

Senate File 2378

H-8359

1 Amend Senate File 2378, as amended, passed, and reprinted by  
2 the Senate, as follows:

3 1. By striking everything after the enacting clause and  
4 inserting:

5 <Section 1. Section 455C.1, subsections 1 and 6, Code 2022,  
6 are amended to read as follows:

7 1. "*Beverage*" means wine as defined in section 123.3,  
8 subsection 54, alcoholic liquor as defined in section 123.3,  
9 subsection 5, beer as defined in section 123.3, subsection  
10 7, high alcoholic content beer as defined in section 123.3,  
11 subsection 22, canned cocktail as defined in section 123.3,  
12 subsection 11, mineral water, soda water, and similar  
13 carbonated soft drinks in liquid form and intended for human  
14 consumption.

15 6. "*Dealer agent*" means a person who solicits or picks up  
16 empty beverage containers ~~from a dealer~~ for the purpose of  
17 returning the empty beverage containers to a distributor or  
18 manufacturer.

19 Sec. 2. Section 455C.1, Code 2022, is amended by adding the  
20 following new subsections:

21 NEW SUBSECTION. 11A. "*Mobile redemption system*" means a  
22 redemption center location at which a consumer may return empty  
23 beverage containers on which a refund value has been paid that  
24 uses innovative technology to process empty beverage containers  
25 and return the amount of the refund value to consumers.

26 NEW SUBSECTION. 12A. "*Participating dealer*" means a dealer  
27 who accepts the return of empty beverage containers from a  
28 consumer.

29 Sec. 3. Section 455C.2, Code 2022, is amended to read as  
30 follows:

31 **455C.2 Refund values.**

32 1. A refund value of ~~not less than~~ five cents shall be paid  
33 by the consumer on each beverage container sold in this state  
34 by a dealer for consumption off the premises. Upon return of  
35 the empty beverage container upon which a refund value has

1 been paid to ~~the~~ a participating dealer or person operating  
2 a redemption center and acceptance of the empty beverage  
3 container by the participating dealer or person operating a  
4 redemption center, the participating dealer or person operating  
5 a redemption center shall return the amount of the refund value  
6 to the consumer within a reasonable time not to exceed ten  
7 days.

8 2. a. In addition to the refund value provided in  
9 subsection 1 of ~~this section~~, ~~a dealer, or person operating a~~  
10 ~~redemption center who redeems empty beverage containers or a~~  
11 ~~dealer agent shall be reimbursed by~~ the distributor required  
12 to accept the empty beverage containers under section 455C.3  
13 shall provide reimbursement in an amount which that is one  
14 cent per container for containers accepted from a dealer agent  
15 and three cents per container for containers accepted from a  
16 participating dealer or redemption center. A dealer, dealer  
17 agent, or ~~person operating a~~ redemption center may compact  
18 empty metal beverage containers with the approval of the  
19 distributor required to accept the containers.

20 b. A distributor who pays a handling fee for beverage  
21 containers that used to contain beer, including high-alcoholic  
22 content beer, may claim a refund of the barrel tax established  
23 in section 123.136 paid by the distributor in the amount of one  
24 cent for each such beverage container accepted. The department  
25 of revenue shall prescribe forms for a distributor to use to  
26 claim a refund under this paragraph.

27 Sec. 4. Section 455C.3, subsections 1, 2, and 4, Code 2022,  
28 are amended to read as follows:

29 1. A participating dealer shall not refuse to accept from a  
30 consumer any empty beverage container of the kind, size, and  
31 brand sold by the participating dealer, or refuse to pay to the  
32 consumer the refund value of a beverage container as provided  
33 under section 455C.2.

34 2. A distributor shall accept and pick up from a  
35 participating dealer served by the distributor or a redemption

1 center for a dealer served by the distributor at least weekly,  
2 or when the distributor delivers the beverage product if  
3 deliveries are less frequent than weekly, any empty beverage  
4 container of the kind, size, and brand sold by the distributor,  
5 and shall pay to the participating dealer or ~~person operating~~  
6 a redemption center the refund value of a beverage container  
7 and the reimbursement as provided under [section 455C.2](#) within  
8 one week following pickup of the containers or when the  
9 participating dealer or ~~redemption center~~ normally pays the  
10 distributor for the deposit on beverage products purchased from  
11 the distributor if less frequent than weekly. A distributor  
12 or employee or agent of a distributor is not in violation  
13 of [this subsection](#) if a redemption center is closed when the  
14 distributor attempts to make a ~~regular delivery or~~ a regular  
15 pickup of empty beverage containers. [This subsection](#) does  
16 not apply to a distributor selling alcoholic liquor to the  
17 alcoholic beverages division of the department of commerce.

18 4. A distributor shall accept from a dealer agent any  
19 empty beverage container of the kind, size, and brand sold by  
20 the distributor and ~~which~~ that was picked up by the dealer  
21 agent ~~from a dealer~~ within the geographic territory served  
22 by the distributor and the distributor shall pay the dealer  
23 agent the refund value of the empty beverage container and the  
24 reimbursement as provided in [section 455C.2](#).

25 Sec. 5. Section 455C.4, Code 2022, is amended to read as  
26 follows:

27 **455C.4 Refusal to accept containers.**

28 1. Except as provided in [section 455C.5, subsection 3](#), a  
29 dealer, a ~~person operating~~ a redemption center, a distributor,  
30 or a manufacturer may refuse to accept any empty beverage  
31 container ~~which~~ that does not have stated on it a refund value  
32 as provided under [section 455C.2](#).

33 2. a. A dealer may refuse to accept and to pay the  
34 refund value of any empty beverage container if ~~the place of~~  
35 ~~business of the dealer and the kind and brand of empty beverage~~

1 ~~containers are included in an order of the department approving~~  
2 ~~a redemption center under section 455C.6 any of the following~~  
3 ~~apply:~~

4 (1) The dealer holds a food establishment license under  
5 chapter 137F to prepare or serve food, has a certified food  
6 protection manager as required by the 2017 United States food  
7 and drug administration food code and supplement, and sells  
8 time/temperature control for safety food as defined in section  
9 137F.2.

10 (2) The dealer has entered an agreement with an approved  
11 redemption center for the operation of a mobile redemption  
12 system and all of the following apply:

13 (a) The dealer provides adequate space, utilities, and  
14 internet connection to operate the mobile redemption system.

15 (b) The agreement does not require additional payment to the  
16 dealer or the mobile redemption system.

17 (3) The dealer's place of business is in a county with a  
18 population of more than thirty thousand and within ten miles  
19 of an approved redemption center or if the dealer's place of  
20 business is in a county with a population of thirty thousand  
21 or fewer and within fifteen miles of an approved redemption  
22 center.

23 b. A dealer who refuses to accept and to pay the refund  
24 value on any empty beverage container pursuant to this  
25 subsection shall conspicuously display on the front door of  
26 the dealer's place of business a notice that the dealer does  
27 not accept empty beverage containers. The notice shall also  
28 provide the location of the nearest approved redemption center  
29 to the dealer's place of business. After the department has  
30 made available an electronic method for locating approved  
31 redemption centers pursuant to paragraph "c", a dealer may  
32 direct consumers to such electronic method instead of providing  
33 the location of the nearest approved redemption center on the  
34 notice.

35 c. The department shall make available to the public an

1 electronic method of locating approved redemption centers.

2 d. A dealer who provides space for a mobile redemption  
3 system pursuant to paragraph "a", subparagraph (2), shall not be  
4 considered to be in violation of any county or city ordinance  
5 that would otherwise limit the ability of the dealer to provide  
6 such space as long as the mobile redemption system operates  
7 in a location that is not zoned primarily for residential  
8 purposes.

9 ~~3. A dealer or a distributor may refuse to accept and to pay~~  
10 ~~the refund value of an empty wine or alcoholic liquor container~~  
11 ~~which is marked to indicate that it was sold by a state liquor~~  
12 ~~store. The alcoholic beverages division shall not reimburse~~  
13 ~~a dealer or a distributor the refund value on an empty wine or~~  
14 ~~alcoholic liquor container which is marked to indicate that the~~  
15 ~~container was sold by a state liquor store.~~

16 ~~4.~~ 3. A class "E" liquor control licensee may refuse to  
17 accept and to pay the refund value on an empty alcoholic liquor  
18 container from a participating dealer or a redemption center  
19 or from a person acting on behalf of or who has received empty  
20 alcoholic liquor containers from a participating dealer or a  
21 redemption center.

22 ~~5.~~ 4. A manufacturer or distributor may refuse to accept  
23 and to pay the refund value and reimbursement as provided in  
24 section 455C.2 on any empty beverage container that was picked  
25 up by a dealer agent ~~from a dealer~~ outside the geographic  
26 territory served by the manufacturer or distributor.

27 Sec. 6. Section 455C.5, subsection 1, Code 2022, is amended  
28 to read as follows:

29 1. a. Each beverage container sold or offered for sale in  
30 this state by a dealer shall clearly indicate the refund value  
31 of the container by embossing or by a stamp, label, or other  
32 method securely affixed to the container, ~~the refund value of~~  
33 ~~the container~~. The department shall specify, by rule, the  
34 minimum size of the refund value indication on the beverage  
35 containers.

1     b. The department of revenue shall require the registration  
2 of the universal product code for each beverage container  
3 using a method of registration determined by the department of  
4 revenue.

5     Sec. 7. Section 455C.6, subsection 1, Code 2022, is amended  
6 to read as follows:

7     1. To facilitate the return of empty beverage containers  
8 and to serve dealers of beverages, any person may establish a  
9 redemption center, subject to the approval of the department,  
10 at which consumers may return empty beverage containers  
11 and receive payment of the refund value of such beverage  
12 containers. A participating dealer may act as a redemption  
13 center for purposes of this chapter.

14     Sec. 8. Section 455C.12, subsections 2 and 3, Code 2022, are  
15 amended to read as follows:

16     2. A distributor who collects or attempts to collect  
17 a refund value on an empty beverage container when the  
18 distributor has paid the refund value on the container to a  
19 participating dealer, redemption center, or consumer is guilty  
20 of a fraudulent practice.

21     3. Any person who does any of the following acts is guilty  
22 of a fraudulent practice:

23     a. Collects or attempts to collect the refund value on the  
24 container a second time, with the knowledge that the refund  
25 value has once been paid by the distributor to a participating  
26 dealer, redemption center, or consumer.

27     b. Manufactures, sells, possesses, or applies a false or  
28 counterfeit label or indication ~~which~~ that shows or purports to  
29 show a refund value for a beverage container, with intent to  
30 use the false or counterfeit label or indication.

31     c. Collects or attempts to collect a refund value on  
32 a container with the use of a false or counterfeit label  
33 or indication showing a refund value, knowing the label or  
34 indication to be false or counterfeit.

35     Sec. 9. Section 455C.12, Code 2022, is amended by adding the

1 following new subsections:

2 NEW SUBSECTION. 6. A person who knowingly attempts to  
3 redeem a beverage container that is not properly marked as  
4 required by section 455C.5, subsection 1, shall be subject to a  
5 civil penalty not to exceed ten dollars per improperly marked  
6 beverage container, but not to exceed five thousand dollars  
7 total per attempted transaction.

8 NEW SUBSECTION. 7. Except as provided in subsection 6,  
9 a person who violates any provision of this chapter shall  
10 be subject to a civil penalty of two thousand dollars per  
11 violation, which shall be assessed and collected in the same  
12 manner as provided in section 455B.109. Any civil penalty  
13 collected under this chapter shall be deposited in the bottle  
14 bill fund established in section 455C.12D.

15 Sec. 10. NEW SECTION. **455C.12A Administrative enforcement**  
16 **— compliance orders.**

17 The director may issue any order necessary to secure  
18 compliance with or prevent a violation of the provisions of  
19 this chapter or any rule adopted or permit or order issued  
20 pursuant to this chapter. The person to whom such compliance  
21 order is issued may cause to be commenced a contested case  
22 within the meaning of chapter 17A by filing within thirty  
23 days a notice of appeal to the commission. On appeal, the  
24 commission may affirm, modify, or vacate the order of the  
25 director.

26 Sec. 11. NEW SECTION. **455C.12B Judicial review.**

27 Judicial review of any order or other action of the  
28 commission or director may be sought in accordance with the  
29 terms of chapter 17A. Notwithstanding the terms of chapter  
30 17A, petitions for judicial review may be filed in the district  
31 court of the county in which the alleged offense was committed.

32 Sec. 12. NEW SECTION. **455C.12C Civil actions for compliance**  
33 **— penalties.**

34 1. The attorney general, on request of the department, shall  
35 institute any legal proceedings necessary to obtain compliance

1 with an order of the commission or the director, including  
2 proceedings for a temporary injunction, or prosecuting any  
3 person for a violation of an order of the commission or the  
4 director, the provisions of this chapter, or any rules adopted  
5 or permit or order issued pursuant to this chapter.

6 2. Any person who violates any order issued pursuant to  
7 section 455C.12A shall be subject to a civil penalty not to  
8 exceed two thousand dollars for each day of such violation.

9 Sec. 13. NEW SECTION. 455C.12D Bottle bill fund.

10 A bottle bill fund is established in the state treasury  
11 under the control of the department. The fund shall consist  
12 of moneys deposited in the fund pursuant to section 455C.12,  
13 subsection 7, and any other moneys appropriated to or deposited  
14 in the fund. Moneys in the fund are appropriated to the  
15 department for purposes of administering and enforcing this  
16 chapter, including reimbursing the attorney general for costs  
17 incurred by the attorney general in enforcing this chapter.  
18 Notwithstanding section 8.33, moneys in the fund that remain  
19 unencumbered or unobligated at the close of a fiscal year shall  
20 not revert but shall remain available for expenditure for the  
21 purposes designated. Notwithstanding section 12C.7, subsection  
22 2, interest or earnings on moneys in the fund shall be credited  
23 to the fund.

24 Sec. 14. Section 455C.13, Code 2022, is amended to read as  
25 follows:

26 455C.13 Distributors' Collection and disposal agreements  
27 authorized.

28 1. A distributor, dealer, or redemption center may enter  
29 into a contract or agreement with any other distributor,  
30 manufacturer, or person for the purpose of collecting or paying  
31 the refund value on, or disposing of, beverage containers as  
32 provided in this chapter.

33 2. For purposes of this chapter, any contracts entered into  
34 pursuant to this section for the collection or disposal of  
35 empty beverage containers shall not be deemed to interfere with



1 the refund value pursuant to section 455C.2.

2 Sec. 15. Section 455C.16, Code 2022, is amended to read as  
3 follows:

4 **455C.16 Beverage containers — disposal at sanitary landfill**  
5 **prohibited.**

6 ~~Beginning July 1, 1990, the~~ The final disposal of beverage  
7 containers ~~by a dealer, distributor, or manufacturer, or~~  
8 ~~person operating a redemption center, in a sanitary landfill,~~  
9 ~~is prohibited.~~ Beginning September 1, 1992, including the  
10 final disposal of beverage containers that used to contain  
11 alcoholic liquor as defined in [section 123.3, subsection 5,](#)  
12 by a participating dealer, distributor, ~~or~~ manufacturer, or  
13 ~~person operating a redemption center in a sanitary landfill,~~  
14 is prohibited.

15 Sec. 16. NEW SECTION. **455C.18 Unclaimed refund value and**  
16 **handling fees.**

17 Any amount of refund value or handling fees possessed by a  
18 distributor after the distributor has made payments required  
19 pursuant to this chapter shall be considered the property of  
20 the distributor.

21 Sec. 17. **LEGISLATIVE FISCAL COMMITTEE REVIEW.**

22 1. The legislative fiscal committee established in section  
23 2.45 shall hold a meeting during the legislative interim  
24 immediately preceding the 2026 regular legislative session.  
25 During the meeting, the committee shall review the enforcement  
26 of chapter 455C by the department of natural resources,  
27 including the collection of civil penalties, the report  
28 submitted by the attorney general pursuant to subsection 2,  
29 whether and how many redemption centers have been approved  
30 by the department, the adequacy of the reimbursement amount  
31 under section 455C.2, and any other information the committee  
32 deems important. The committee shall submit a report of its  
33 findings and recommendations to the general assembly no later  
34 than January 31, 2026.

35 2. The attorney general shall submit a report to the

1 general assembly prior to the legislative fiscal committee's  
2 meeting under subsection 1. The report shall detail any legal  
3 proceedings arising under chapter 455C since January 1, 2023.

4 Sec. 18. REFUSAL TO ACCEPT BEVERAGE CONTAINERS.

5 1. A dealer may refuse to accept beverage containers before  
6 January 1, 2023, if any of the following apply:

7 a. The dealer has entered an agreement with an approved  
8 redemption center for the operation of a mobile redemption  
9 system and all of the following apply:

10 (1) The dealer provides adequate space, utilities, and  
11 internet connection to operate the mobile redemption system.

12 (2) The agreement does not require additional payment to the  
13 dealer or the mobile redemption system.

14 b. The dealer's place of business is in a county with a  
15 population of more than thirty thousand and within ten miles  
16 of an approved redemption center or if the dealer's place of  
17 business is in a county with a population of thirty thousand  
18 or fewer and within fifteen miles of an approved redemption  
19 center.

20 2. A dealer who refuses to accept beverage containers  
21 pursuant to this section shall conspicuously display on the  
22 front door of the dealer's place of business a notice that the  
23 dealer does not accept empty beverage containers. The notice  
24 shall also provide the location of the nearest redemption  
25 center to the dealer's place of business.

26 Sec. 19. EFFECTIVE DATE.

27 1. Except as provided in subsections 2 or 3, this Act takes  
28 effect January 1, 2023.

29 2. The section of this Act amending section 455C.5,  
30 subsection 1, takes effect November 15, 2023.

31 3. The section of this Act allowing a dealer to refuse to  
32 accept beverage containers before January 1, 2023, being deemed  
33 of immediate importance, takes effect upon enactment.>

34 2. Title page, by striking lines 1 through 4 and inserting  
35 <An Act relating to beverage containers control provisions,

1 including handling fees, refund value, applicability to certain  
2 beverages, and acceptance of beverage containers, providing  
3 penalties, and including effective date provisions.>

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