

BY SEN. KERTTULA

1 IN THE SENATE

2

SENATE BILL NO. 443

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to beverage containers; and provid-
7 ing for an effective date."

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

9 * Section 1. LEGISLATIVE FINDINGS. The legislature finds that

10 (1) litter composed of discarded beverage containers is a grow-
11 ing problem in the state and a direct threat to the health and safety of
12 the citizens of the state; discarded beverage containers create a hazard to
13 vehicular traffic, a source of physical injury to pedestrians and animals,
14 and an unsightly accumulation of litter that becomes more costly each year
15 to remove;

16 (2) even when discarded beverage containers are collected and
17 incinerated, they remain in the form of solid waste or as particulates
18 polluting the atmosphere, and they represent an unjustifiable waste of
19 natural resources, particularly energy resources;

20 (3) requiring a deposit on all beverage containers sold in the
21 state, facilitating collection mechanisms, and amplifying the prohibition
22 on the sale of beverage containers that are held together with plastic
23 rings or similar devices will alleviate the undesirable conditions created
24 by discarded beverage containers and their plastic holders, reduce the
25 expense of refuse removal and disposal, and conserve valuable energy re-
26 sources.

27 * Sec. 2. AS 46.06.090(b) is repealed and reenacted to read:

28 (b) A person may not sell or offer to sell beverage containers
29 that are held together by plastic rings or similar plastic devices.

1 In this subsection,

2 (1) "beverage container" means the individual, separate,
3 sealed glass, coated paper, metal, or plastic bottle, can, jar, or
4 carton containing beer or other malt beverages, wine, wine drinks,
5 mineral waters, soda water, or carbonated soft drinks in liquid form
6 and intended for human consumption;

7 (2) "other malt beverages" means beverages obtained by the
8 alcoholic fermentation, infusion, or decoction of barley, malt, hops,
9 or other grain or cereal and water, including beverages commonly
10 referred to as ale, stout, or malt liquor;

11 (3) "wine drink" means a drink that consists of wine and
12 concentrated or unconcentrated juice or flavoring material and that
13 contains 7.5 percent or less alcohol by volume.

14 * Sec. 3. AS 46 is amended by adding a new chapter to read:

15 CHAPTER 50. SALE AND REDEMPTION OF BEVERAGE CONTAINERS.

16 Sec. 46.50.010. REFUND VALUE. A beverage container sold or
17 offered for sale in the state has a refund value of not less than
18 \$.05.

19 Sec. 46.50.020. PROHIBITION AGAINST REFUSAL TO ACCEPT AND PAY
20 FOR CONTAINER. (a) Except as provided in AS 46.50.030, a dealer may
21 not refuse to accept from a person an empty beverage container of the
22 design, shape, color, composition, size, and brand sold by the dealer,
23 or refuse to pay to the person the refund value of a beverage con-
24 tainer established under AS 46.50.010.

25 (b) Except as provided in AS 46.50.030, a redemption center may
26 not refuse to accept from a person an empty beverage container of the
27 design, shape, color, composition, size, and brand accepted by the
28 redemption center, or refuse to pay to the person the refund value of
29 a beverage container established under AS 46.50.010.

1 (c) Except as provided in AS 46.50.030, a distributor may not
2 refuse to accept from a dealer or redemption center an empty beverage
3 container of the design, shape, color, composition, size, and brand
4 sold by the distributor, or refuse to pay the dealer or redemption
5 center the refund value of a beverage container established under
6 AS 46.50.010 plus a handling fee of

7 (1) \$.04 for each beverage container accepted from a rural
8 dealer or rural redemption center;

9 (2) \$.02 for each beverage container accepted from an urban
10 dealer or urban redemption center.

11 (d) In this section, the term "empty beverage container" in-
12 cludes a beverage container that is crushed, if the marking required
13 by AS 46.50.040 is legible.

14 Sec. 46.50.030. PERMISSIBLE REFUSALS TO ACCEPT CONTAINERS. (a)
15 A dealer, redemption center, or distributor may refuse to accept an
16 empty beverage container that does not state on it a refund value
17 established by AS 46.50.010.

18 (b) A dealer, redemption center, or distributor may refuse to
19 accept an empty beverage container that is not clean or that contains
20 materials that are foreign to the normal contents of the container.

21 Sec. 46.50.040. CONTAINER MARKING. A person may not sell or
22 offer for sale a beverage container, unless the beverage container
23 clearly indicates by embossing, by a stamp, or by a label or other
24 method securely affixed to the beverage container, the refund value of
25 the container.

26 Sec. 46.50.050. REDEMPTION CENTERS. (a) A person may not
27 operate a redemption center for the return of empty beverage con-
28 tainers unless the redemption center is approved by the department.

29 (b) Application for approval of a redemption center shall be

1 filed with the department. The application must state the name and
2 address of the person responsible for the establishment and operation
3 of the redemption center, the design, shape, color, composition, size,
4 and brand of beverage containers that will be accepted at the redemp-
5 tion center, and the names and addresses of the dealers to be served
6 by the redemption center. The application must include additional
7 information that is required by the department.

8 (c) The department shall approve a redemption center if the
9 department finds that the redemption center will provide a convenient
10 service for the return of empty beverage containers. The order of the
11 department approving a redemption center must state the dealers to be
12 served by the redemption center and the design, shape, color, composi-
13 tion, size, and brand names of empty beverage containers that the
14 redemption center is required to accept. The order may contain other
15 provisions that the department determines are necessary to ensure that
16 the redemption center will provide a convenient service to the public.

17 (d) The department may review approval of a redemption center at
18 any time. After written notice to the person responsible for the
19 establishment and operation of the redemption center, and to the
20 dealers served by the redemption center, the department may, after a
21 hearing, withdraw approval of a redemption center if the department
22 finds that the center has not complied with the order approving the
23 redemption center or if the center no longer provides a convenient
24 service.

25 Sec. 46.50.060. REFUND HOURS. A dealer and a redemption center
26 shall allow redemption at the dealer's or center's place of business
27 for at least 40 hours a week. The hours must be between 6:00 a.m. and
28 12:00 a.m.

29 Sec. 46.50.070. REGULATIONS. The department shall adopt

1 regulations to implement this chapter.

2 Sec. 46.50.080. POSTERS. The department shall prepare and print
3 a suitable poster for sale at cost to each person who wishes to post
4 the hours during which beverage containers can be redeemed at the
5 person's place of business. The poster must be in substantially the
6 following form:

7 NOTICE NOTICE

8 Under AS 46.50.060, this (dealer/redemption center)
9 will redeem clean beverage containers during the follow-
10 ing 40 or more hours of each week:

11 Monday _____

12 Tuesday _____

13 Wednesday _____

14 Thursday _____

15 Friday _____

16 Saturday _____

17 Sunday _____

18 (name of dealer or redemption center)

19 (operator, manager, or owner)

20 Sec. 46.50.090. PENALTY. A person who violates AS 46.50.010 -
21 46.50.020, 46.50.040, 46.50.050(a), or 46.50.060 is liable for a civil
22 penalty of \$500 for each violation. Each day the violation continues
23 after the day the violation first occurs is considered a separate
24 violation.

25 Sec. 46.50.900. DEFINITIONS. In this chapter

26 (1) "beverage" means beer or other malt beverages, wine,
27 wine drinks, mineral waters, soda water, or carbonated soft drinks in
28 liquid form and intended for human consumption; in this paragraph,
29 "other malt beverages" means beverages obtained by the alcoholic

1 fermentation, infusion, or decoction of barley, malt, hops, or other
2 grain or cereal, and water, including beverages commonly referred to
3 as ale, stout, or malt liquor;

4 (2) "beverage container" means the individual, separate,
5 sealed glass, coated paper, metal, or plastic bottle, can, jar, or
6 carton containing a beverage;

7 (3) "dealer" means a person in the state who engages in the
8 sale of beverages in beverage containers to a consumer, but does not
9 include a person who allows the placement of a vending machine that
10 dispenses beverages on the person's premises, if the vending machine
11 is owned by another person who engages regularly in the vending ma-
12 chine business; in this paragraph, "consumer" means a person in the
13 state who purchases a beverage container for use or consumption, but
14 not for resale;

15 (4) "department" means the Department of Environmental
16 Conservation;

17 (5) "distributor" means a person who engages in the sale of
18 beverages in beverage containers to a dealer in the state, including a
19 manufacturer who sells to a dealer;

20 (6) "manufacturer" means a person who bottles, cans, or
21 otherwise fills beverage containers for sale to distributors or deal-
22 ers;

23 (7) "rural" means not located in an urban area;

24 (8) "urban" means located in

25 (A) a community in the second, third, or fourth judi-
26 cial district of the state with a population of more than 4,500
27 or connected by road or rail to Anchorage or Fairbanks; or

28 (B) a community in the first judicial district of the
29 state with a population of more than 4,500;

1 fermentation, infusion, or decoction of barley, malt, hops, or other
2 grain or cereal, and water, including beverages commonly referred to
3 as ale, stout, or malt liquor;

4 (2) "beverage container" means the individual, separate,
5 sealed glass, coated paper, metal, or plastic bottle, can, jar, or
6 carton containing a beverage;

7 (3) "dealer" means a person in the state who engages in the
8 sale of beverages in beverage containers to a consumer, but does not
9 include a person who allows the placement of a vending machine that
10 dispenses beverages on the person's premises, if the vending machine
11 is owned by another person who engages regularly in the vending ma-
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18 beverages in beverage containers to a dealer in the state, including a
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21 otherwise fills beverage containers for sale to distributors or deal-
22 ers;

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25 (A) a community in the second, third, or fourth judi-
26 cial district of the state with a population of more than 4,500
27 or connected by road or rail to Anchorage or Fairbanks; or

28 (B) a community in the first judicial district of the
29 state with a population of more than 4,500;

1 (9) "wine drink" means a drink that

2 (A) consists of wine and concentrated or unconcen-
3 trated juice or flavoring material; and

4 (B) contains 7.5 percent or less alcohol by volume.

5 * Sec. 4. STUDY OF EFFECT OF AS 46.06.090(b) AND AS 46.50. (a) The
6 commissioner of environmental conservation shall cause a study to be made
7 of the operation of AS 46.06.090(b) and AS 46.50. The study must cover
8 July 1, 1991, through June 30, 1993, and must include

9 (1) an analysis of

10 (A) the economic effect of compliance with AS 46.06.090(b)
11 and AS 46.50 on persons engaged in the business of manufacturing
12 nonalcoholic beverages, beer and other malt beverages, and beverage
13 containers;

14 (B) the problems incurred in the distribution, sale, and
15 return of beverage containers under AS 46.06.090(b) and AS 46.50;

16 (C) the effectiveness of AS 46.06.090(b) and AS 46.50 in
17 the reduction of the littering of beverage containers in the state;

18 (D) the economic effect of AS 46.06.090(b) and AS 46.50 on
19 persons engaged in the use or consumption of beverages; and

20 (E) the costs incurred in the enforcement of AS 46.06.-
21 090(b) and AS 46.50; and

22 (2) recommendations for legislation that the commissioner deter-
23 mines to be necessary as a result of the analysis made under (1) of this
24 section.

25 (b) The commissioner shall submit the results of the study under (a)
26 of this section to the legislature on or before the 10th day of the Second
27 Regular Session of the Eighteenth Alaska State Legislature.

28 * Sec. 5. This Act takes effect July 1, 1991.