

HOUSE BILL No. 4364

February 22, 2005, Introduced by Reps. Wojno, Gosselin, Plakas, Hopgood, Vagnozzi,
Bennett, Tobocman, Kehrl and Accavitti and referred to the Committee on Commerce.

A bill to amend the Initiated Law of 1976, entitled

"A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,"

by amending section 2 (MCL 445.572), as amended by 1998 PA 473.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. (1) A dealer within this state shall not sell, offer
2 for sale, or give to a consumer a nonreturnable container or a
3 beverage in a nonreturnable container.

4 (2) A dealer who regularly sells beverages for consumption off
5 the dealer's premises shall provide on the premises, or within 100
6 yards of the premises on which the dealer sells or offers for sale

1 a beverage in a returnable container, a convenient means whereby
2 the containers of any kind, size, and brand sold or offered for
3 sale by the dealer may be returned by, and the deposit refunded in
4 cash to, a person whether or not the person is the original
5 customer of that dealer, and whether or not the container was sold
6 by that dealer.

7 (3) Regional centers for the redemption of returnable
8 containers may be established, in addition to but not as
9 substitutes for, the means established for refunds of deposits
10 prescribed in subsection (2).

11 (4) Except as provided in subsections (5) and (7), a dealer
12 shall accept from a person an empty returnable container of any
13 kind, size, and brand sold or offered for sale by that dealer and
14 pay to that person its full refund value in cash.

15 (5) A dealer who does not require a deposit on a returnable
16 container when the contents are consumed in the dealer's sale or
17 consumption area is not required to pay a refund for accepting that
18 empty container.

19 (6) Except as provided in subsection (7), a distributor shall
20 accept from a dealer an empty returnable container of any kind,
21 size, and brand sold or offered for sale by that distributor and
22 pay to the dealer its full refund value in cash.

23 (7) Each beverage container sold or offered for sale by a
24 dealer within this state shall clearly indicate by embossing or by
25 a stamp, a label, or other method securely affixed to the beverage
26 container, the refund value of the container and the name of this
27 state. A dealer or distributor may, but is not required to, refuse

1 to accept from a person an empty returnable container which does
2 not state on the container the refund value of the container and
3 the name of this state. This subsection does not apply to a
4 refillable container having a refund value of not less than 10
5 cents, having a brand name permanently marked on it, and having a
6 securely affixed method of indicating that it is a returnable
7 container.

8 (8) A dealer within this state shall not sell, offer for sale,
9 or give to consumers a metal beverage container, any part of which
10 becomes detached when opened.

11 (9) A person, dealer, distributor, or manufacturer shall not
12 return an empty container to a dealer for a refund of the deposit
13 if a dealer has already refunded the deposit on that returnable
14 container. This subsection does not prohibit a dealer from
15 refunding the deposit on an empty returnable container each time
16 the returnable container is sanitized by the manufacturer and
17 reused as a beverage container.

18 (10) A dealer may accept, but is not required to accept, from
19 a person, empty returnable containers for a refund in excess of
20 ~~\$25.00~~ **\$45.00** on any given day.

21 (11) A manufacturer licensed by the commission shall not
22 require a distributor licensed by the commission to pay a deposit
23 to the manufacturer on a nonrefillable container. However, a
24 manufacturer licensed by the commission and a distributor licensed
25 by the commission may enter into an agreement providing that either
26 or both may originate a deposit or any portion of a deposit on a
27 nonrefillable container if the agreement is entered into freely and

1 without coercion.

2 (12) A manufacturer shall refund the deposit paid on any
3 container returned by a distributor for which a deposit has been
4 paid by a distributor to the manufacturer.

5 (13) Subsections (4), (6), and (7) apply only to a returnable
6 container that was originally sold in this state as a filled
7 returnable container.