

Amended 1/14

SENATE FILE 4 1/27

Energy
Scott, Chairperson
Burroughs
Glenn

FILED

Withdrawn 2/13

SENATE FILE 1/

By MILLER of Marshall

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act to regulate the use of beverage containers and providing
2 penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. NEW SECTION. DEFINITIONS. As used in this
2 Act unless the context otherwise requires:

3 1. "Beverage" means beer as defined in section one hun-
4 dred twenty-three point three (123.3), subsection nine (9)
5 of the Code, other alcoholic malt beverages and mineral water,
6 soda water and similar carbonated soft drinks in liquid form
7 and intended for human consumption.

8 2. "Beverage container" means any glass, plastic, or metal
9 bottle, can, jar or carton containing a beverage.

10 3. "Consumer" means any person who purchases a beverage
11 in a beverage container for use or consumption.

12 4. "Dealer" means any person who engages in the sale of
13 beverages in beverage containers to a consumer.

14 5. "Distributor" means any person who engages in the sale
15 of beverages in beverage containers to a dealer, including
16 any manufacturer who engages in such sales.

17 6. "Manufacturer" means any person who bottles, cans,
18 or otherwise fills beverage containers for sale to distributors
19 or dealers.

20 7. "Department" means the Iowa beer and liquor control
21 department.

22 8. "Director" means the director of the Iowa beer and
23 liquor control department.

24 9. "Council" means the Iowa beer and liquor control
25 council.

26 Sec. 2. NEW SECTION. REFUND VALUES.

27 1. Except as provided in subsection two (2) of this
28 section, a beverage container sold or offered for sale in
29 this state shall have a refund value of not less than five
30 cents.

31 2. If a beverage container is certified by the department
32 as provided in section three (3) of this Act, the beverage
33 container shall have a refund value of not less than two
34 cents.

35 Sec. 3. NEW SECTION. REQUIREMENTS FOR CERTIFICATION.

1 1. The department shall certify a beverage container if
2 it is reusable as a beverage container by more than one
3 manufacturer in the ordinary course of business and if more
4 than one manufacturer will accept in the ordinary course of
5 business the beverage container for reuse as a beverage
6 container and pay the refund value of the container.

7 2. A beverage container shall not be certified by the
8 department under this section if by reason of its shape or
9 design or by reason of words or symbols permanently inscribed
10 on the container, whether by engraving, embossing, painting
11 or other permanent method, it is reusable as a beverage
12 container in the ordinary course of business only by a
13 manufacturer of a beverage sold under a specific brand name.

14 Sec. 4. NEW SECTION. ISSUANCE, REVIEW, AND WITHDRAWAL
15 OF CERTIFICATION.

16 1. If an application for certification under section three
17 (3) of this Act has not been denied by the department within
18 sixty days after the date of application, the beverage con-
19 tainer shall be deemed certified.

20 2. The department may review the certification of a
21 beverage container at any time. If after such review, with
22 written notice and a hearing before the council afforded to
23 the person who filed the application for certification under
24 section three (3) of this Act, the council determines the
25 container is no longer qualified for certification, the
26 certification shall be withdrawn.

27 3. The withdrawal of certification shall be effective
28 no earlier than thirty days after written notice to the person
29 who filed the application for certification and to the man-
30 ufacturers referred to in section three (3) of this Act.

31 Sec. 5. NEW SECTION. PAYMENT OF REFUND VALUE. Except
32 as provided in section six (6) of this Act:

33 1. A dealer shall not refuse to accept from a consumer
34 any empty beverage container of the kind, size and brand sold
35 by the dealer, or refuse to pay to the consumer the refund

1 value of a beverage container as determined under section
2 two (2) of this Act.

3 2. A distributor shall not refuse to accept from a dealer
4 any empty beverage container of the kind, size and brand sold
5 by the distributor, or refuse to pay the dealer the refund
6 value of a beverage container as determined under section
7 two (2) of this Act.

8 Sec. 6. NEW SECTION. REFUSAL TO ACCEPT CONTAINERS.

9 1. A dealer may refuse to accept from a consumer and a
10 distributor may refuse to accept from a dealer, any empty
11 beverage container which does not have stated on it a refund
12 value as determined under section two (2) of this Act.

13 2. A dealer may refuse to accept and to pay the refund
14 value of any empty beverage container if the place of business
15 of the dealer and the kind and brand of empty beverage con-
16 tainers are included in an order of the department approving
17 a redemption center under section eight (8) of this Act.

18 Sec. 7. NEW SECTION. REFUND VALUE STATED ON CONTAINER.

19 1. Each beverage container sold or offered for sale in
20 this state by a dealer shall clearly indicate by embossing
21 or by a stamp, label or other method securely affixed to the
22 container, the refund value of the container. The department
23 shall specify, by rule, the minimum size of the refund value
24 indication on the beverage containers.

25 2. The provisions of subsection one (1) of this section
26 shall not apply to glass beverage containers having a brand
27 name permanently marked on it which, on the effective date
28 of this Act, has a refund value of not less than five cents.

29 Sec. 8. NEW SECTION. REDEMPTION CENTERS.

30 1. To facilitate the return of empty beverage containers
31 and to serve dealers of beverages, any person may establish
32 a redemption center, subject to the approval of the depart-
33 ment, at which consumers may return empty beverage containers
34 and receive payment of the refund value of such beverage con-
35 tainers.

1 2. An application for approval of a redemption center
2 shall be filed with the department. The application shall
3 state the name and address of the person responsible for the
4 establishment and operation of the redemption center, the
5 kind and brand names of the beverage containers which will
6 be accepted at the redemption center, and the names and
7 addresses of the dealers to be served by the redemption center.
8 The application shall contain such other information as the
9 director may reasonably require.

10 3. The department shall approve a redemption center if
11 it finds that the redemption center will provide a convenient
12 service to consumers for the return of empty beverage
13 containers. The order of the department approving a redemption
14 center shall state the dealers to be served by the redemption
15 center and the kind and brand names of empty beverage
16 containers which the redemption center must accept. The order
17 may contain such other provisions to insure that the redemption
18 center will provide a convenient service to the public as
19 the director may determine.

20 4. The department may review the approval of any redemption
21 center at any time. After written notice to the person respon-
22 sible for the establishment and operation of the redemption
23 center, and to the dealers served by the redemption center,
24 the council may, after hearing, withdraw approval of a
25 redemption center if the council finds there has not been
26 compliance with the department's order approving the redemption
27 center, or if the redemption center no longer provides a
28 convenient service to the public.

29 Sec. 9. NEW SECTION. SNAP TOP CANS PROHIBITED. No per-
30 son shall sell or offer for sale at retail in this state any
31 metal beverage container so designed and constructed that
32 a part of the container is detachable in opening the container
33 without the aid of a can opener.

34 Sec. 10. NEW SECTION. RULES ADOPTED. The director shall
35 adopt, with the approval of the council, the rules necessary

1 to carry out the provisions of this Act, subject to the
2 provisions of chapter seventeen A (17A) of the Code.

3 Sec. 11. NEW SECTION. APPEAL. Any person aggrieved by
4 an order of the department relating to certification or with-
5 drawal of certification of a beverage container, or to the
6 approval or withdrawal of approval for a redemption center
7 may seek judicial review of such order as provided in chapter
8 seventeen A (17A) of the Code.

9 Sec. 12. NEW SECTION. PENALTY. Any person violating
10 the provisions of sections two (2), five (5), seven (7), and
11 nine (9) of this Act shall be guilty of a misdemeanor.

12 Sec. 13. This Act is effective January 1, 1978.

EXPLANATION

13 This bill provides for the imposition of a refund value
14 on beverage containers sold containing beer, malt beverages,
15 and soft drinks. If the beverage container is so designed
16 that it can be reused by more than one manufacturer, it can
17 be certified by the Iowa Beer and Liquor Control Department
18 and be subject to a refund value of not less than two cents.
19 If the beverage container cannot be reused or can be reused
20 only by one manufacturer because of its design or shape, or
21 because of the words or symbols on the container, the refund
22 value shall not be less than five cents.

23 Redemption centers are also authorized by this bill under
24 the regulation of the Iowa Beer and Liquor Control Department.
25 If retailers find that it will be more convenient to the
26 public to handle the refunding of beverage containers by a
27 separate operation, they may establish a redemption center
28 with the Department's approval. These retailers may refuse
29 to accept the refund of beverage containers except at the
30 redemption center to which they are assigned.

31 The bill prohibits the sale of beverages in metal containers
32 with detachable lids or which can be opened without the aid
33 of a can opener.

34 Any person violating the refunding provisions of the bill

1 or selling beverages in snap top cans is guilty of a
2 misdemeanor.

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