
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 206 Session of
1999

INTRODUCED BY HELFRICK, KUKOVICH, PUNT, WAUGH AND LEMMOND,
JANUARY 25, 1999

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, JANUARY 25, 1999

AN ACT

1 Relating to the use of refundable beverage containers;
2 establishing container requirements; providing certain powers
3 to the Department of Agriculture; and providing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Returnable
8 Beverage Container Act.

9 Section 2. Legislative intent.

10 The General Assembly intends by enacting this legislation to
11 alleviate litter caused by beverage containers and thereby
12 reduce litter-related problems caused by these containers in all
13 areas of this Commonwealth, particularly in agricultural areas.

14 Section 3. Definitions.

15 The following words and phrases when used in this act shall
16 have the meanings given to them in this section unless the
17 context clearly indicates otherwise:

18 "Beverage." Beer or other malt liquids and mineral waters,

1 soda water and similar soft drinks intended for human
2 consumption, whether or not carbonated. The term does not
3 include noncarbonated water, soups, fluid milk products,
4 unadulterated, natural, reconstituted or frozen fruit, vegetable
5 or meat juices or liquids intended for medicinal purposes only.

6 "Beverage container." A bottle, can, jar or carton composed
7 of glass, metal, plastic or any combination of these substances,
8 containing one gallon or less of a beverage.

9 "Beverage distributor." A person who engages in the sale of
10 beverages in beverage containers to a retailer in this
11 Commonwealth, including a manufacturer who engages in sales of
12 this nature.

13 "Beverage manufacturer." A person who bottles, cans or
14 otherwise fills beverage containers for sale to distributors or
15 retailers.

16 "Consumer." A person who purchases a beverage in a beverage
17 container for use or consumption.

18 "Department." The Department of Agriculture of the
19 Commonwealth.

20 "Redemption center." An establishment that offers to pay the
21 refund value of a beverage container pursuant to section 5.

22 "Retailer." A person in this Commonwealth who engages in the
23 sale of beverages in beverage containers to a consumer for off-
24 premises consumption.

25 "Use" or "consumption." The exercise of any right or power
26 over a beverage incidental to its ownership, other than sale or
27 possession for the purpose of sale.

28 Section 4. Minimum refund value.

29 (a) General rule.--Every beverage container sold or offered
30 for sale in this Commonwealth, except for a beverage container

1 sold or offered for sale for consumption on an interstate
2 passenger carrier, shall have a refund value of not less than
3 5¢.

4 (b) Initiation.--The refund value shall be initiated by the
5 first distributor of the beverage container who is not a
6 beverage manufacturer, except that:

7 (1) the beverage manufacturer shall initiate the refund
8 value on any such beverage container which is sold to a
9 person who is not a distributor; and

10 (2) the beverage manufacturer shall initiate the refund
11 value on any refillable beverage container.

12 Section 5. Redemption.

13 (a) General rule.--Except as provided in subsection (b):

14 (1) A retailer shall accept from a consumer empty
15 beverage containers of the kind, size and brand sold by the
16 retailer and shall pay to the consumer a refund value of the
17 beverage container at the time of redemption as established
18 by section 4.

19 (2) A beverage distributor shall accept from a retailer
20 or redemption center empty beverage containers of the kind,
21 size and brand sold by the distributor and shall pay to the
22 retailer the refund value of the beverage container and a
23 handling fee of at least 2¢ per container for each empty
24 beverage container returned to it for redemption.

25 (3) A beverage manufacturer shall accept from a beverage
26 distributor empty beverage containers of the kind, size and
27 brand sold by the manufacturer and shall pay to the
28 distributor the refund value of the beverage container. The
29 manufacturer shall also pay a handling fee of at least 2¢ per
30 container for each empty beverage container returned to it

1 for redemption by a distributor.

2 (b) Exception.--

3 (1) A retailer, redemption center, beverage distributor
4 or beverage manufacturer may refuse to accept a beverage
5 container offered for redemption:

6 (i) which does not state on its face a refund value
7 as required under section 7; or

8 (ii) which contains excessive foreign material or is
9 a broken glass bottle or a mutilated plastic container as
10 established by regulations promulgated under this act.

11 (2) A retailer may refuse to redeem beverage containers
12 if it has contracted with a registered redemption center to
13 accept all beverage containers offered to it for redemption
14 and the redemption center is located in sufficiently close
15 proximity to the retailer so as not to result in an
16 inconvenience to consumers.

17 (c) Continued redemption.--A retailer or beverage
18 distributor who discontinues the sale of a beverage container of
19 a particular kind, size and brand must continue to redeem such
20 beverage container for a period of at least 90 days following
21 the date of discontinuance of sale.

22 Section 6. Regulation of redemption centers.

23 (a) Establishment of program.--The department shall
24 establish a program relating to the establishment and operation
25 of redemption centers and shall promulgate regulations necessary
26 for carrying out the purposes of this act.

27 (b) Permits.--The department shall issue permits to persons,
28 firms or corporations who desire to establish redemption centers
29 subject to applicable State and local laws and ordinances where
30 consumers may return empty beverage containers and receive

1 payment of the refund value of the beverage container. The
2 department shall give priority to municipalities and municipal
3 authorities when issuing permits to operate redemption centers.

4 (c) Exception.--The provisions of subsection (b) relating to
5 permits shall not apply to a retailer or beverage distributor
6 who desires to operate a redemption center at the same location
7 as its place of business.

8 Section 7. Indication of refund value required; certain metal
9 beverage containers and holding devices
10 prohibited.

11 (a) Statement on container.--Every beverage container sold
12 or offered for sale in this Commonwealth by a beverage
13 manufacturer, distributor or retailer shall indicate clearly the
14 refund value of the container, either by embossing, by stamp, by
15 labeling or by another method that is securely affixed to the
16 beverage container.

17 (b) Exclusion.--Subsection (a) shall not apply to a glass
18 beverage container having a brand name permanently marked on it
19 which on the effective date of this act had a refund value of
20 not less than 5¢.

21 (c) Prohibition.--No person shall sell or offer for sale in
22 this Commonwealth a metal beverage container so designed and
23 constructed that a part of the container is detachable in
24 opening the container.

25 (d) Limitation on hold devices.--No beverage container shall
26 be sold or offered for sale in this Commonwealth connected to
27 one or more beverage containers by a separate holding device
28 constructed of material which is not biodegradable or
29 photodegradable.

30 Section 8. Department powers and duties.

1 The department shall be charged with the administration and
2 enforcement of this act and in furtherance thereof is authorized
3 and directed to promulgate rules and regulations.

4 Section 9. Agricultural report.

5 (a) Statistics.--The Department of Agriculture shall make a
6 comprehensive review of the administration, application and
7 impact of this act relating to the sale of beverages in reusable
8 containers and shall report to the General Assembly annually.

9 (b) Availability of statistics.--The statistics shall be
10 made available to farm groups, environmental groups and
11 governmental agencies upon request.

12 Section 10. Penalties.

13 Any person who violates any provision of this act or any
14 regulation promulgated under this act commits a misdemeanor of
15 the third degree.

16 Section 11. Effective date.

17 This act shall take effect January 15 of the year immediately
18 following the year of final enactment.