. After written notice to the person responsible for the establishment and operation of the redemption center, and to the dealers served by the redemption center, the commission may, after hearing, withdraw approval of a redemption center if the commission finds there has not been compliance with its order approving the redemption center, or if the redemption center no longer provides a convenient service to the public.

SECTION 9. The procedures for certification or withdrawal provided for in sections 6 to 8 of this Act shall be in accordance with ORS chapter 183.

SECTION 10. (1) Any person who violates section 2, 3 or 5 of this Act shall be punished, upon conviction, as for a misdemeanor.

(2) In addition to the penalty prescribed by subsection (1) of this section, the commission or the State Department of Agriculture may revoke or suspend the license of any person who wilfully violates section 2, 3 or 5 of this Act, who is required by ORS chapter 471 or 635, respectively, to have a license.

SECTION 11. (1) During the period commencing October 1, 1972, and ending when it submits the report provided for in subsection (2) of this section, the Legislative Fiscal Committee shall cause to be conducted a study of the operation of sections 1 to 10 of this Act that shall include, but not be limited to, an analysis of:

(a) Its economic impact on persons licensed under ORS chapter 635 who engage in the nonalcoholic beverage manufacturing business, on persons engaged in the business of manufacturing beer and other malt beverages and on persons engaged in the business of manufacturing beverage containers in complying with the provisions of sections 1 to 10 of this Act.

(b) The problems, if any, incurred in the distribution, sale and return of beverage containers subject to the provisions of sections 1 to 10 of this Act.

(c) The effectiveness of the provisions of sections 1 to 10 of this Act in the reduction of the incidence of the littering by beverage containers in this state.

(d) The costs incurred in the enforcement of the provisions of sections 1 to 10 of this Act.

(2) Prior to January 1, 1975, the Legislative Fiscal Committee shall prepare and submit to the Fifty-eighth Legislative Assembly of the State of Oregon a report of its findings made pursuant to subsection (1) of this section and its recommendations with respect to any legislative proposals

considered by it to be necessary as the result of the study conducted as required by subsection (1) of this section.

SECTION 12. This Act shall not become operative until October 1, 1972, and shall apply to all beverage containers sold or offered for sale after October 1, 1972, except that applications under sections 6 and 8 of this Act may be made prior to October 1, 1972, the certification referred to in section 6 of this Act and the approval referred to under section 8 of this Act may be delivered prior to October 1, 1972, and the commission shall adopt rules and regulations under sections 6 and 8 of this Act prior to October 1, 1972.



Chapter

, Oregon Laws 1971

ENROLLED

House Bill 1036

Passed by House April 9, 1971

Repassed by House June 1, 1971

Chief Clerk of House

Speaker of House

Passed by Senate May 27, 1971

~~Repassed by Senate~~

President of Senate

Received by Executive Department:

..... M.,, 1971.

Approved:, 1971.

Governor

Filed in Office of Secretary of State:

..... M.,, 1971.

Secretary of State

RE-ENGROSSED

House Bill 1036

Ordered by the Senate May 18
(Including Amendments by House April 7 and by Senate May 18)

Sponsored by Representatives HANNEMAN, SAM JOHNSON, MACPHERSON, MEEKER, Senator McKAY, Representative INGALLS, Senator GROENER (at the request of the Joint Committee on Rules and Resolutions)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits retail sale of [*malt beverages or nonalcoholic*] beverages [*for off-premises consumption*] in [*glass, metal or plastic*] containers without minimum refund value of five cents on each container **or two cents on certified, reusable containers. Defines beverages. Requires dealers and distributors to accept and pay refund values for containers except where returnable to licensed redemption centers. Requires each container to bear stamp indicating refund value. Prohibits retail sale of beverages in mental containers with detachable lids [*for off-premises consumption in certain metal containers*]. Authorizes suspension or revocation of licenses of violators. Directs Legislative Fiscal Committee to report to Fifty-eighth Legislative Assembly regarding economic impact and effectiveness of Act. Provides penalties.**

[*Effective*] **Operative July 1, 1972.**

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION.**

1 A BILL FOR AN ACT

2 Relating to beverage containers; and providing penalties.

3 **Be It Enacted by the People of the State of Oregon:**4 **SECTION 1.** As used in this Act, unless the context requires other-
5 wise:6 (1) "Beverage" means beer or other malt beverages and mineral
7 waters, soda water and similar soft drinks in liquid form and intended
8 for human consumption, whether or not carbonated, but does not include
9 uncarbonated water, soups, fluid milk products, unadulterated, natural,
10 reconstituted or frozen fruit, vegetable or meat juices, liquids intended
11 for medicinal purposes only, or other beverages regulated by ORS chapter
12 471.13 (2) "Beverage container" means the individual, separate, sealed glass,
14 metal or plastic bottle, can, jar or carton containing a beverage.

15 (3) "Commission" means the Oregon Liquor Control Commission.

16 (4) "Consumer" means every person who purchases a beverage in a
17 beverage container for use or consumption.18 (5) "Dealer" means every person in this state who engages in the sale
19 of beverages in beverage containers to a consumer, or means a redemption
20 center certified under section 8 of this Act.21 (6) "Distributor" means every person who engages in the sale of
22 beverages in beverage containers to a dealer in this state including any
23 manufacturer who engages in such sales.24 (7) "In this state" means within the exterior limits of the State of
25 Oregon and includes all territory within these limits owned by or ceded
26 to the United States of America.27 (8) "Manufacturer" means every person bottling, canning or otherwise
28 filling beverage containers for sale to distributors or dealers.29 (9) "Place of business of a dealer" means the location at which a
30 dealer sells or offers for sale beverages in beverage containers to con-
31 sumers.32 (10) "Use or consumption" includes the exercise of any right or power
33 over a beverage incident to the ownership thereof, other than the sale or
34 the keeping or retention of a beverage for the purposes of sale.

1 **SECTION 2.** (1) Except as provided in subsection (2) of this section,
2 every beverage container sold or offered for sale in this state shall have
3 a refund value of not less than five cents.

4 (2) Every beverage container certified as provided in section 6 of
5 this Act, sold or offered for sale in this state, shall have a refund value of
6 not less than two cents.

7 **SECTION 3.** Except as provided in section 4 of this Act:

8 (1) A dealer shall not refuse to accept from a consumer any empty
9 beverage containers of the kind, size and brand sold by the dealer, or re-
10 fuse to pay to the consumer the refund value of a beverage container as
11 established by section 2 of this Act.

12 (2) A distributor shall not refuse to accept from a dealer any empty
13 beverage containers of the kind, size and brand sold by the distributor,
14 or refuse to pay the dealer the refund value of a beverage container as
15 established by section 2 of this Act.

16 **SECTION 4.** (1) A dealer may refuse to accept from a consumer, and
17 a distributor may refuse to accept from a dealer any empty beverage
18 container which does not state thereon a refund value as established by
19 section 2 of this Act.

20 (2) A dealer may refuse to accept more than 24 empty beverage
21 containers from any one consumer in any one day unless such empty
22 beverage containers were originally purchased by the consumer from
23 the dealer.

24 (3) A dealer may refuse to accept and to pay the refund value of
25 empty beverage containers if the place of business of the dealer and the
26 kind and brand of empty beverage containers are included in an order
27 of the commission approving a redemption center under section 8 of this
28 Act.

29 **SECTION 5.** (1) Every beverage container sold or offered for sale
30 in this state by a dealer shall clearly indicate by embossing or by a stamp,
31 or by a label or other method securely affixed to the beverage container,
32 the refund value of the container.

33 (2) Subsection (1) of this section shall not apply to glass beverage
34 containers designed for beverages having a brand name permanently

1 marked thereon which, on the operative date of this Act had a refund
2 value of not less than five cents.

3 (3) No person shall sell or offer for sale at retail in this state any
4 metal beverage container so designed and constructed that a part of the
5 container is detached in opening the container.

6 **SECTION 6.** (1) To promote the use in this state of reusable bever-
7 age containers of uniform design, and to facilitate the return of containers
8 to manufacturers for reuse as a beverage container, the commission shall
9 certify beverage containers which satisfy the requirements of this section.

10 (2) A beverage container shall be certified if:

11 (a) It is reusable as a beverage container by more than one manu-
12 facturer in the ordinary course of business; and

13 (b) More than one manufacturer will in the ordinary course of busi-
14 ness accept the beverage container for reuse as a beverage container
15 and pay the refund value of the container.

16 (3) A beverage container shall not be certified under this section
17 if by reason of its shape or design, or by reason of words or symbols perm-
18 anently inscribed thereon, whether by engraving, embossing, painting
19 or other permanent method, it is reusable as a beverage container in the
20 ordinary course of business only by a manufacturer of a beverage sold
21 under a specific brand name.

22 **SECTION 7.** (1) Unless an application for certification under sec-
23 tion 6 of this Act is denied by the commission within 60 days after the
24 filing of the application, the beverage container shall be deemed certified.

25 (2) The commission may review at any time certification of a bever-
26 age container. If after such review, with written notice and hearing af-
27 forded to the person who filed the application for certification under
28 section 6 of this Act, the commission determines the container is no
29 longer qualified for certification, it shall withdraw certification.

30 (3) Withdrawal of certification shall be effective not less than 30
31 days after written notice to the person who filed the application for
32 certification under section 6 of this Act and to the manufacturers referred
33 to in subsection (2) of section 6 of this Act.

34 **SECTION 8.** (1) To facilitate the return of empty beverage con-

1 tainers and to serve dealers of beverages, any person may establish a
2 redemption center, subject to the approval of the Oregon Liquor Control
3 Commission, at which consumers may return empty beverage containers
4 and receive payment of the refund value of such beverage containers.

5 (2) Application for approval of a redemption center shall be filed
6 with the commission. The application shall state the name and address of
7 the person responsible for the establishment and operation of the redemp-
8 tion center, the kind and brand names of the beverage containers which
9 will be accepted at the redemption center and the names and addresses of
10 the dealers to be served by the redemption center. The application shall
11 include such additional information as the commission may require.

12 (3) The commission shall approve a redemption center if it finds
13 the redemption center will provide a convenient service to consumers
14 for the return of empty beverage containers. The order of the commission
15 approving a redemption center shall state the dealers to be served by the
16 redemption center and the kind and brand names of empty beverage
17 containers which the redemption center must accept. The order may
18 contain such other provisions to insure the redemption center will provide
19 a convenient service to the public as the commission may determine.

20 (4) The commission may review at any time approval of a redemp-
21 tion center. After written notice to the person responsible for the establish-
22 ment and operation of the redemption center, and to the dealers served by
23 the redemption center, the commission may, after hearing, withdraw ap-
24 proval of a redemption center if the commission finds there has not been
25 compliance with its order approving the redemption center, or if the re-
26 demption center no longer provides a convenient service to the public.

27 **SECTION 9.** The procedures for certification or withdrawal pro-
28 vided for in sections 6 to 8 of this Act shall be in accordance with ORS
29 chapter 183.

30 **SECTION 10.** (1) Any person who violates sections 2, 3 or 5 of this
31 Act shall be punished, upon conviction, as for a misdemeanor.

32 (2) In addition to the penalty prescribed by subsection (1) of this
33 section, the commission or the State Department of Agriculture may revoke
34 or suspend the license of any person who wilfully violates section 2, 3 or 5

1 of this Act, who is required by ORS chapter 471 or 635, respectively, to have
2 a license.

3 **SECTION 11.** (1) During the period commencing July 1, 1972, and
4 ending when it submits the report provided for in subsection (2) of this
5 section, the Legislative Fiscal Committee shall cause to be conducted a
6 study of the operation of sections 1 to 10 of this Act that shall include,
7 but not be limited to, an analysis of:

8 (a) Its economic impact on persons licensed under ORS chapter 635
9 who engage in the nonalcoholic beverage manufacturing business, on
10 persons engaged in the business of manufacturing beer and other malt
11 beverages and on persons engaged in the business of manufacturing beverage
12 containers in complying with the provisions of sections 1 to 10 of this
13 Act.

14 (b) The problems, if any, incurred in the distribution, sale and re-
15 turn of beverage containers subject to the provisions of sections 1 to 10
16 of this Act.

17 (c) The effectiveness of the provisions of sections 1 to 10 of this
18 Act in the reduction of the incidence of the littering by beverage con-
19 tainers in this state.

20 (d) The costs incurred in the enforcement of the provisions of sec-
21 tions 1 to 10 of this Act.

22 (2) Prior to January 1, 1975, the Legislative Fiscal Committee shall
23 prepare and submit to the Fifty-eighth Legislative Assembly of the State
24 of Oregon a report of its findings made pursuant to subsection (1) of this
25 section and its recommendations with respect to any legislative proposals
26 considered by it to be necessary as the result of the study conducted as
27 required by subsection (1) of this section.

28 **SECTION 12.** This Act shall not become operative until July 1, 1972,
29 and shall apply to all beverage containers sold or offered for sale after July
30 1, 1972, except that applications under sections 6 and 8 of this Act may be
31 made prior to July 1, 1972, the certification referred to in section 6 of
32 this Act and the approval referred to under section 8 of this Act may be
33 delivered prior to July 1, 1972, and the commission shall adopt rules and
34 regulations under sections 6 and 8 of this Act prior to July 1, 1972.

Enrolled

Eng RE-ENGROSSED

Aug 20-1971
1-18

House Bill 1036

Ordered by the Senate May 18.
(Including Amendments by House April 7 and by Senate May 18)

Sponsored by Representatives HANNEMAN, SAM JOHNSON, MACPHERSON, MEEKER, Senator McKAY, Representative INGALLS, Senator GROENER (at the request of the Joint Committee on Rules and Resolutions)

CHAPTER.....

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Prohibits retail sale of [*malt beverages or nonalcoholic*] beverages [*for off-premises consumption*] in [*glass, metal or plastic*] containers without minimum refund value of five cents on each container or two cents on certified, reusable containers. **Defines beverages. Requires dealers and distributors to accept and pay refund values for containers except where returnable to licensed redemption centers.** Requires each container to bear stamp indicating refund value. Prohibits retail sale of beverages in mental containers with detachable lids [*for off-premises consumption in certain metal containers*]. Authorizes suspension or revocation of licenses of violators. **Directs Legislative Fiscal Committee to report to Fifty-eighth Legislative Assembly regarding economic impact and effectiveness of Act.** Provides penalties.

[*Effective*] **Operative** July 1, 1972.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION.**

1 ~~A BILL FOR AN ACT~~

2 Relating to beverage containers; and providing penalties.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1.** As used in this Act, unless the context requires other-
5 wise:

6 (1) "Beverage" means beer or other malt beverages and mineral
7 waters, soda water and similar ^{carbonated} soft drinks in liquid form and intended
8 for human consumption, ^{whether or not carbonated,} but does not include
9 uncarbonated water, soups, fluid milk products, unadulterated, natural,
10 reconstituted or frozen fruit, vegetable or meat juices, liquids intended
11 for medicinal purposes only, or other beverages regulated by ORS chapter,
12 471.

13 (2) "Beverage container" means the individual, separate, sealed glass,
14 metal or plastic bottle, can, jar or carton containing a beverage.

15 (3) "Commission" means the Oregon Liquor Control Commission.

16 (4) "Consumer" means every person who purchases a beverage in a
17 beverage container for use or consumption.

18 (5) "Dealer" means every person in this state who engages in the sale
19 of beverages in beverage containers to a consumer, or means a redemption
20 center certified under section 8 of this Act.

21 (6) "Distributor" means every person who engages in the sale of
22 beverages in beverage containers to a dealer in this state including any
23 manufacturer who engages in such sales.

24 (7) "In this state" means within the exterior limits of the State of
25 Oregon and includes all territory within these limits owned by or ceded
26 to the United States of America.

27 (8) "Manufacturer" means every person bottling, canning or otherwise
28 filling beverage containers for sale to distributors or dealers.

29 (9) "Place of business of a dealer" means the location at which a
30 dealer sells or offers for sale beverages in beverage containers to con-
31 sumers.

32 (10) "Use or consumption" includes the exercise of any right or power
33 over a beverage incident to the ownership thereof, other than the sale or
34 the keeping or retention of a beverage for the purposes of sale.

1 **SECTION 2.** (1) Except as provided in subsection (2) of this section,
2 every beverage container sold or offered for sale in this state shall have
3 a refund value of not less than five cents.

4 (2) Every beverage container certified as provided in section 6 of
5 this Act, sold or offered for sale in this state, shall have a refund value of
6 not less than two cents.

7 **SECTION 3.** Except as provided in section 4 of this Act:

8 (1) A dealer shall not refuse to accept from a consumer any empty
9 beverage containers of the kind, size and brand sold by the dealer, or re-
10 fuse to pay to the consumer the refund value of a beverage container as
11 established by section 2 of this Act.

12 (2) A distributor shall not refuse to accept from a dealer any empty
13 beverage containers of the kind, size and brand sold by the distributor,
14 or refuse to pay the dealer the refund value of a beverage container as
15 established by section 2 of this Act.

16 **SECTION 4.** (1) A dealer may refuse to accept from a consumer, and
17 a distributor may refuse to accept from a dealer any empty beverage
18 container which does not state thereon a refund value as established by
19 section 2 of this Act.

20 ~~(2) A dealer may refuse to accept more than 24 empty beverage~~
21 ~~containers from any one consumer in any one day unless such empty~~
22 ~~beverage containers were originally purchased by the consumer from~~
23 ~~the dealer.~~

24 ⁽²⁾~~(2)~~ A dealer may refuse to accept and to pay the refund value of
25 empty beverage containers if the place of business of the dealer and the
26 kind and brand of empty beverage containers are included in an order
27 of the commission approving a redemption center under section 8 of this
28 Act.

29 **SECTION 5.** (1) Every beverage container sold or offered for sale
30 in this state by a dealer shall clearly indicate by embossing or by a stamp,
31 or by a label or other method securely affixed to the beverage container,
32 the refund value of the container.

33 (2) Subsection (1) of this section shall not apply to glass beverage
34 containers designed for beverages having a brand name permanently

1 marked thereon which, on the operative date of this Act had a refund
2 value of not less than five cents.

3 (3) No person shall sell or offer for sale at retail in this state any
4 metal beverage container so designed and constructed that a part of the
5 container is detached ^{detachable} in opening the container ^{without the aid of a special form}.

6 **SECTION 6.** (1) To promote the use in this state of reusable bever-
7 age containers of uniform design, and to facilitate the return of containers
8 to manufacturers for reuse as a beverage container, the commission shall
9 certify beverage containers which satisfy the requirements of this section.

10 (2) A beverage container shall be certified if:

11 (a) It is reusable as a beverage container by more than one manu-
12 facturer in the ordinary course of business; and

13 (b) More than one manufacturer will in the ordinary course of busi-
14 ness accept the beverage container for reuse as a beverage container
15 and pay the refund value of the container.

16 (3) A beverage container shall not be certified under this section
17 if by reason of its shape or design, or by reason of words or symbols perm-
18 anently inscribed thereon, whether by engraving, embossing, painting
19 or other permanent method, it is reusable as a beverage container in the
20 ordinary course of business only by a manufacturer of a beverage sold
21 under a specific brand name.

22 **SECTION 7.** (1) Unless an application for certification under sec-
23 tion 6 of this Act is denied by the commission within 60 days after the
24 filing of the application, the beverage container shall be deemed certified.

25 (2) The commission may review at any time certification of a bever-
26 age container. If after such review, with written notice and hearing af-
27 forded to the person who filed the application for certification under
28 section 6 of this Act, the commission determines the container is no
29 longer qualified for certification, it shall withdraw certification.

30 (3) Withdrawal of certification shall be effective not less than 30
31 days after written notice to the person who filed the application for
32 certification under section 6 of this Act and to the manufacturers referred
33 to in subsection (2) of section 6 of this Act.

34 **SECTION 8.** (1) To facilitate the return of empty beverage con-

1 tainers and to serve dealers of beverages, any person may establish a
2 redemption center, subject to the approval of the Oregon Liquor Control
3 Commission, at which consumers may return empty beverage containers
4 and receive payment of the refund value of such beverage containers.

5 (2) Application for approval of a redemption center shall be filed
6 with the commission. The application shall state the name and address of
7 the person responsible for the establishment and operation of the redemp-
8 tion center, the kind and brand names of the beverage containers which
9 will be accepted at the redemption center and the names and addresses of
10 the dealers to be served by the redemption center. The application shall
11 include such additional information as the commission may require.

12 (3) The commission shall approve a redemption center if it finds
13 the redemption center will provide a convenient service to consumers
14 for the return of empty beverage containers. The order of the commission
15 approving a redemption center shall state the dealers to be served by the
16 redemption center and the kind and brand names of empty beverage
17 containers which the redemption center must accept. The order may
18 contain such other provisions to insure the redemption center will provide
19 a convenient service to the public as the commission may determine.

20 (4) The commission may review at any time approval of a redemp-
21 tion center. After written notice to the person responsible for the establish-
22 ment and operation of the redemption center, and to the dealers served by
23 the redemption center, the commission may, after hearing, withdraw ap-
24 proval of a redemption center if the commission finds there has not been
25 compliance with its order approving the redemption center, or if the re-
26 demption center no longer provides a convenient service to the public.

27 **SECTION 9.** The procedures for certification or withdrawal pro-
28 vided for in sections 6 to 8 of this Act shall be in accordance with ORS
29 chapter 183.

30 **SECTION 10.** (1) Any person who violates sections 2, 3 or 5 of this
31 Act shall be punished, upon conviction, as for a misdemeanor.

32 (2) In addition to the penalty prescribed by subsection (1) of this
33 section, the commission or the State Department of Agriculture may revoke
34 or suspend the license of any person who wilfully violates section 2, 3 or 5

1 of this Act, who is required by ORS chapter 471 or 635, respectively, to have
2 a license.

3 **SECTION 11.** (1) During the period commencing ^{October} July 1, 1972, and
4 ending when it submits the report provided for in subsection (2) of this
5 section, the Legislative Fiscal Committee shall cause to be conducted a
6 study of the operation of sections 1 to 10 of this Act that shall include,
7 but not be limited to, an analysis of:

8 (a) Its economic impact on persons licensed under ORS chapter 635
9 who engage in the nonalcoholic beverage manufacturing business, on
10 persons engaged in the business of manufacturing beer and other malt
11 beverages and on persons engaged in the business of manufacturing bever-
12 age containers in complying with the provisions of sections 1 to 10 of this
13 Act.

14 (b) The problems, if any, incurred in the distribution, sale and re-
15 turn of beverage containers subject to the provisions of sections 1 to 10
16 of this Act.

17 (c) The effectiveness of the provisions of sections 1 to 10 of this
18 Act in the reduction of the incidence of the littering by beverage con-
19 tainers in this state.

20 (d) The costs incurred in the enforcement of the provisions of sec-
21 tions 1 to 10 of this Act.

22 (2) Prior to January 1, 1975, the Legislative Fiscal Committee shall
23 prepare and submit to the Fifty-eighth Legislative Assembly of the State
24 of Oregon a report of its findings made pursuant to subsection (1) of this
25 section and its recommendations with respect to any legislative proposals
26 considered by it to be necessary as the result of the study conducted as
27 required by subsection (1) of this section.

28 **SECTION 12.** This Act shall not become operative until ^{October} July 1, 1972,
29 and shall apply to all beverage containers sold or offered for sale after ^{October} July
30 1, 1972, except that applications under sections 6 and 8 of this Act may be
31 made prior to ^{October} July 1, 1972, the certification referred to in section 6 of
32 this Act and the approval referred to under section 8 of this Act may be
33 delivered prior to ^{October} July 1, 1972, and the commission shall adopt rules and
34 regulations under sections 6 and 8 of this Act prior to ^{October} July 1, 1972.

Prepared by:

Budget Division
Executive Department

STATE OF OREGON
ANALYSIS OF PROPOSED LEGISLATION
1971 Regular Legislative Session
FORM BF 20

*Senate
Consumer
Affairs
R. #05*

Jacobson/
ANALYST: Sexson

DATE COMPLETED: April 12, 1971

1. Number of Measure HB 1036	2. Status House Amendment April 7, 1971	3. Class of Bill Fiscal <input checked="" type="checkbox"/> Non-Fiscal <input type="checkbox"/>
4. Subject Deposit on beverage container		
5. Government Unit or Program Affected Joint Committee on Rules and Resolutions/Department of Agriculture		
6. Fiscal Impact		

Addendum to previous analysis

The House Amendments of April 7 require the Joint Committee on Rules and Resolutions to conduct a study of the operations of this Act. The report is to be completed by January 1, 1975.

Total costs to be incurred during the next two bienniums are not budgeted, but would be several thousand dollars minimum.

TJ:sq

Reviewed by Legislative Fiscal Office.

Analyst: Lamb
Date: April 12, 1971

**SENATE AMENDMENTS TO
PRINTED RE-ENGROSSED HOUSE BILL 1036**

By COMMITTEE ON CONSUMER AFFAIRS

May 24

- 1 On page 2 of the printed bill, line 7, after "similar" insert "carbonated".
- 2 In line 8, after "consumption" insert a period and delete the rest of the
- 3 line and delete lines 9 through 12.
- 4 On page 3, delete lines 20 through 23.
- 5 In line 24, delete "(3)" and insert "(2)".
- 6 On page 4, line 5, delete "detached" and insert "detachable" and in the
- 7 same line after "container" insert "without the aid of a can opener".
- 8 On page 6, line 3, delete "July" and insert "October".
- 9 In line 28, delete "July" and insert "October".
- 10 In line 29, delete "July" and insert "October".
- 11 In line 31, delete "July" and insert "October".
- 12 In line 33, delete "July" and insert "October".
- 13 In line 34, delete "July" and insert "October".




Original

SENATE AMENDMENTS TO PRINTED RE-ENGROSSED HOUSE BILL 1036

By COMMITTEE ON CONSUMER AFFAIRS
May 24

Submit:
2 copies if no amdts.
4 copies if amdts.
5 copies if to be printed engrossed.



(Chairman)
Roberts

Sen. _____
will lead floor discussion.

SENATE COMMITTEE REPORT

Salem, Oregon May 21, 1971

Mr. President:

Your Committee on Consumer Affairs to whom was referred
Re-engrossed House Bill 1036, having had the same under

consideration, respectfully report it back with the recommendation that it:

- Do pass: Do pass with amendments:
- Be adopted: Be adopted with amendments:
- Do pass with amendments to the printed engrossed bill.
- (Referred to Committee on Ways & Means by prior reference)
- (Other -- specify)

See attachment

Submit:
 2 copies if no amdts.
 4 copies if amdts.
 5 copies if to be printed engrossed.

Betty Roberts
 (Chairman)

Sen. Roberts
 will lead floor discussion.

SECOND SENATE AMENDMENTS TO
HOUSE BILL 1036

May 21, 1971

On page 2 of the printed bill, line 7, after "similar" insert "carbonated".

In line 8, after "consumption" insert a period and delete the rest of the line and ^{del} lines 9 through 12.

On page 3, delete lines 20 through 23.

In line 24, delete "(3)" and insert "(2)".

On page 4, line 5, after ~~"container is"~~ delete "detached" and insert "detachable" and ^{insert} at the end of the line after "container" insert "without the aid of a can opener".

On page 6, line 3, after ~~"commencing"~~ delete "July" and insert "October".

In line 28, after "until" delete "July" and insert "October".

In line 29, ~~at the end of the line,~~ delete "July" and insert "October".

In line 31, delete "July" and insert "October".

In line 33, delete "July" and insert "October".

In line 34, delete "July" and insert "October".

*Eng
1971*

Re-Engrossed

House Bill 1036

Sponsored by Representatives HANNEMAN, SAM JOHNSON, MACPHERSON, MEEKER, Senator McKAY, Representative INGALLS, Senator GROENER (at the request of the Joint Committee on Rules and Resolutions)

Revised by Senate May 11

(Including Amendments by House April 9 and by Senate May 11)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Prohibits retail sale of malt beverages or nonalcoholic beverages for off-premises consumption in glass, metal or plastic containers without minimum refund value of five cents on each container. Requires each container to bear stamp indicating refund value. Prohibits retail sale of beverages for off-premises consumption in certain metal containers. Authorizes suspension or revocation of licenses of violators. Provides penalties.

Effective July 1, 1972.

NOTE: Matter in bold face in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

A BILL FOR AN ACT

1
2 Relating to beverage containers; ^{and} providing penalties, ~~and prescribing an~~
3 ~~effective date.~~

4 **Be It Enacted by the People of the State of Oregon:**

*Insert 1
#*

①

6 ~~SECTION 1.~~ SECTION 1. As used in this Act, unless the context requires other-
7 wise:

8 "(1) "Beverage" means beer or other malt beverages and mineral
9 waters, soda water and similar soft drinks in liquid form and intended
10 for human consumption, whether or not carbonated, but does not include
11 uncarbonated water, soups, fluid milk products, unadulterated, natural,
12 reconstituted or frozen fruit, vegetable or meat juices, liquids intended
13 for medicinal purposes only, or other beverages regulated by ORS chapter
14 471.

15 "(2) "Beverage container" means the individual, separate, sealed glass,
16 metal or plastic bottle, can, jar or carton containing a beverage.

17 "(3) "Commission" means the Oregon Liquor Control Commission.

18 "(4) "Consumer" means every person who purchases a beverage in a
19 beverage container for use or consumption.

20 "(5) "Dealer" means every person in this state who engages in the sale
21 of beverages in beverage containers to a consumer, or means a redemption
22 center certified under section 8 of this Act.

23 "(6) "Distributor" means every person who engages in the sale of
24 beverages in beverage containers to a dealer in this state including any
25 manufacturer who engages in such sales.

1 "(7) "In this state" means within the exterior limits of the State of
2 Oregon and includes all territory within these limits owned by or ceded
3 to the United States of America.

4 "(8) "Manufacturer" means every person bottling, canning or otherwise
5 filling beverage containers for sale to distributors or dealers.

6 "(9) "Place of business of a dealer" means the location at which a
7 dealer sells or offers for sale beverages in beverage containers to con-
8 sumers.

9 "(10) "Use or consumption" includes the exercise of any right or power
10 ~~over a beverage incident to the ownership thereof, other than the sale or~~
11 the keeping or retention of a beverage for the purposes of sale.

delete

12 "SECTION 2. (1) Except as provided in subsection (2) of this section

25 or refuse to accept the refund value of the container.
24 beverage containers of the kind, size and brand value of a beverage container as
23 " (2) A distributor shall not refuse to accept the refund value of a beverage container as
22 established by section 2 of this Act.
21 use to pay to the consumer the refund value of the kind, size and brand value of a beverage container as
20 beverage containers of the kind, size and brand value of a beverage container as
19 " (1) A dealer shall not refuse to accept the refund value of a beverage container as
18 "SECTION 3. Except as provided in section 4 of this Act:
17 not less than two cents.

4 ~~SECTION 1. Sections 2 and 3 of this chapter, in this state, shall have a refund value of~~

5 of ORS chapter 471.

6 **SECTION 2.** (1) No person required by this chapter to obtain a license
7 shall sell or offer for sale at retail beer or other malt beverages in any
8 glass, metal or plastic container without a refund value. The refund value
9 offered shall not be less than five cents for each such container.

10 (2) Nothing in this section applies to containers described in subsec-
11 tion (1) of this section and sold or offered for sale at retail before the
12 effective date of this 1971 Act. This section applies only to beer or other
13 malt beverages sold for off-premise consumption.

14 (3) After the effective date of this 1971 Act, each container described
15 in subsection (1) of this section and sold or offered for sale at retail shall
16 bear a stamp or label clearly indicating the refund value of the container.

17 **SECTION 3.** (1) No person required by this chapter to obtain a license
18 shall sell or offer for sale at retail beer or other malt beverages in any
19 metal container which is so designed and constructed that a part of the
20 container is detached in opening the container.

21 (2) Nothing in this section applies to containers described in subsec-
22 tion (1) of this section and sold or offered for sale at retail before the
23 effective date of this 1971 Act. This section applies only to beer or other
24 malt beverages sold for off-premise consumption.

25 **SECTION 4.** (1) No person shall sell or offer for sale at retail any
26 nonalcoholic beverages in glass, metal or plastic containers without a
27 refund value. The amount of refund offered shall be not less than five cents
28 for each such container.

29 (2) No person shall sell or offer for sale at retail any nonalcoholic bev-
30 erages in any metal container which is so designed and constructed that
31 a part of the container is detached in opening the container.

32 (3) As used in this section, "nonalcoholic beverages" means any min-
33 eral waters, soda waters or any other carbonated or uncarbonated bever-
34

Insert 1 →

delete

11 the keeping or retention of a beverage for the purposes of sale.

12 "SECTION 2. (1) Except as provided in subsection (2) of this section,
13 every beverage container sold or offered for sale in this state shall have
14 a refund value of not less than five cents.

15 "(2) Every beverage container certified as provided in section 6 of
16 this Act, sold or offered for sale in this state, shall have a refund value of
17 not less than two cents.

18 "SECTION 3. Except as provided in section 4 of this Act:

19 "(1) A dealer shall not refuse to accept from a consumer any empty
20 beverage containers of the kind, size and brand sold by the dealer, or re-
21 fuse to pay to the consumer the refund value of a beverage container as
22 established by section 2 of this Act.

23 "(2) A distributor shall not refuse to accept from a dealer any empty
24 beverage containers of the kind, size and brand sold by the distributor,
25 or refuse to pay the dealer the refund value of a beverage container as
26 established by section 2 of this Act.

27 "SECTION 4. (1) A dealer may refuse to accept from a consumer, and
28 a distributor may refuse to accept from a dealer any empty beverage
29 container which does not state thereon a refund value as established by
30 section 2 of this Act.

31 "(2) A dealer may refuse to accept more than 24 empty beverage
32 containers from any one consumer in any one day unless such empty
1 beverage containers were originally purchased by the consumer from
2 the dealer.

3 "(3) A dealer may refuse to accept and to pay the refund value of
4 empty beverage containers if the place of business of the dealer and the
5 kind and brand of empty beverage containers are included in an order
6 of the commission approving a redemption center under section 8 of this

Act.

*Insert
P*

del

6 of the commission approving a redemption center under section 8 of this
7 Act.

8 "SECTION 5. (1) Every beverage container sold or offered for sale
9 in this state by a dealer shall clearly indicate by embossing or by a stamp,
10 or by a label or other method securely affixed to the beverage container,
11 the refund value of the container.

Insert #
12 "(2) Subsection (1) of this section shall not apply to glass beverage
13 containers designed for beverages having a brand name permanently
14 marked thereon which, on the operative date of this Act had a refund
15 value of not less than five cents.

16 "(3) No person shall sell or offer for sale at retail in this state any
17 metal beverage container so designed and constructed that a part of the
18 container is detached in opening the container.

19 "SECTION 6. (1) To promote the use in this state of reusable bever-
20 age containers of uniform design, and to facilitate the return of containers
21 to manufacturers for reuse as a beverage container, the commission shall
22 certify beverage containers which satisfy the requirements of this section.

23 "(2) A beverage container shall be certified if:

delete
24 "(a) It is reusable as a beverage container by more than one manu-
25 facturer in the ordinary course of business; and

26 "(b) More than one manufacturer will in the ordinary course of busi-
27 ness accept the beverage container for reuse as a beverage container
28 and pay the refund value of the container.

29 "(3) A beverage container shall not be certified under this section
30 if by reason of its shape or design, or by reason of words or symbols perm-
31 anently inscribed thereon, whether by engraving, embossing, painting
32 or other permanent method, it is reusable as a beverage container in the
1 ordinary course of business only by a manufacturer of a beverage sold
2 under a specific brand name.

3 "SECTION 7. (1) Unless an application for certification under sec-
4 tion 6 of this Act is denied by the commission within 60 days after the
5 filing of the application, the beverage container shall be deemed certified.

6 "(2) The commission may review at any time certification of a bever-
7 age container. If after such review, with written notice and hearing af-
8 forded to the person who filed the application for certification under
9 section 6 of this Act, the commission determines the container is no
10 longer qualified for certification, it shall withdraw certification.

3 **SECTION 7.** (1) Unless an application for certification under sec-
4 tion 6 of this Act is denied by the commission within 60 days after the
5 filing of the application, the beverage container shall be deemed certified.

6 **(2)** The commission may review at any time certification of a bever-
7 age container. If after such review, with written notice and hearing af-
8 forded to the person who filed the application for certification under
9 section 6 of this Act, the commission determines the container is no
10 longer qualified for certification, it shall withdraw certification.

11 **(3)** Withdrawal of certification shall be effective not less than 30
12 days after written notice to the person who filed the application for
13 certification under section 6 of this Act and to the manufacturers referred
14 to in subsection (2) of section 6 of this Act.

15 **SECTION 8.** (1) To facilitate the return of empty beverage con-
16 tainers and to serve dealers of beverages, any person may establish a
17 redemption center, subject to the approval of the Oregon Liquor Control
18 Commission, at which consumers may return empty beverage containers
19 and receive payment of the refund value of such beverage containers.

20 **(2)** Application for approval of a redemption center shall be filed
21 with the commission. The application shall state the name and address of
22 the person responsible for the establishment and operation of the redemp-
23 tion center, the kind and brand names of the beverage containers which
24 will be accepted at the redemption center and the names and addresses of
25 the dealers to be served by the redemption center. The application shall
26 include such additional information as the commission may require.

27 **(3)** The commission shall approve a redemption center if it finds
28 the redemption center will provide a convenient service to consumers
29 for the return of empty beverage containers. The order of the commission
30 approving a redemption center shall state the dealers to be served by the
31 redemption center and the kind and brand names of empty beverage
32 containers which the redemption center must accept. The order may
1 contain such other provisions to insure the redemption center will provide
2 a convenient service to the public as the commission may determine.

3 **(4)** The commission may review at any time approval of a redemp-
4 tion center. After written notice to the person responsible for the establish-
5 ment and operation of the redemption center, and to the dealers served by
6 the redemption center, the commission may, after hearing, withdraw ap-
7

*Invent A
#*

delete

32 containers which the redemption center must accept. The order may
1 contain such other provisions to insure the redemption center will provide
2 a convenient service to the public as the commission may determine.

3 "(4) The commission may review at any time approval of a redemp-
4 tion center. After written notice to the person responsible for the establish-
5 ment and operation of the redemption center, and to the dealers served by
6 the redemption center, the commission may, after hearing, withdraw ap-
7 proval of a redemption center if the commission finds there has not been
8 compliance with its order approving the redemption center, or if the re-
9 demption center no longer provides a convenient service to the public.

10 "SECTION 9. The procedures for certification or withdrawal pro-
11 vided for in sections 6 to 8 of this Act shall be in accordance with ORS
12 chapter 183.

13 "SECTION 10. (1) Any person who violates section 2, 3 or 5 of this
14 Act shall be punished, upon conviction, as for a misdemeanor.

15 "(2) In addition to the penalty prescribed by subsection (1) of this
16 section, the commission or the State Department of Agriculture may revoke
17 or suspend the license of any person who wilfully violates section 2, 3 or 5
18 of this Act, who is required by ORS chapter 471 or 635, respectively, to have
19 a license.

20 "SECTION 11. (1) During the period commencing July 1, 1972, and
21 ending when it submits the report provided for in subsection (2) of this
22 section, the Legislative Fiscal Committee shall cause to be conducted a
23 study of the operation of sections 1 to 10 of this Act that shall include,
24 but not be limited to, an analysis of:

25 "(a) Its economic impact on persons licensed under ORS chapter 635
26 who engage in the nonalcoholic beverage manufacturing business, on
27 persons engaged in the business of manufacturing beer and other malt
28 beverages and on persons engaged in the business of manufacturing bever-
29 age containers in complying with the provisions of sections 1 to 10 of this
30 Act.

31 "(b) The problems, if any, incurred in the distribution, sale and re-
1 turn of beverage containers subject to the provisions of sections 1 to 10
2 of this Act.

3 "(c) The effectiveness of the provisions of sections 1 to 10 of this
4 Act in the reduction of the incidence of the littering by beverage con-
5 tainers in this state.

*Insert
#*

delete

13 "SECTION 10. (1) Any person who violates section 2, 3 or 5 of this Act shall be punished, upon conviction, as for a misdemeanor.

14 Act shall be punished, upon conviction, as for a misdemeanor.
15 "(2) In addition to the penalty prescribed by subsection (1) of this
16 section, the commission or the State Department of Agriculture may revoke
17 or suspend the license of any person who wilfully violates section 2, 3 or 5
18 of this Act, who is required by ORS chapter 471 or 635, respectively, to have
19 a license.

In

20 "SECTION 11. (1) During the period commencing July 1, 1972, and
21 ending when it submits the report provided for in subsection (2) of this
22 section, the Legislative Fiscal Committee shall cause to be conducted a
23 study of the operation of sections 1 to 10 of this Act that shall include,
24 but not be limited to, an analysis of:

25 "(a) Its economic impact on persons licensed under ORS chapter 635
26 who engage in the nonalcoholic beverage manufacturing business, on
27 persons engaged in the business of manufacturing beer and other malt
28 beverages and on persons engaged in the business of manufacturing bever-
29 age containers in complying with the provisions of sections 1 to 10 of this
30 Act.

31 "(b) The problems, if any, incurred in the distribution, sale and re-
1 turn of beverage containers subject to the provisions of sections 1 to 10
2 of this Act.

del

3 "(c) The effectiveness of the provisions of sections 1 to 10 of this
4 Act in the reduction of the incidence of the littering by beverage con-
5 tainers in this state.

6 "(d) The costs incurred in the enforcement of the provisions of sec-
7 tions 1 to 10 of this Act.

8 "(2) Prior to January 1, 1975, the Legislative Fiscal Committee shall
9 prepare and submit to the Fifty-eighth Legislative Assembly of the State
10 of Oregon a report of its findings made pursuant to subsection (1) of this
11 section and its recommendations with respect to any legislative proposals
12 considered by it to be necessary as the result of the study conducted as
13 required by subsection (1) of this section.

14 "SECTION 12. This Act shall not become operative until July 1, 1972,
15 and shall apply to all beverage containers sold or offered for sale after July
16 1, 1972, except that applications under sections 6 and 8 of this Act may be
17 made prior to July 1, 1972, the certification referred to in section 6 of
18 this Act and the approval referred to under section 8 of this Act may be
19 delivered prior to July 1, 1972, and the commission shall adopt rules and
20 regulations under sections 6 and 8 of this Act prior to July 1, 1972."

1 ~~age not containing alcohol, but does not include fluid milk products or~~
2 ~~natural fruit juices.~~

3 (4) Nothing in this section applies to containers described in subsec-
4 tions (1) and (2) of this section and sold or offered for sale at retail before
5 the effective date of this Act. This section applies only to nonalcoholic
6 beverages sold for off-premise consumption.

7 (5) After the effective date of this Act, each beverage container de-
8 scribed in subsection (1) of this section and sold or offered for sale at
9 retail shall bear a stamp or label clearly indicating the refund value of
10 the container.

11 (6) In addition to the penalty prescribed by section 5 of this Act, the
12 State Department of Agriculture may revoke or suspend the license of
13 any person who violates subsection (1) or (2) of this section and who is
14 required by ORS chapter 635 to have a license.

15 **SECTION 5.** Any person who violates subsection (1) or (2) of section 4
16 of this Act shall be punished, upon conviction, as for a misdemeanor.

17 ~~**SECTION 6.** This Act takes effect on July 1, 1972.~~

delete

insert
Do

7.6
9/11



2 natural fruit juices.

3 (4) Nothing in this section applies to containers described in subsec-
4 tions (1) and (2) of this section and sold or offered for sale at retail before
5 the effective date of this Act. This section applies only to nonalcoholic
6 beverages sold for off-premise consumption.

7 (5) After the effective date of this Act, each beverage container de-
8 scribed in subsection (1) of this section and sold or offered for sale at
9 retail shall bear a stamp or label clearly indicating the refund value of
10 the container.

11 (6) In addition to the penalty prescribed by section 5 of this Act, the
12 State Department of Agriculture may revoke or suspend the license of
13 any person who violates subsection (1) or (2) of this section and who is
14 required by ORS chapter 635 to have a license.

15 **SECTION 5.** Any person who violates subsection (1) or (2) of section 4
16 of this Act shall be punished, upon conviction, as for a misdemeanor.

17 ~~**SECTION 6.** (1) The Joint Committee on Rules and Resolutions~~
18 ~~shall cause to be conducted a study of the operation of sections 2 to 5 of~~

19 ~~this Act that shall include, but not be limited to, an analysis of:~~

20 ~~"(a) The economic loss, if any, that is incurred by persons licensed~~
21 ~~under ORS chapter 635 to engage in the nonalcoholic beverage manufac-~~
22 ~~turing business, by persons engaged in the business of manufacturing beer~~
23 ~~and other malt beverages and by persons engaged in the business of manu-~~
24 ~~facturing beverage containers in complying with the provisions of sections~~
25 ~~2 to 5 of this Act.~~

26 ~~"(b) The problems, if any, incurred in the distribution, sale and return~~
27 ~~of beverage containers subject to the provisions of sections 2 to 5 of this~~
28 ~~Act.~~

29 ~~"(c) The effectiveness of the provisions of sections 2 to 5 of this Act~~
30 ~~in the reduction of the incidence of the littering of beverage containers in~~
31 ~~this state.~~

32 ~~"(d) The costs incurred in the enforcement of the provisions of sections~~
33 ~~2 to 5 of this Act.~~

34 ~~"(2) Prior to January 1, 1975, the Joint Committee on Rules and Reso-~~
35 ~~lutions shall prepare and submit to the Fifty-eighth Legislative Assembly~~
36 ~~of the State of Oregon a report of its findings made pursuant to subsection~~
37 ~~(1) of this section and its recommendations with respect to any legisla-~~
38 ~~tive proposals considered by it to be necessary as the result of the study~~
39 ~~conducted as required by subsection (1) of this section,~~

delete

*Deleted
by Senate
May 15*

*Amended
60*

PREVIOUS AMENDMENTS

By House April 7

SENATE AMENDMENTS TO HOUSE BILL 1036

By COMMITTEE ON CONSUMER AFFAIRS

(Senator Mahoney not concurring)

May 18

1 Delete the printed House amendments dated April 7.

2 On page 2 of the printed bill, line 2, before "providing" insert "and" and
3 after "penalties" insert a period and delete the rest of the line and delete
4 line 3.

5 On page 2, delete lines 5 through 34 and insert:

6 "**SECTION 1.** As used in this Act, unless the context requires other-
7 wise:

8 "(1) 'Beverage' means beer or other malt beverages and mineral
9 waters, soda water and similar soft drinks in liquid form and intended
10 for human consumption, whether or not carbonated, but does not include
11 uncarbonated water, soups, fluid milk products, unadulterated, natural,
12 reconstituted or frozen fruit, vegetable or meat juices, liquids intended
13 for medicinal purposes only, or other beverages regulated by ORS chapter
14 471.

15 "(2) 'Beverage container' means the individual, separate, sealed glass,
16 metal or plastic bottle, can, jar or carton containing a beverage.

17 "(3) 'Commission' means the Oregon Liquor Control Commission.

18 "(4) 'Consumer' means every person who purchases a beverage in a
19 beverage container for use or consumption.

20 "(5) 'Dealer' means every person in this state who engages in the sale
21 of beverages in beverage containers to a consumer, or means a redemption
22 center certified under section 8 of this Act.

23 "(6) 'Distributor' means every person who engages in the sale of
24 beverages in beverage containers to a dealer in this state including any
25 manufacturer who engages in such sales.

1 “(7) ‘In this state’ means within the exterior limits of the State of
2 Oregon and includes all territory within these limits owned by or ceded
3 to the United States of America.

4 “(8) ‘Manufacturer’ means every person bottling, canning or otherwise
5 filling beverage containers for sale to distributors or dealers.

6 “(9) ‘Place of business of a dealer’ means the location at which a
7 dealer sells or offers for sale beverages in beverage containers to con-
8 sumers.

9 “(10) ‘Use or consumption’ includes the exercise of any right or power
10 over a beverage incident to the ownership thereof, other than the sale or
11 the keeping or retention of a beverage for the purposes of sale.

12 “SECTION 2. (1) Except as provided in subsection (2) of this section,
13 every beverage container sold or offered for sale in this state shall have
14 a refund value of not less than five cents.

15 “(2) Every beverage container certified as provided in section 6 of
16 this Act, sold or offered for sale in this state, shall have a refund value of
17 not less than two cents.

18 “SECTION 3. Except as provided in section 4 of this Act:

19 “(1) A dealer shall not refuse to accept from a consumer any empty
20 beverage containers of the kind, size and brand sold by the dealer, or re-
21 fuse to pay to the consumer the refund value of a beverage container as
22 established by section 2 of this Act.

23 “(2) A distributor shall not refuse to accept from a dealer any empty
24 beverage containers of the kind, size and brand sold by the distributor,
25 or refuse to pay the dealer the refund value of a beverage container as
26 established by section 2 of this Act.

27 “SECTION 4. (1) A dealer may refuse to accept from a consumer, and
28 a distributor may refuse to accept from a dealer any empty beverage
29 container which does not state thereon a refund value as established by
30 section 2 of this Act.

31 “(2) A dealer may refuse to accept more than 24 empty beverage
32 containers from any one consumer in any one day unless such empty

1 beverage containers were originally purchased by the consumer from
2 the dealer.

3 “(3) A dealer may refuse to accept and to pay the refund value of
4 empty beverage containers if the place of business of the dealer and the
5 kind and brand of empty beverage containers are included in an order
6 of the commission approving a redemption center under section 8 of this
7 Act.

8 “SECTION 5. (1) Every beverage container sold or offered for sale
9 in this state by a dealer shall clearly indicate by embossing or by a stamp,
10 or by a label or other method securely affixed to the beverage container,
11 the refund value of the container.

12 “(2) Subsection (1) of this section shall not apply to glass beverage
13 containers designed for beverages having a brand name permanently
14 marked thereon which, on the operative date of this Act had a refund
15 value of not less than five cents.

16 “(3) No person shall sell or offer for sale at retail in this state any
17 metal beverage container so designed and constructed that a part of the
18 container is detached in opening the container.

19 “SECTION 6. (1) To promote the use in this state of reusable bever-
20 age containers of uniform design, and to facilitate the return of containers
21 to manufacturers for reuse as a beverage container, the commission shall
22 certify beverage containers which satisfy the requirements of this section.

23 “(2) A beverage container shall be certified if:

24 “(a) It is reusable as a beverage container by more than one manu-
25 facturer in the ordinary course of ~~business~~ ^{business}; and

26 “(b) More than one manufacturer will in the ordinary course of busi-
27 ness accept the beverage container for reuse as a beverage container
28 and pay the refund value of the container.

29 “(3) A beverage container shall not be certified under this section
30 if by reason of its shape or design, or by reason of words or symbols perm-
31 anently inscribed thereon, whether by engraving, embossing, painting
32 or other permanent method, it is reusable as a beverage container in the

1 ordinary course of business only by a manufacturer of a beverage sold
2 under a specific brand name.

3 "SECTION 7. (1) Unless an application for certification under sec-
4 tion 6 of this Act is denied by the commission within 60 days after the
5 filing of the application, the beverage container shall be deemed certified.

6 "(2) The commission may review at any time certification of a bever-
7 age container. If after such review, with written notice and hearing af-
8 forded to the person who filed the application for certification under
9 section 6 of this Act, the commission determines the container is no
10 longer qualified for certification, it shall withdraw certification.

11 "(3) Withdrawal of certification shall be effective not less than 30
12 days after written notice to the person who filed the application for
13 certification under section 6 of this Act and to the manufacturers referred
14 to in subsection (2) of section 6 of this Act.

15 "SECTION 8. (1) To facilitate the return of empty beverage con-
16 tainers and to serve dealers of beverages, any person may establish a
17 redemption center, subject to the approval of the Oregon Liquor Control
18 Commission, at which consumers may return empty beverage containers
19 and receive payment of the refund value of such beverage containers.

20 "(2) Application for approval of a redemption center shall be filed
21 with the commission. The application shall state the name and address of
22 the person responsible for the establishment and operation of the redemp-
23 tion center, the kind and brand names of the beverage containers which
24 will be accepted at the redemption center and the names and addresses of
25 the dealers to be served by the redemption center. The application shall
26 include such additional information as the commission may require.

27 "(3) The commission shall approve a redemption center if it finds
28 the redemption center will provide a convenient service to consumers
29 for the return of empty beverage containers. The order of the commission
30 approving a redemption center shall state the dealers to be served by the
31 redemption center and the kind and brand names of empty beverage
32 containers which the redemption center must accept. The order may

1 contain such other provisions to insure the redemption center will provide
2 a convenient service to the public as the commission may determine.

3 “(4) The commission may review at any time approval of a redemp-
4 tion center. After written notice to the person responsible for the establish-
5 ment and operation of the redemption center, and to the dealers served by
6 the redemption center, the commission may, after hearing, withdraw ap-
7 proval of a redemption center if the commission finds there has not been
8 compliance with its order approving the redemption center, or if the re-
9 demption center no longer provides a convenient service to the public.

10 “**SECTION 9.** The procedures for certification or withdrawal pro-
11 vided for in sections 6 to 8 of this Act shall be in accordance with ORS
12 chapter 183.

13 “**SECTION 10.** (1) Any person who violates section 2, 3 or 5 of this
14 Act shall be punished, upon conviction, as for a misdemeanor.

15 “(2) In addition to the penalty prescribed by subsection (1) of this
16 section, the commission or the State Department of Agriculture may revoke
17 or suspend the license of any person who wilfully violates section 2, 3 or 5
18 of this Act, who is required by ORS chapter 471 or 635, respectively, to have
19 a license.

20 “**SECTION 11.** (1) During the period commencing July 1, 1972, and
21 ending when it submits the report provided for in subsection (2) of this
22 section, the Legislative Fiscal Committee shall cause to be conducted a
23 study of the operation of sections 1 to 10 of this Act that shall include,
24 but not be limited to, an analysis of:

25 “(a) Its economic impact on persons licensed under ORS chapter 635
26 who engage in the nonalcoholic beverage manufacturing business, on
27 persons engaged in the business of manufacturing beer and other malt
28 beverages and on persons engaged in the business of manufacturing bever-
29 age containers in complying with the provisions of sections 1 to 10 of this
30 Act.

31 “(b) The problems, if any, incurred in the distribution, sale and re-

1 turn of beverage containers subject to the provisions of sections 1 to 10
2 of this Act.

3 “(c) The effectiveness of the provisions of sections 1 to 10 of this
4 Act in the reduction of the incidence of the littering by beverage con-
5 tainers in this state.

6 “(d) The costs incurred in the enforcement of the provisions of sec-
7 tions 1 to 10 of this Act.

8 “(2) Prior to January 1, 1975, the Legislative Fiscal Committee shall
9 prepare and submit to the Fifty-eighth Legislative Assembly of the State
10 of Oregon a report of its findings made pursuant to subsection (1) of this
11 section and its recommendations with respect to any legislative proposals
12 considered by it to be necessary as the result of the study conducted as
13 required by subsection (1) of this section.

14 “**SECTION 12.** This Act shall not become operative until July 1, 1972,
15 and shall apply to all beverage containers sold or offered for sale after July
16 1, 1972, except that applications under sections 6 and 8 of this Act may be
17 made prior to July 1, 1972, the certification referred to in section 6 of
18 this Act and the approval referred to under section 8 of this Act may be
19 delivered prior to July 1, 1972, and the commission shall adopt rules and
20 regulations under sections 6 and 8 of this Act prior to July 1, 1972.”.

21 On page 3, delete lines 1 through 17.



PREVIOUS AMENDMENTS
By House April 7

SENATE AMENDMENTS TO HOUSE BILL 1036

By COMMITTEE ON CONSUMER AFFAIRS
(Senator Mahoney not concurring)

May 18

~~see attached~~

* Senator Mahoney not concurring.

Submit:

2 copies if no amdts.

4 copies if amdts.

5 copies if to be printed engrossed.


(Chairman)

Sen. Roberts

will lead floor discussion.

(1969)

SENATE COMMITTEE REPORT

Original

Salem, Oregon May 17, 1971

Mr. President:

Your Committee on Consumer Affairs to whom was referred
House Bill 1036, having had the same under
consideration, respectfully report it back with the recommendation that it:

- Do pass: * * * Do pass with amendments *and be printed*
- Be adopted: Do pass with amendments *engrossed*
- Do pass with amendments to the printed engrossed bill.
- (Referred to Committee on Ways & Means by prior reference)
- (Other -- specify)

~~see attached~~

* Senator Mahoney not concurring.

- Submit:
- 2 copies if no amdts.
- 4 copies if amdts.
- 5 copies if to be printed engrossed.

Betty Roberts

(Chairman)

Sen. Roberts
will lead floor discussion.

SENATE AMENDMENTS TO

HOUSE BILL 1036

May 17, 1971

Delete the printed House Amendments dated April 7, 1971.

On page 2 of the printed bill, line 23, after "providing" insert "and" and delete the rest of the line and delete line 34.

On page 2, of the printed bill, delete lines 5 through 34

and insert:

before "providing" insert "and" and

of "Section 1. As used in this Act, unless the context requires otherwise:

" (1) ⁹Beverage⁶ means beer or other malt beverages

and mineral waters, soda water and similar soft drinks in liquid form and intended for human consumption, whether or not carbonated, but does not include uncarbonated water, soups, fluid milk products, unadulterated, natural, reconstituted or frozen fruit, vegetable or meat juices, liquids intended for medicinal purposes only, or other beverages regulated by ORS chapter 471.

" (2) ⁴Beverage container⁴ means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing a beverage.

" (3) ⁶Commission⁶ means the Oregon Liquor Control Commission.

" (4) ¹Consumer¹ means every person who purchases a beverage in a ^{beverage} container for use or consumption.

" (5) "Dealer" means every person in this state who engages in the sale of beverages in ^{beverage} containers to a consumer, or means a redemption center certified under section 8 of ^{this Act.}

" (6) "Distributor" means every person who engages in the sale of beverages in ^{beverage} containers to a dealer in this state including any manufacturer who engages in such sales.

" (7) "In this state" means within the exterior limits of the State of Oregon and includes all territory within these limits owned by or ceded to the United States of America.

" (8) "Manufacturer" means every person bottling, canning or otherwise filling beverage containers for sale to distributors or dealers.

" (9) "Place of business of a dealer" means the location at which a dealer sells or offers for sale beverages in ^{beverage} containers to consumers.

" (10) "Use or consumption" includes the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for the purposes of sale.

of "Section 2. *State Law*

(1) Except as provided in subsection (2) of this section, every beverage container sold or offered for sale in this state shall have a refund value of not less than five cents.

" (2) Every beverage container certified as provided in section 6 of this Act, sold or offered for sale in this state, shall have a refund value of not less than two cents.

of "Section 3.

" Except as provided in section 4 of this Act:

" (1) A dealer shall not refuse to accept from a consumer any empty beverage containers of the kind, size and brand sold by the dealer, or refuse to pay to the consumer the refund value of a beverage container as established by section 2 of this Act.

" (2) A distributor shall not refuse to accept from a dealer any empty beverage containers of the kind, size and brand sold by the distributor, or refuse to pay the dealer the refund value of a beverage container as established by section 2 of this Act.

of "Section 4.

" (1) A dealer may refuse to accept from a consumer, and a distributor may refuse to accept from a dealer any empty beverage container which does not state thereon a refund value as established by section 2 of this Act.

" (2) A dealer may refuse to accept more than 24 empty beverage containers from any one consumer in any one day unless such empty beverage containers were originally purchased by the consumer from the dealer.

"(3) A dealer may refuse to accept and to pay the refund value of empty beverage containers if the place of business of the dealer and the kind and brand of empty beverage containers are included in an order of the commission approving a redemption center under section 8 of this Act.

"Section 5.

"(1) Every beverage container sold or offered for sale in this state by a dealer shall clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the beverage container, the refund value of the container.

"(2) Subsection (1) of this section shall not apply to glass beverage containers designed for beverages having a brand name permanently marked thereon which, on the operative date of this Act had a refund value of not less than five cents.

"(3) No person shall sell or offer for sale at retail in this state any metal beverage container so designed and constructed that a part of the container is detached in opening the container.

"Section 6.

"(1) To promote the use in this state of reusable beverage containers of uniform design, and to facilitate the return of containers to manufacturers for reuse as a beverage container, the commission shall certify beverage containers which satisfy the requirements of this section.

"(2) A beverage container shall be certified if:

¶ " (a) It is reusable as a beverage container by more than one manufacturer in the ordinary course of business; and

¶ " (b) More than one manufacturer will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

"(3) A beverage container shall not be certified under this section if by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a manufacturer of a beverage sold under a specific brand name.

()
of "Section 7.

¶(1) Unless an application for certification under section 6 of this Act is denied by the commission within 60 days after the filing of the application, the beverage container shall be deemed certified.

" (2) The commission may review at any time certification of a beverage container. If after such review, with written notice and hearing afforded to the person who filed the application for certification under section 6 of this Act, the commission determines the container is no longer qualified for certification, it shall withdraw certification.

" (3) Withdrawal of certification shall be effective not less than 30 days after written notice to the person who filed the application for certification under section 6 of this Act and to the manufacturers referred to in subsection (2) of section 6 of this Act.

of " Section 8.

(1) To facilitate the return of empty beverage containers and to serve dealers of beverages, any person may establish a redemption center, subject to the approval of the Oregon Liquor Control Commission, at which consumers may return empty beverage containers and receive payment of the refund value of such beverage containers.

OK
per
KB

" (2) Application for approval of a redemption center shall be filed with the commission. The application shall state the name and address of the person responsible for the establishment and operation of the redemption center, the kind and brand names of the beverage containers which will

be accepted at the redemption center and the names and ~~addresses~~ of the dealers to be served by the redemption center. The application shall include such additional information as the commission may require.

"(3) The commission shall approve a redemption center if it finds the redemption center will provide a convenient service to consumers for the return of empty beverage containers. The order of the commission approving a redemption center shall state the dealers to be served by the redemption center and the kind and brand names of empty beverage containers which the redemption center must accept. The order may contain such other provisions to insure the redemption center will provide a convenient service to the public as the commission may determine.

"(4) The commission may review at any time approval of a redemption center. After written notice to the person responsible for the establishment and operation of the redemption center, and to the dealers served by the redemption center, the commission may, after hearing, withdraw approval of a redemption center if the commission finds there has not been compliance with its order approving the redemption center, or if the redemption center no longer provides a convenient service to the public.

OK
RWB

of "Section 9. The procedures for certification or withdrawal provided for in sections 6 through 8 of this Act shall be in accordance with ORS chapter 183.

of "Section 10. (1) Any person who violates section 2, 3 or 5 of this Act shall be punished, upon conviction, as for a misdemeanor.

"(2) In addition to the penalty prescribed by subsection (1) of this section, the commission or the State Department of Agriculture may revoke or suspend the license of any person who ^{willfully} willfully violates section 2, 3 or 5 of this Act, who is required by ORS chapter 471 or ~~chapter~~ 635, respectively, to have a license.

of "Section 11. (1) During the period commencing July 1, 1972, and ending when it submits the report provided for in ^{subsection (2) of} ~~section 11~~ ^{of this Act}, the Legislative Fiscal Committee shall cause to be conducted a study of the operation of sections 1 to 10 of this Act that shall include, but not be limited to, an analysis of:

"(a) Its economic impact on persons licensed under ORS chapter 635 who engage in the nonalcoholic beverage manufacturing business, on persons engaged in the business of manufacturing beer and other malt beverages and on persons engaged in the business of manufacturing beverage containers in complying with the provisions of sections 1 to 10 of this Act.

"(b) The problems, if any, incurred in the distribution, sale and return of beverage containers subject to the provisions of sections 1 to ¹⁰ of this Act.

"(c) The effectiveness of the provisions of sections 1 to ¹⁰ of this Act in the reduction of the incidence of the littering ^{of} beverage containers in this state.

"(d) The costs incurred in the enforcement of the provisions of sections 1 to ¹⁰ of this Act.

"(2) Prior to January 1, 1975, the Legislative Fiscal Committee shall prepare and submit to the Fifty-eighth Legislative Assembly of the State of Oregon a report of its findings made pursuant to subsection (1) of this section and its recommendations with respect to any legislative proposals considered by it to be necessary as the result of the study conducted as required by subsection (1) of this section.

"Section 12."

This Act shall not become operative until July 1, 1972, and shall apply to all beverage containers sold or offered for sale after July 1, 1972, except that applications under sections 6 and 8 of this Act may be made prior to July 1, 1972, the certification referred to in section 6 of the Act and the approval referred to under section 8 of this Act may be delivered prior to July 1, 1972, and the commission shall adopt rules and regulations under sections 6 and 8 of this Act prior to July 1, 1972."

On page 3, delete lines 1 through 17.

House Bill 1036

Sponsored by Representatives HANNEMAN, SAM JOHNSON, MACPHERSON, MEEKER, Senator McKAY, Representative INGALLS, Seator GROENER (at the request of the Joint Committee on Rules and Resolutions)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as **introduced**.

Prohibits retail sale of malt beverages or nonalcoholic beverages for off-premises consumption in glass, metal or plastic containers without minimum refund value of five cents on each container. Requires each container to bear stamp indicating refund value. Prohibits retail sale of beverages for off-premises consumption in certain metal containers. Authorizes suspension or revocation of licenses of violators. Provides penalties.

Effective July 1, 1972.

NOTE: Matter in **bold face** in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted; complete new sections begin with **SECTION**.

1 A BILL FOR AN ACT

2 Relating to beverage containers; providing penalties; and prescribing an
3 effective date.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** Sections 2 and 3 of this Act are added to and made a part
6 of ORS chapter 471.

7 **SECTION 2.** (1) No person required by this chapter to obtain a license
8 shall sell or offer for sale at retail, beer or other malt beverages, in any
9 glass, metal or plastic container without a refund value. The refund value
10 offered shall not be less than five cents for each such container.

11 (2) Nothing in this section applies to containers described in subsec-
12 tion (1) of this section and sold or offered for sale at retail before the
13 effective date of this 1971 Act. This section applies only to beer or other
14 malt beverages sold for off-premise consumption.

15 (3) After the effective date of this 1971 Act, each container described
16 in subsection (1) of this section and sold or offered for sale at retail shall
17 bear a stamp or label clearly indicating the refund value of the container.

18 **SECTION 3.** (1) No person required by this chapter to obtain a license
19 shall sell or offer for sale at retail, beer or other malt beverages, in any
20 metal container which is so designed and constructed that a part of the
21 container is detached in opening the container.

22 (2) Nothing in this section applies to containers described in subsec-
23 tion (1) of this section and sold or offered for sale at retail before the
24 effective date of this 1971 Act. This section applies only to beer or other
25 malt beverages sold for off-premise consumption.

26 **SECTION 4.** (1) No person shall sell or offer for sale at retail any
27 nonalcoholic beverages in glass, metal or plastic containers without a
28 refund value. The amount of refund offered shall be not less than five cents
29 for each such container.

30 (2) No person shall sell or offer for sale at retail any nonalcoholic bev-
31 erages in any metal container which is so designed and constructed that
32 a part of the container is detached in opening the container.

33 (3) As used in this section, "nonalcoholic beverages" means any min-
34 eral waters, soda waters or any other carbonated or uncarbonated bever-

1 age not containing alcohol, but does not include fluid milk products or
2 natural fruit juices.

3 (4) Nothing in this section applies to containers described in subsec-
4 tions (1) and (2) of this section and sold or offered for sale at retail before
5 the effective date of this Act. This section applies only to nonalcoholic
6 beverages sold for off-premise consumption.

7 (5) After the effective date of this Act, each beverage container de-
8 scribed in subsection (1) of this section and sold or offered for sale at
9 retail shall bear a stamp or label clearly indicating the refund value of
10 the container.

11 (6) In addition to the penalty prescribed by section 5 of this Act, the
12 State Department of Agriculture may revoke or suspend the license of
13 any person who violates subsection (1) or (2) of this section and who is
14 required by ORS chapter 635 to have a license.

15 **SECTION 5.** Any person who violates subsection (1) or (2) of section 4
16 of this Act shall be punished, upon conviction, as for a misdemeanor.

17 **SECTION 6.** This Act takes effect on July 1, 1972.



*Ex 9
yete*

Engrossed
**HOUSE AMENDMENTS TO
HOUSE BILL 1036**

By COMMITTEE ON STATE AND FEDERAL AFFAIRS

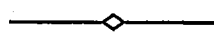
April 7

~~On page 3 of the printed bill, after line 16, insert:~~

2 “SECTION 6. (1) The Joint Committee on Rules and Resolutions
3 shall cause to be conducted a study of the operation of sections 2 to 5 of
4 this Act that shall include, but not be limited to, an analysis of:
5 “(a) The economic loss, if any, that is incurred by persons licensed
6 under ORS chapter 635 to engage in the nonalcoholic beverage manufac-
7 turing business, by persons engaged in the business of manufacturing beer
8 and other malt beverages and by persons engaged in the business of manu-
9 facturing beverage containers in complying with the provisions of sections
10 2 to 5 of this Act.
11 “(b) The problems, if any, incurred in the distribution, sale and return
12 of beverage containers subject to the provisions of sections 2 to 5 of this
13 Act.
14 “(c) The effectiveness of the provisions of sections 2 to 5 of this Act
15 in the reduction of the incidence of the littering of beverage containers in
16 this state.
17 “(d) The costs incurred in the enforcement of the provisions of sections
18 2 to 5 of this Act.
19 “(2) Prior to January 1, 1975, the Joint Committee on Rules and Reso-
20 lutions shall prepare and submit to the Fifty-eighth Legislative Assembly
21 of the State of Oregon a report of its findings made pursuant to subsection
22 (1) of this section and its recommendations with respect to any legisla-
23 tive proposals considered by it to be necessary as the result of the study
24 conducted as required by subsection (1) of this section.”.

25 On page 3, line 17, delete “6” and insert “7”.

*Deleted
by Senate
Attachment
May 18*



**HOUSE AMENDMENTS TO
HOUSE BILL 1036**

By COMMITTEE ON STATE AND FEDERAL AFFAIRS

April 7

1 On page 3 of the printed bill, after line 16, insert:

2 **"SECTION 6. (1)** The Joint Committee on Rules and Resolutions
3 shall cause to be conducted a study of the operation of sections 2 to 5 of
4 this Act that shall include, but not be limited to, an analysis of:

5 "(a) The economic loss, if any, that is incurred by persons licensed
6 under ORS chapter 635 to engage in the nonalcoholic beverage manufac-
7 turing business, by persons engaged in the business of manufacturing beer
8 and other malt beverages and by persons engaged in the business of manu-
9 facturing beverage containers in complying with the provisions of sections
10 2 to 5 of this Act.

11 "(b) The problems, if any, incurred in the distribution, sale and return
12 of beverage containers subject to the provisions of sections 2 to 5 of this
13 Act.

14 "(c) The effectiveness of the provisions of sections 2 to 5 of this Act
15 in the reduction of the incidence of the littering of beverage containers in
16 this state.

17 "(d) The costs incurred in the enforcement of the provisions of sections
18 2 to 5 of this Act.

19 **"(2)** Prior to January 1, 1975, the Joint Committee on Rules and Reso-
20 lutions shall prepare and submit to the Fifty-eighth Legislative Assembly
21 of the State of Oregon a report of its findings made pursuant to subsection
22 (1) of this section and its recommendations with respect to any legisla-
23 tive proposals considered by it to be necessary as the result of the study
24 conducted as required by subsection (1) of this section."

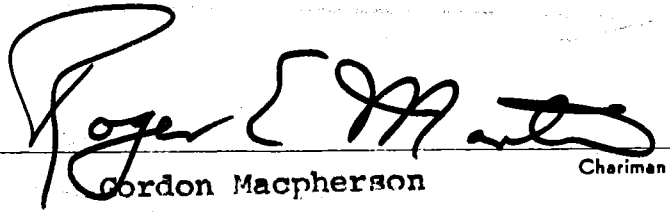
25 On page 3, line 17, delete "6" and insert "7".



D. J. ...

HOUSE AMENDMENTS TO HOUSE BILL 1036
By COMMITTEE ON STATE AND FEDERAL AFFAIRS
April 7

(See attached amendments)


Gordon Macpherson
Chairman

2 copies if no amendments
Submit: 4 copies if amendments
5 copies if to be printed engrossed
Retain: 1 copy for committee files

Rep. _____ will lead
floor discussion on this measure.

HOUSE COMMITTEE REPORT

Salem, Oregon, April 6, 1971

Mr. Speaker:

Your Committee on State & Federal Affairs to whom was referred HB 1036,
having had the same under consideration, respectfully report it back with the recommendation that it:

Do pass.

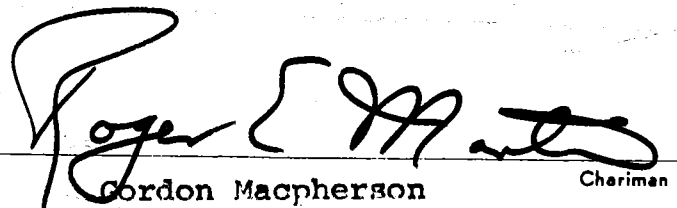
Do pass with the following amendments:

(Referred to Ways and Means by prior reference)

(See attached amendments)

Submit: 2 copies if no amendments
4 copies if amendments
5 copies if to be printed engrossed

Retain: 1 copy for committee files


Gordon Macpherson Chairman

Rep. _____ will lead
floor discussion on this measure.

~~PROPOSED AMENDMENTS TO HOUSE BILL 1036~~

of the printed bill
On page 3, after line 16, insert:

"Section 6. (1) The Joint Committee on Rules and Resolutions shall cause to be conducted a study of the operation of sections 2 to 5 of this Act that shall include, but not be limited to, an analysis of:

"(a) The economic loss, if any, that is incurred by persons licensed under ORS chapter 635 to engage in the nonalcoholic beverage manufacturing business, by persons engaged in the business of manufacturing beer and other malt beverages and by persons engaged in the business of manufacturing beverage containers in complying with the provisions of sections 2 to 5 of this Act.

"(b) The problems, if any, incurred in the distribution, sale and return of beverage containers subject to the provisions of sections 2 to 5 of this Act.

"(c) The effectiveness of the provisions of sections 2 to 5 of this Act in the reduction of the incidence of the littering of beverage containers in this state.

"(d) The costs incurred in the enforcement of the provisions of sections 2 to 5 of this Act.

"(2) Prior to January 1, 1975, the Joint Committee on Rules and Resolutions shall prepare and submit to the Fifty-eighth Legislative Assembly of the State of Oregon a report of its findings made pursuant to subsection (1) of this section and its recommendations with respect to any legislative proposals considered by it to be necessary as the result of the study conducted as required by subsection (1) of this section."

On page 3, line 17, delete "6" and insert "7".

A BILL FOR
AN ACT

Relating to beverage containers; providing penalties; and
prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

Section 1. Sections 2 and 3 of this Act are added to
and made a part of ORS chapter 471.

Section 2. (1) No person required by this chapter
to obtain a license shall sell or offer for sale at retail
beer or other malt beverages in any glass, metal or plastic
container without a refund value. The refund value offered
shall not be less than five cents for each such container.

(2) Nothing in this section applies to containers
described in subsection (1) of this section and sold or
offered for sale at retail before the effective date of
this 1971 Act. This section applies only to beer or other
malt beverages sold for off-premise consumption.

(3) After the effective date of this 1971 Act, each
container described in subsection (1) of this section and
sold or offered for sale at retail shall bear a stamp or
label clearly indicating the refund value of the container.

LC 271
8-10-70

PF 66

Section 3. (1) No person required by this chapter to obtain a license shall sell or offer for sale at retail beer or other malt beverages in any metal container which is so designed and constructed that a part of the container is detached in opening the container.

(2) Nothing in this section applies to containers described in subsection (1) of this section and sold or offered for sale at retail before the effective date of this 1971 Act. This section applies only to beer or other malt beverages sold for off-premise consumption.

Section 4. (1) No person shall sell or offer for sale at retail any nonalcoholic beverages in glass, metal or plastic containers without a refund value. The amount of refund offered shall be not less than five cents for each such container.

(2) No person shall sell or offer for sale at retail any nonalcoholic beverages in any metal container which is so designed and constructed that a part of the container is detached in opening the container.

(3) As used in this section, "nonalcoholic beverages" means any mineral waters, soda waters or any other carbonated or uncarbonated beverage not containing alcohol, but does not include fluid milk products or natural fruit juices.

(4) Nothing in this section applies to containers described in subsections (1) and (2) of this section and sold

or offered for sale at retail before the effective date of this Act. This section applies only to nonalcoholic beverages sold for off-premise consumption.

(5) After the effective date of this Act, each beverage container described in subsection (1) of this section and sold or offered for sale at retail shall bear a stamp or label clearly indicating the refund value of the container.

(6) In addition to the penalty prescribed by section 5 of this Act, the State Department of Agriculture may revoke or suspend the license of any person who violates subsection (1) or (2) of this section and who is required by ORS chapter 635 to have a license.

Section 5. Any person who violates subsection (1) or (2) of section 4 of this Act shall be punished, upon conviction, as for a misdemeanor.

Section 6. This Act takes effect on July 1, 1972.

HOUSE BILL BACK

▼ CROSS OUT INAPPLICABLE WORDS ▼

RECEIVED
HOUSE DESK

18
1971 FEB 5 PM 4 50

BILL)
 RESOLUTION) NUMBER 1036
 MEMORIAL)

Title:

Relating to beverage containers; providing penalties; and prescribing an effective date

Introduced by Representatives

Hanneman, Sam Johnson, Macpherson, Meeker, Senator McKay (at the request of the Joint Committee on Rules & Resolutions)

ADDITIONAL SIGNERS

HOUSE

SENATE

Akeson
 Anunsen
 AuCoin
 Bazett
 Byers
 Cherry
 Chuinard
 Cole
 Collett
 Craig
 Crothers
 Densmore
 Elliott
 Eymann
 Fadeley
 Graham
 Gwinn
 Haas
 Hanneman
 Hansell
 Heard
 Henderson
 Hollingsworth
 Howard
 Howe
 Ingalls *RCI*
 Johnson, Leigh
 Johnson, Sam *JS*
 Kennedy
 Kinsey

Lang
 Macpherson
 Magruder
 Maher
 Mann
 Markham
 Martin
 McGilvra
 McKenzie
 Meeker *AM*
 Nyberg
 Owens
 Patterson
 Paulus
 Peck
 Perry
 Pynn
 Rieke
 Ripper
 Roberts
 Skelton
 Smith
 Stathos
 Stevenson
 Stults
 Thornton
 Walden
 Willits
 Wolfer
 Young

Atiyeh
 Bain
 Boe
 Boivin
 Browne
 Burbidge
 Burns
 Carson
 Cook
 Dement
 Eivers
 Fadeley
 Groener *GG*
 Hallock
 Hartung
 Holmstrom
 Hoyt
 Jernstedt
 Lent
 Macpherson
 Mahoney
 McKay *McKay*
 Newbry
 Ouderkirk
 Potts
 Raymond
 Roberts
 Willner
 Wingard
 Yturri

Staple

Staple