

# House Bill 3688

Sponsored by Representative BERGER

## 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**.

Allows beverage distributors or importers to establish distributor cooperative for certain purposes. Provides that dealer that uses distributor cooperative is not required to return beverage containers to distributor or importer that does not participate in distributor cooperative. Requires distributor cooperative, and distributors and importers that do not participate in distributor cooperative, to provide Oregon Liquor Control Commission with report on beverage container return data each calendar year.

## A BILL FOR AN ACT

1  
2 Relating to beverage containers.

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

4 **SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS 459A.700 to**  
5 **459A.740.**

6 **SECTION 2. (1) Two or more distributors or importers may establish a distributor coop-**  
7 **erative for the purposes of:**

8 (a) Collecting the refund value of beverage containers as established by ORS 459A.705  
9 from distributors or importers and refunding to dealers the amount the dealers paid for the  
10 refund value of empty beverage containers;

11 (b) Paying the refund value as established by ORS 459A.705 for beverage containers sold  
12 in this state; and

13 (c) Processing beverage containers sold in this state.

14 (2) A distributor cooperative established under this section must service a majority of  
15 the dealers in this state.

16 (3) If a distributor cooperative is established, a dealer that uses the distributor cooper-  
17 ative to redeem and process beverage containers sold in this state is not required to return  
18 beverage containers to a distributor or importer that does not participate in the distributor  
19 cooperative, provided that the dealer or the distributor cooperative provides an accounting  
20 to the distributor or importer of the beverage containers by brand and kind that were dis-  
21 tributed by the distributor or importer and subsequently redeemed by the dealer or distrib-  
22 utor cooperative.

23 (4) Upon receipt of the accounting required by subsection (3) of this section, a distributor  
24 or importer that does not participate in the distributor cooperative must pay the refund  
25 value of the redeemed beverage containers specified in the accounting to the dealer or dis-  
26 tributor cooperative that provided the accounting.

27 (5)(a) For purposes of this subsection, beverage container return data is the number of  
28 beverage containers that carry a refund value returned in Oregon during the calendar year  
29 and the number of beverage containers that carry a refund value sold in Oregon during the

**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 calendar year, calculated separately.

2 (b) By July 1 of each calendar year, a distributor cooperative shall provide the Oregon  
3 Liquor Control Commission with a report that lists, in aggregate form for all distributors  
4 and importers that participate in the distributor cooperative, the previous calendar year's  
5 beverage container return data, calculated separately for aluminum, glass and plastic  
6 beverage containers.

7 (c) By July 1 of each calendar year, a distributor or importer that does not participate  
8 in a distributor cooperative shall provide the commission with a report that lists the  
9 distributor's or the importer's beverage container return data for the previous calendar  
10 year, calculated separately for aluminum, glass and plastic beverage containers.

11 (6) The commission may not disclose any return data or other related information pro-  
12 vided by a distributor cooperative to the commission under this section.

13 **SECTION 3.** The first reports to the Oregon Liquor Control Commission required under  
14 section 2 (5) of this 2011 Act must be filed no later than July 1, 2012, for calendar year 2011.  
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