

SENATE BILL NO. 66

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY SENATORS DUNCAN, Kerttula

Introduced: 1/21/91

Referred: L&C and Finance

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to beverage containers; and providing for an effective date."

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

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

4 (1) litter composed of discarded beverage containers is a growing problem in the state
5 and a direct threat to the health and safety of the citizens of the state; discarded beverage containers
6 create a hazard to vehicular traffic, a source of physical injury to pedestrians and animals, and an
7 unsightly accumulation of litter that becomes more costly each year to remove;

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

11 (3) requiring a deposit on all beverage containers sold in the state, facilitating collection
12 mechanisms, prohibiting certain containers made of a combination of plastic and metal, and amplifying
13 existing prohibitions on the sale of beverage containers will alleviate the undesirable conditions created
14 by discarded beverage containers and their plastic holders and removable parts, reduce the expense of

1 refuse removal and disposal, and conserve valuable energy resources.

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 AS 46.06.090(b) is repealed and reenacted to read:

3 (b) A person may not sell or offer to sell

4 (1) beverage containers that are held together by plastic rings or similar plastic
5 devices;

6 (2) a beverage container that is composed, excluding the closure device, of a
7 combination of plastic and metal.

8 * Sec. 3. AS 46.06.090 is amended by adding new subsections to read:

9 (d) The department shall adopt regulations under the Administrative Procedure Act
10 (AS 44.62) to provide guidelines to identify the items whose sale is prohibited under (b)(2) of
11 this section.

12 (e) In this section,

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

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

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

23 * Sec. 4. AS 46 is amended by adding a new chapter to read:

24 CHAPTER 50. SALE AND REDEMPTION OF BEVERAGE CONTAINERS.

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

27 Sec. 46.50.020. PROHIBITION AGAINST REFUSAL TO ACCEPT AND PAY FOR
28 CONTAINER. (a) Except as provided in AS 46.50.030, a dealer may not refuse to accept from
29 a person an empty beverage container of the design, shape, color, composition, size, and brand
30 sold by the dealer, or refuse to pay to the person the refund value of the beverage container
31 established under AS 46.50.010.

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

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

9 (1) \$.04 for each beverage container accepted from a rural dealer or rural
10 redemption center;

11 (2) \$.02 for each beverage container accepted from an urban dealer or urban
12 redemption center.

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

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

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

23 Sec. 46.50.050. REDEMPTION CENTERS. (a) A person may not operate a redemption
24 center for the return of empty beverage containers unless the redemption center is approved by
25 the department.

26 (b) Application for approval of a redemption center shall be filed with the department.
27 The application must state the name and address of the person responsible for the establishment
28 and operation of the redemption center, the design, shape, color, composition, size, and brand of
29 beverage containers that will be accepted at the redemption center, and the names and addresses
30 of the dealers to be served by the redemption center. The application must include additional
31 information that is required by the department.

1 (c) The department shall approve a redemption center if the department finds that the
2 redemption center will provide a convenient service for the return of empty beverage containers.
3 The order of the department approving a redemption center must state the dealers to be served
4 by the redemption center and the design, shape, color, composition, size, and brand names of
5 empty beverage containers that the redemption center is required to accept. The order may
6 contain other provisions that the department determines are necessary to ensure that the
7 redemption center will provide a convenient service.

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

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

17 Sec. 46.50.070. REGULATIONS. The department shall adopt regulations to implement
18 this chapter.

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

23 NOTICE

24 Under AS 46.50.060, this (dealer/redemption center)
25 will redeem clean beverage containers during the following
26 40 or more hours of each week:

27 Monday _____

28 Tuesday _____

29 Wednesday _____

30 Thursday _____

31 Friday _____

1 Saturday _____

2 Sunday _____

3 _____
4 (name of dealer or redemption center)

5 _____
6 (operator, manager, or owner)

7 Sec. 46.50.090. PENALTY. A person who violates AS 46.50.020, 46.50.040,
8 46.50.050(a), or 46.50.060 is liable for a civil penalty of \$500 for each violation. Each day the
9 violation continues after the day the violation first occurs is considered a separate violation.

10 Sec. 46.50.900. DEFINITIONS. In this chapter

11 (1) "beverage" means beer or other malt beverages, wine, wine drinks, mineral
12 waters, soda water, or carbonated soft drinks in liquid form and intended for human consumption;
13 in this paragraph, "other malt beverages" means beverages obtained by the alcoholic fermentation,
14 infusion, or decoction of barley, malt, hops, or other grain or cereal, and water, including
15 beverages commonly referred to as ale, stout, or malt liquor;

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

18 (3) "dealer" means a person in the state who engages in the sale of beverages in
19 beverage containers to a consumer, but does not include a person who allows the placement of
20 a vending machine that dispenses beverages on the person's premises, if the vending machine is
21 owned by another person who engages regularly in the vending machine business; in this
22 paragraph, "consumer" means a person in the state who purchases a beverage container for use
23 or consumption, but not for resale;

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

25 (5) "distributor" means a person who engages in the sale of beverages in beverage
26 containers to a dealer in the state and includes a manufacturer who sells to a dealer;

27 (6) "empty beverage container" includes a beverage container that is crushed, if
28 the marking required by AS 46.50.040 is legible;

29 (7) "manufacturer" means a person who bottles, cans, or otherwise fills beverage
30 containers for sale to distributors or dealers;

31 (8) "rural" means not located in an urban area;

1 (9) "urban" means located in

2 (A) a community in the second, third, or fourth judicial district of the state
3 with a population of more than 4,500 or connected by road or rail to Anchorage or
4 Fairbanks; or

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

7 (10) "wine drink" means a drink that consists of wine and concentrated or
8 unconcentrated juice or flavoring material and that contains 7.5 percent or less alcohol by
9 volume.

10 * Sec. 5. STUDY OF EFFECT OF AS 46.06.090(b) AND AS 46.50. (a) The commissioner of
11 environmental conservation shall cause a study to be made of the operation of AS 46.06.090(b) and
12 AS 46.50. The study must cover July 1, 1993, through June 30, 1995, and must include

13 (1) an analysis of

14 (A) the economic effect of compliance with AS 46.06.090(b) and AS 46.50 on
15 persons engaged in the business of manufacturing beer and other malt beverages, wine, wine
16 drinks, mineral water, soda water, carbonated soft drinks, and beverage containers;

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

19 (C) the effectiveness of AS 46.06.090(b) and AS 46.50 in the reduction of
20 littering in the state;

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

23 (E) the costs incurred in the enforcement of AS 46.06.090(b) and AS 46.50; and

24 (2) recommendations for legislation that the commissioner determines to be necessary
25 as a result of the analysis made under (1) of this section.

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

29 * Sec. 6. AS 46.06.150(1) is repealed.

30 * Sec. 7. This Act takes effect July 1, 1993.