

SENATE AMENDMENTS TO SENATE BILL 247

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 16

1 On page 1 of the printed bill, line 2, after “ORS” insert “459A.700, 459A.702, 459A.705 and”.

2 After line 3, insert:

3 “**SECTION 1.** ORS 459A.700 is amended to read:

4 “459A.700. As used in ORS 459.992 (3) and (4) and 459A.700 to 459A.740, unless the context re-
5 quires otherwise:

6 “(1) ‘Beverage’ means a fluid described in ORS 459A.702.

7 “(2) ‘Beverage container’ means a container described in ORS 459A.702.

8 “(3) ‘Commission’ means the Oregon Liquor Control Commission.

9 “(4) ‘Consumer’ means every person who purchases a beverage in a beverage container for use
10 or consumption.

11 “(5) ‘Dealer’ means every person in this state who engages in the sale of beverages in beverage
12 containers to a consumer, or means a redemption center certified under ORS 459A.735.

13 “(6) ‘Distributor’ means every person who engages in the sale of beverages in beverage con-
14 tainers to a dealer in this state including any manufacturer who engages in such sales.

15 “(7) ‘Importer’ means any dealer or manufacturer who directly imports beverage containers into
16 this state.

17 “(8) ‘In this state’ means within the exterior limits of the State of Oregon and includes all ter-
18 ritory within these limits owned by or ceded to the United States of America.

19 “**(9) ‘Kombucha’ means a fermented beverage that is made from tea and contains not**
20 **more than 21 percent of alcohol by volume.**

21 “[9] **(10) ‘Manufacturer’** means every person bottling, canning or otherwise filling beverage
22 containers for sale to distributors, importers or dealers.

23 “[10] **(11) ‘Place of business of a dealer’** means the location at which a dealer sells or offers
24 for sale beverages in beverage containers to consumers.

25 “[11] **(12) ‘Use or consumption’** includes the exercise of any right or power over a beverage
26 incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for
27 the purposes of sale.

28 “[12] **(13) ‘Water and flavored water’** means any beverage identified through the use of letters,
29 words or symbols on its product label as a type of water.

30 “**(14)(a) ‘Wine’ has the meaning given that term in ORS 471.001.**

31 “**(b) ‘Wine’ does not mean kombucha.**

32 “**SECTION 2.** ORS 459A.702 is amended to read:

33 “459A.702. *[(1) Except as provided in subsection (2) of this section, ORS 459A.700 to 459A.740*
34 *apply to any individual, separate, sealed glass, metal or plastic bottle or can, except for cartons, foil*
35 *pouches and drink boxes, that contains the following beverages, intended for human consumption and*

1 in a quantity less than or equal to three fluid liters:]

2 “[(a) Water and flavored water;]

3 “[(b) Beer or other malt beverages; and]

4 “[(c) Mineral waters, soda water and similar carbonated soft drinks.]

5 “[(2) One year after the date on which the Oregon Liquor Control Commission determines that at
6 least 60 percent of the beverage containers returned for the refund value specified in ORS 459A.705
7 are returned statewide to redemption centers approved under ORS 459A.735, or on January 1, 2018,
8 whichever comes first,] ORS 459A.700 to 459A.740 apply to:

9 “(1) Any individual, separate, sealed glass, metal or plastic bottle or can, except for [cartons, foil
10 pouches, drink boxes and metal containers that require a tool to be opened] **a carton, foil pouch,
11 drink box or metal container that requires a tool to be opened**, that contains[:]

12 “[(a)] **any one of** the following beverages, intended for human consumption and in a quantity
13 less than or equal to three fluid liters:

14 “[(A) Water and flavored water;]

15 “[(B) Beer or other malt beverages; and]

16 “[(C) Mineral waters, soda water and similar carbonated soft drinks.]

17 “(a) **Water or flavored water;**

18 “(b) **Beer or another malt beverage;**

19 “(c) **Mineral water, soda water or a similar carbonated soft drink; or**

20 “(d) **Kombucha.**

21 “[(b)] (2) Any beverage other than those specified in [paragraph (a) of this] subsection (1) of this
22 **section** that is intended for human consumption and is in a quantity more than or equal to four fluid
23 ounces and less than or equal to one and one-half fluid liters, except distilled liquor, wine, dairy or
24 plant-based milks, infant formula and any other exemptions set forth in rule [of] **by** the Oregon Li-
25 quor Control Commission.

26 “**SECTION 3.** ORS 459A.705 is amended to read:

27 “459A.705. (1) Except as provided in subsections (2) and (3) of this section, every beverage con-
28 tainer sold or offered for sale in this state shall have a refund value of not less than five cents.

29 “(2)(a) Every beverage container sold or offered for sale in this state shall have a refund value
30 of not less than 10 cents, beginning on the later of:

31 “(A) Eight months after the Oregon Liquor Control Commission determines that, in each of the
32 two previous calendar years, the number of beverage containers returned for the refund value
33 specified in this section was less than 80 percent of the total number of beverage containers that
34 were sold in this state; or

35 “(B) January 1 of the calendar year following the determination by the commission described in
36 subparagraph (A) of this paragraph.

37 “(b) The commission may not make a determination under this subsection before January 1,
38 2016.

39 “(c) In making a determination under this subsection, the commission may not include the
40 beverage containers and beverages described in ORS 459A.702 [(2)(b)] (2) before January 1, 2021.

41 “(3) Every beverage container certified as provided in ORS 459A.725, sold or offered for sale in
42 this state, shall have a refund value of not less than two cents.”.

43 In line 4, delete “1” and insert “4”.

44 On page 2, line 6, delete “3” and insert “6”.

45 In line 9, delete “2” and insert “5” and delete “3” and insert “6”.

1 In line 11, delete "3" and insert "6".

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