

Introduced: 3/10/76
Referred: Health, Education &
Social Services and Commerce

1 IN THE HOUSE

BY THE HEALTH, EDUCATION & SOCIAL
SERVICES COMMITTEE BY REQUEST

2 HOUSE BILL NO. 862

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 returnable containers."

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

8 * Section 1. AS 43 is amended by adding a new chapter to read:

9 CHAPTER 4. BEVERAGE CONTAINERS.

10 Sec. 43.04.010. REFUND VALUE REQUIRED. (a) Except as provided
11 in (b) of this section, every beverage container sold or offered for
12 sale in this state shall have a refund value of not less than five cents.

13 (b) Every beverage container certified as provided in sec. 20 of
14 this chapter, sold or offered for sale in this state, shall have a
15 refund value of not less than two cents.

16 Sec. 43.04.020. CERTIFICATION OF CONTAINERS AS REUSABLE BY MORE
17 THAN ONE MANUFACTURER. (a) To promote the use in this state of reusable
18 beverage containers of uniform design, and to facilitate the return of
19 containers to manufacturers for reuse as a beverage container, the
20 board may certify beverage containers which satisfy the requirements of
21 this section.

22 (b) A beverage container may be certified if

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

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

28 (c) The board may by regulation establish appropriate liquid
29 capacities and shapes for beverage containers to be certified or

1 decertified in accordance with the purposes set out in (a) of this
2 section.

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

9 Sec. 43.04.030. PRACTICES REQUIRED OF DEALERS AND DISTRIBUTORS.
10 Except as provided in sec. 40 of this chapter,

11 (1) a dealer shall not refuse to accept from any person any
12 empty beverage containers of the kind, size and brand sold by the
13 dealer, or refuse to pay to that person the refund value of a beverage
14 container as established;

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

19 Sec. 43.04.040. WHEN DEALER OR DISTRIBUTOR AUTHORIZED TO REFUSE
20 REFUND. (a) A dealer may refuse to accept from any person, and a
21 distributor may refuse to accept from a dealer, any empty beverage
22 container which does not state a refund value on it.

23 (b) A dealer may refuse to accept and to pay the refund value
24 of empty beverage containers if the place of business of the dealer
25 and the kind and brand of empty beverage containers are included in
26 an order of the board approving a redemption center.

27 Sec. 43.04.050. INDICATION OF REFUND VALUE REQUIRED. Every
28 beverage container sold or offered for sale in this state by a dealer
29 shall clearly indicate by embossing or by a stamp, or by a label or

1 other method securely affixed to the beverage container, the refund
2 value of the container.

3 Sec. 43.04.060. CERTAIN CONTAINERS PROHIBITED. No person may
4 sell or offer for sale at retail in this state any metal beverage con-
5 tainer so designed and constructed that a part of the container is
6 detachable in opening the container without the aid of a can opener.

7 Sec. 43.04.070. DECISION UPON CERTIFICATION APPLICATIONS; REVIEW
8 AND WITHDRAWAL OF CERTIFICATIONS GRANTED. (a) Unless an application
9 for certification under sec. 20 of this chapter is denied by the board
10 within 60 days after the filing of the application, the beverage con-
11 tainer shall be considered certified.

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

17 (c) Withdrawal of certification shall be effective not less than
18 30 days after written notice to the person who filed the application
19 for certification.

20 Sec. 43.04.080. REDEMPTION CENTERS. (a) To facilitate the return
21 of empty beverage containers and to serve dealers of beverages, any
22 person may establish a redemption center, subject to the approval of
23 the board, at which any person may return empty beverage containers
24 and receive payment of the refund value of the beverage containers.

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

1 addresses of the dealers to be served by the redemption center. The
2 application shall include such additional information as the board may
3 require.

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

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

19 Sec. 43.04.090. DEFINITIONS. As used in this section

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

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

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

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

29 (5) "dealer" means a person in this state who engages in the

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sale of beverages in beverage containers to a consumer, or means a redemption center certified under sec. 80 of this chapter;

(6) "distributor" means a 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) "use or consumption" includes the exercise of any right or power over a beverage incident to the ownership of it, other than the sale or the keeping or retention of a beverage for the purposes of sale.