

Introduced: 2/4/77
Referred: Commerce

BY MILLER, AKERS, GRUENING,
MALONE AND SPECKING

1 IN THE HOUSE

2 *SCS* HOUSE BILL NO. 171 *am (Fin) (Rules)*

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH 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. RETURNABLE BEVERAGE CONTAINERS.

11 Sec. 18.32.010. LEGISLATIVE INTENT. It is the intent of this
12 chapter to avoid the waste of nonrenewable resources, to decrease litter
13 in Alaska, to provide jobs for Alaskans in those business concerns
14 recycling beverage containers, and to avoid the increasing pollution of
15 our environment, by requiring the sale of refundable, reusable, biode-
16 gradable beverage containers and by authorizing redemption centers for
17 the convenient return of the containers.

18 Sec. 18.32.020. REFUND VALUE REQUIREMENTS OF BEVERAGE CONTAINERS.

19 (a) Every beverage container sold or offered for sale in this state
20 shall have a refund value of not less than five cents.

21 (b) The refund value as established by (a) of this section and
22 payable under sec. 40 of this chapter shall not be included in the price
23 of a beverage but shall be collected separately by the dealer or dis-
24 tributor at the time of sale.

25 Sec. 18.32.030. DEALER OR DISTRIBUTOR REFUSAL TO ACCEPT PROHIBITED.

26 (a) Except as provided in sec. 40 of this chapter, no dealer may refuse
27 to accept from a person an empty beverage container of the kind, size
28 and brand sold by the dealer, or refuse to pay to that person the refund
29 value of a beverage container established under sec. 20 of this chapter.

1 (b) Except as provided in sec. 40 of this chapter, no distributor
2 may refuse to accept from a dealer an empty beverage container of the
3 kind, size and brand sold by the distributor, or refuse to pay the
4 dealer the refund value of a beverage container established under sec.
5 20 of this chapter.

6 Sec. 18.32.040. DEALER AND DISTRIBUTOR REFUSALS TO ACCEPT CON-
7 TAINERS. (a) A dealer may refuse to accept from a person, and a distri-
8 butor may refuse to accept from a dealer, an empty beverage container
9 which does not state on it a refund value as established by sec. 20 of
10 this chapter.

11 (b) A dealer whose principal place of business is located in an
12 area of the state which does not have access to Anchorage, Ketchikan,
13 Juneau, Kodiak, or Fairbanks by road, railroad or state ferry system may
14 refuse to accept and to pay the refund value of an empty beverage
15 container, and he shall not collect the refund value of an empty beverage
16 container from a person purchasing the beverage.

17 (c) A distributor who sells a beverage to a dealer covered by (b)
18 of this section may refuse to accept and to pay the refund value of an
19 empty beverage container sold to that dealer, and he shall not collect
20 the refund value of an empty beverage container at the time of sale from
21 a dealer covered by (b) of this section.

22 Sec. 18.32.050. CONTAINER MARKING AND CONSTRUCTION. (a) No
23 beverage container may be sold or offered for sale in this state after
24 July 1, 1978 unless it is reusable, recyclable or biodegradable.

25 (b) Each beverage container sold or offered for sale in this state
26 by a dealer shall clearly indicate by embossing or by a stamp, or by a
27 label or other method securely affixed to the beverage container, the
28 refund value of the container.

29 (c) The requirement in (b) of this section does not apply to glass

1 beverage containers designed for beverages having a brand name perma-
2 nently marked on them which, on the effective date of this Act, has a
3 refund value of not less than five cents.

4 (d) No person may sell or offer for sale at retail in this state a
5 non-glass beverage container so designed and constructed that the con-
6 tainer can be opened by detaching a part of the container.

7 (e) The department may by regulation provide for the standardiza-
8 tion of size and shape of beverage containers sold or offered for sale
9 in this state. The department shall, whenever possible, adopt regula-
10 tions that are consistent with standards effective in neighboring states
11 or Canadian provinces.

12 Sec. 18.32.060. REDEMPTION CENTERS. (a) Any person may establish
13 a redemption center for the return of empty beverage containers and to
14 serve dealers of beverages, subject to the approval of the department.
15 The public may return empty beverage containers at the redemption center
16 and receive payment of the refund value for the beverage containers.
17 Dealers not served by a redemption center shall accept beverage con-
18 tainers for refund at their place of business.

19 (b) Application for approval of a redemption center shall be filed
20 with the department. The application shall state the name and address
21 of the person responsible for the establishment and operation of the
22 redemption center, the kind and brand names of the beverage containers
23 which will be accepted at the redemption center, and the names and
24 addresses of the dealers to be served by the redemption center. The
25 application shall include additional information as the department
26 requires.

27 (c) The department shall approve a redemption center if it finds
28 the redemption center will provide a convenient service to the public
29 for the return of empty beverage containers. The order of the depart-

1 ment approving a redemption center shall state the dealers to be served
2 by the redemption center and the kind and brand names of empty beverage
3 containers which the redemption center is required to accept. The order
4 may contain other provisions to insure that the redemption center will
5 provide a convenient service to the public as the department may deter-
6 mine.

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

15 (e) The department shall adopt regulations establishing procedures
16 for approval or withdrawal of approval under this section.

17 Sec. 18.32.070. PENALTY. A person who violates secs. 20 - 30
18 or sec. 50 of this chapter, upon conviction, is punishable for a misde-
19 meanor.

20 Sec. 18.32.080. REPORT TO THE LEGISLATURE. (a) Before Febru-
21 ary 1, 1979, the department shall submit a report to the legislature to
22 include but not be limited to an analysis of

23 (1) the economic impact of this chapter on

24 (A) persons licensed under AS 04.10;

25 (B) persons who engage in the nonalcoholic beverage
26 manufacturing business;

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

29 (D) persons engaged in the business of manufacturing

1 beverage containers;

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

4 (3) the effectiveness of the provisions of this chapter in
5 the reduction of the incidence of littering of beverage containers in
6 the state;

7 (4) the costs incurred in the enforcement of the provisions
8 of this chapter.

9 (b) The department may recommend legislative changes based on the
10 analysis required under (a) of this section.

11 Sec. 18.32.090. DEFINITIONS. In this chapter

12 (1) "beverage" means beer or other malt beverages and mineral
13 waters, soda water and soft drinks in liquid form and intended for human
14 consumption;

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

18 (3) "dealer" means a person in this state who engages in the
19 sale of beverages in beverage containers to a consumer, or a redemption
20 center approved under sec. 60 of this chapter;

21 (4) "department" means the Department of Environmental Con-
22 servation;

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

26 (6) "manufacturer" means a person bottling, canning, or
27 otherwise filling beverage containers for sale to distributors or
28 dealers;

29 (7) "place of business of a dealer" means the location at

1 which a dealer sells or offers for sale beverages in beverage containers
2 to consumers;

3 (8) "use or consumption" includes the exercise of a right or
4 power over a beverage incident to its ownership other than the sale or
5 the retention of a beverage for the purposes of sale.

6 * Sec. 2. This Act takes effect January 1, 1978.