

# House Bill 3349

Sponsored by Representative JOHNSON; Senators BOQUIST, HANSELL, KRUSE, OLSEN, ROBLAN

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires Oregon Liquor Control Commission to determine that adequate number of dealers and redemption centers exist in state to provide convenient service for return of empty beverage containers before expanding applicability of bottle bill or increasing refund value of beverage containers.

## A BILL FOR AN ACT

1  
2 Relating to beverage containers; amending ORS 459A.702 and 459A.705 and section 4, chapter 106,  
3 Oregon Laws 2013.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 459A.702 is amended to read:

6 459A.702. (1) Except as provided in [*subsection (2)*] **subsections (2) and (3)** of this section, ORS  
7 459A.700 to 459A.740 apply to any individual, separate, sealed glass, metal or plastic bottle or can,  
8 except for cartons, foil pouches and drink boxes, that contains the following beverages, intended for  
9 human consumption and in a quantity less than or equal to three fluid liters:

10 (a) Water and flavored water;

11 (b) Beer or other malt beverages; and

12 (c) Mineral waters, soda water and similar carbonated soft drinks.

13 (2) **ORS 459A.700 to 459A.740 apply as provided in subsection (3) of this section** one year  
14 after the date on which the Oregon Liquor Control Commission determines that:

15 (a) At least 60 percent of the beverage containers returned for the refund value specified in ORS  
16 459A.705 are returned statewide to redemption centers approved under ORS 459A.735[, *or on Janu-*  
17 *ary 1, 2018, whichever comes first,*]; **and**

18 (b) **An adequate number of dealers and redemption centers exist in this state to provide**  
19 **convenient service to all persons in this state for the return of all empty beverage containers**  
20 **to which ORS 459A.700 to 459A.740 would apply under subsection (3) of this section.**

21 (3) **Subject to subsection (2) of this section,** ORS 459A.700 to 459A.740 apply to any individ-  
22 ual, separate, sealed glass, metal or plastic bottle or can, except for cartons, foil pouches, drink  
23 boxes and metal containers that require a tool to be opened, that contains:

24 (a) The following beverages, intended for human consumption and in a quantity less than or  
25 equal to three fluid liters:

26 (A) Water and flavored water;

27 (B) Beer or other malt beverages; and

28 (C) Mineral waters, soda water and similar carbonated soft drinks.

29 (b) Any beverage other than those specified in paragraph (a) of this subsection that is intended  
30 for human consumption and is in a quantity more than or equal to four fluid ounces and less than

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.  
New sections are in **boldfaced** type.

1 or equal to one and one-half fluid liters, except distilled liquor, wine, dairy or plant-based milks,  
 2 infant formula and any other exemptions set forth in rule of the Oregon Liquor Control Commission.

3 **SECTION 2.** ORS 459A.705 is amended to read:

4 459A.705. (1) Except as provided in subsections (2) and (3) of this section, every beverage con-  
 5 tainer sold or offered for sale in this state shall have a refund value of not less than five cents.

6 (2)(a) Every beverage container sold or offered for sale in this state shall have a refund value  
 7 of not less than 10 cents, beginning on the later of:

8 (A) Eight months after the Oregon Liquor Control Commission determines that, in each of the  
 9 two previous calendar years, the number of beverage containers returned for the refund value  
 10 specified in this section was less than 80 percent of the total number of beverage containers that  
 11 were sold in this state; or

12 (B) January 1 of the calendar year following the determination by the commission described in  
 13 subparagraph (A) of this paragraph.

14 (b) The commission may not make a determination under this subsection before January 1, 2016.

15 (c) In making a determination under this subsection, the commission may not include the  
 16 beverage containers and beverages described in ORS 459A.702 [(2)(b)] **(3)(b)** before January 1, 2021.

17 (3) Every beverage container certified as provided in ORS 459A.725, sold or offered for sale in  
 18 this state, shall have a refund value of not less than two cents.

19 **SECTION 3.** Section 4, chapter 106, Oregon Laws 2013, is amended to read:

20 **Sec. 4.** No later than March 1 of each odd-numbered year, the Oregon Liquor Control Commis-  
 21 sion shall submit a report to the Legislative Assembly regarding beverage container redemption  
 22 centers approved pursuant to the provisions of ORS 459A.737. The report must include, for the two  
 23 previous calendar years:

24 (1) The number of beverage containers that are returned for refund value as a percentage of the  
 25 total number of beverage containers sold in this state.

26 (2) The number of beverage container redemption centers operating in this state and the number  
 27 of redemption centers for which applications are pending with the commission.

28 (3) The number of beverage containers that are returned for refund value [*in areas*] **regionally,**  
 29 **as** designated by the commission, [*and the number of beverage containers returned for refund value*  
 30 *in each area*] **during the reporting period and** in the year before the beverage container redemp-  
 31 tion [*center*] **centers** began operation.

32 (4) The number of beverage containers that are returned for refund value to beverage container  
 33 redemption centers in this state and the number of beverage containers that are returned for refund  
 34 value to dealers in this state.