

Introduced: 6/5/75
Referred: Commerce and
Finance

1 IN THE HOUSE

BY MALONE

2 HOUSE BILL NO. 537

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the sale of beverage containers;
7 and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 18 is amended by adding a new chapter to read:

10 CHAPTER 32. NONREFUNDABLE BEVERAGE CONTAINERS.

11 Sec. 18.32.010. REFUND VALUE REQUIREMENTS OF BEVERAGE CONTAINERS.

12 (a) Except as provided in (b) of this section, every beverage con-
13 tainer sold or offered for sale in this state shall have a refund value
14 of not less than five cents.

15 (b) Every beverage container certified as provided in sec. 40
16 of this chapter, sold or offered for sale in this state, shall have a
17 refund value of not less than two cents.

18 Sec. 18.32.020. DEALER OR DISTRIBUTOR REFUSAL TO ACCEPT PRO-
19 HIBITED. (a) Except as provided in sec. 30 of this chapter, no dealer
20 may refuse to accept from a consumer an empty beverage container of
21 the kind, size and brand sold by the dealer, or refuse to pay to the
22 consumer the refund value of a beverage container established under
23 sec. 10 of this chapter.

24 (b) Except as provided in sec. 30 of this chapter, no distri-
25 butor may refuse to accept from a dealer an empty beverage container
26 of the kind, size and brand sold by the distributor, or refuse to pay
27 the dealer the refund value of a beverage container established under
28 sec. 10 of this chapter.

29 Sec. 18.32.030. DEALER AND DISTRIBUTOR REFUSALS TO ACCEPT

1 CONTAINERS. (a) A dealer may refuse to accept from a consumer,
2 and a distributor may refuse to accept from a dealer, an empty beverage
3 container which does not state on it a refund value as established by
4 sec. 10 of this chapter.

5 (b) A dealer may refuse to accept and to pay the refund value
6 of an empty beverage container if the place of business of the dealer
7 and the kind and brand of empty beverage container are not appropriate
8 for acceptance and payment under sec. 70 of this chapter.

9 Sec. 18.32.040. CONTAINER MARKINGS AND CONSTRUCTION. (a) Each
10 beverage container sold or offered for sale in this state by a dealer
11 shall clearly indicate by embossing or by a stamp, or by a label or
12 other method securely affixed to the beverage container, the refund
13 value of the container.

14 (b) The requirement in (a) of this section does not apply to
15 glass beverage containers designed for beverages having a brand name
16 permanently marked on them which, on the effective date of this Act,
17 had a refund value of not less than five cents.

18 (c) No person may sell or offer for sale at retail in this
19 state a metal beverage container so designed and constructed that a
20 part of the container is detachable in opening the container without
21 the aid of a can opener.

22 Sec. 18.32.050. CERTIFICATION OF BEVERAGE CONTAINERS. (a) The
23 board shall certify a beverage container if

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

26 (2) more than one manufacturer will in the ordinary course
27 of business accept the beverage container for reuse as a beverage
28 container and pay the refund value of the container.

29 (b) No beverage container may be certified under this section

1 if by reason of its shape or design, or by reason of words or symbols
2 permanently inscribed on it, whether by engraving, embossing, painting
3 or other permanent method, it is reusable as a beverage container in
4 the ordinary course of business only by a manufacturer of a beverage
5 sold under a specific brand name.

6 Sec. 18.32.060. REVIEW AND WITHDRAWAL OF CERTIFICATION. (a)
7 Unless an application for certification under sec. 50 of this chapter
8 is denied by the board within 60 days after the filing of the appli-
9 cation, the beverage container is considered certified.

10 (b) The board may review at any time certification of a beverage
11 container. If after review, with written notice and hearing afforded
12 to the person who filed the application for certification under sec.
13 50 of this chapter, the board determines the container is no longer
14 qualified for certification, it shall withdraw certification.

15 (c) Withdrawal of certification is effective not less than
16 30 days after written notice to the person who filed the application
17 for certification under sec. 50 of this chapter and to the manufacturers
18 referred to in sec. 50(a)(1) - (2) of this chapter.

19 Sec. 18.32.070. REDEMPTION CENTERS. (a) Any person may estab-
20 lish a redemption center for the return of empty beverage containers
21 and to serve dealers of beverages, subject to the approval of the
22 board. Consumers may return empty beverage containers at the redemp-
23 tion center and receive payment of the refund value for the beverage
24 containers.

25 (b) Application for approval of a redemption center shall be
26 filed with the board. The application shall state the name and
27 address of the person responsible for the establishment and operation
28 of the redemption center, the kind and brand names of the beverage
29 containers which will be accepted at the redemption center, and the

1 names and addresses of the dealers to be served by the redemption
2 center. The application shall include additional information as the
3 board requires.

4 (c) The board shall approve a redemption center if it finds the
5 redemption center will provide a convenient service to consumers for
6 the return of empty beverage containers. The order of the board
7 approving a redemption center shall state the dealers to be served by
8 the redemption center and the kind and brand names of empty beverage
9 containers which the redemption center is required to accept. The
10 order may contain other provisions to insure that the redemption
11 center will provide a convenient service to the public as the board
12 may determine.

13 (d) The board may review at any time approval of a redemption
14 center. After written notice to the person responsible for the estab-
15 lishment and operation of the redemption center, and to the dealers
16 served by the redemption center, the board may, after hearing, withdraw
17 approval of a redemption center if the board finds there has not been
18 compliance with its order approving the redemption center, or if the
19 redemption center no longer provides a convenient service to the
20 public.

21 (e) The board shall adopt regulations establishing procedures
22 for certification or withdrawal of certification under this section.

23 Sec. 18.32.080. PENALTIES. (a) A person who violates secs. 10 -
24 20 or sec. 40 of this chapter, upon conviction, is punishable for a
25 misdemeanor.

26 (b) In addition to the penalty specified in (a) of this section,
27 the board may revoke or suspend the license of a person who wilfully
28 violates secs. 10 - 20 or sec. 40 of this chapter.

29 Sec. 18.32.090. REPORT TO THE LEGISLATURE. (a) Before

1 February 1, 1977, the board shall submit a report to the legislature
2 to include but not be limited to an analysis of

3 (1) the economic impact of this chapter on

4 (A) persons licensed under AS 04.10;

5 (B) persons who engage in the nonalcoholic beverage
6 manufacturing business;

7 (C) persons engaged in the business of manufacturing
8 beer and other malt beverages; and

9 (D) persons engaged in the business of manufacturing
10 beverage containers;

11 (2) the problems, if any, incurred in the distribution, sale
12 and return of beverage containers subject to this chapter;

13 (3) the effectiveness of the provisions of this chapter in
14 the reduction of the incidence of the littering by beverage containers
15 in the state;

16 (4) the costs incurred in the enforcement of the provisions
17 of this chapter.

18 (b) The board may recommend legislative changes based on the
19 analysis required under (a) of this section.

20 Sec. 18.32.100. DEFINITIONS. In this chapter

21 (1) "beverage" means beer or other malt beverages and
22 mineral waters, soda water and similar carbonated soft drinks in liquid
23 form and intended for human consumption;

24 (2) "beverage container" means the individual, separate,
25 sealed glass, metal or plastic bottle, can, jar or carton containing
26 a beverage;

27 (3) "board" means the Alcoholic Beverage Control Board;

28 (4) "consumer" means a person who purchases a beverage in
29 a beverage container for use or consumption;

1 (5) "dealer" means a person in this state who engages in the
2 sale of beverages in beverage containers to a consumer, or a redemption
3 center certified under sec. 70 of this chapter;

4 (6) "distributor" means a person who engages in the sale
5 of beverages in beverage containers to a dealer in this state, including
6 a manufacturer who engages in sales to a dealer;

7 (7) "manufacturer" means a person bottling, canning, or
8 otherwise filling beverage containers for sale to distributors or
9 dealers;

10 (8) "place of business of a dealer" means the location at
11 which a dealer sells or offers for sale beverages in beverage con-
12 tainers to consumers;

13 (9) "use or consumption" includes the exercise of a right
14 or power over a beverage incident to its ownership other than the sale
15 or the retention of a beverage for the purposes of sale.

16 * Sec. 2. This Act takes effect January 1, 1976.
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