

Senate Bill 892

Sponsored by Senator BURDICK; Senators FAGAN, GELSER, THATCHER, Representatives BOLES, BOSHART DAVIS, FAHEY, HELT, MCLAIN, NERON, PRUSAK, SOLLMAN

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**.

Exempts containers that contain certain oral rehydration products from bottle bill provisions.
Removes outdated provisions from statutes.

Declares emergency, effective on passage.

A BILL FOR AN ACT

1
2 Relating to beverage containers; amending ORS 459A.702 and 459A.705; and declaring an emergency.

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

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

5 *459A.702. [(1) Except as provided in subsection (2) of this section, ORS 459A.700 to 459A.740 apply*
6 *to any individual, separate, sealed glass, metal or plastic bottle or can, except for cartons, foil pouches*
7 *and drink boxes, that contains the following beverages, intended for human consumption and in a*
8 *quantity less than or equal to three fluid liters:]*

9 *[(a) Water and flavored water;]*

10 *[(b) Beer or other malt beverages; and]*

11 *[(c) Mineral waters, soda water and similar carbonated soft drinks.]*

12 *[(2) One year after the date on which the Oregon Liquor Control Commission determines that at*
13 *least 60 percent of the beverage containers returned for the refund value specified in ORS 459A.705*
14 *are returned statewide to redemption centers approved under ORS 459A.735, or on January 1, 2018,*
15 *whichever comes first,] ORS 459A.700 to 459A.740 apply to any individual, separate, sealed glass,*
16 *metal or plastic bottle or can, except for cartons, foil pouches, drink boxes and metal containers that*
17 *require a tool to be opened, that contains:*

18 *[(a)] (1) The following beverages, intended for human consumption and in a quantity less than*
19 *or equal to three fluid liters:*

20 *[(A)] (a) Water and flavored water;*

21 *[(B)] (b) Beer or other malt beverages; and*

22 *[(C)] (c) Mineral waters, soda water and similar carbonated soft drinks.*

23 *[(b)] (2) Any beverage other than those specified in [paragraph (a) of this subsection] **subsection***
24 *(1) of this section that is intended for human consumption and is in a quantity more than or equal*
25 *to four fluid ounces and less than or equal to one and one-half fluid liters, except:*

26 *(a) Distilled liquor[,];*

27 *(b) Wine[,];*

28 *(c) Dairy or plant-based milks[,];*

29 *(d) Infant formula;*

30 *(e) **Oral rehydration products that are medical food as defined in the Federal Food, Drug***

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 **and Cosmetic Act, 21 U.S.C. 360ee(b)(3); and**

2 (f) 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)]* (b) 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)]* 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. This 2019 Act being necessary for the immediate preservation of the public**
20 **peace, health and safety, an emergency is declared to exist, and this 2019 Act takes effect**
21 **on its passage.**

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