

House Bill 2068

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of House Interim Committee on Climate, Energy, and Environment for Representative John Lively)

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: This Act makes two new kinds of redemption centers and makes other changes to the Bottle Bill. (Flesch Readability Score: 75.1).

Modifies provisions of the beverage container redemption and recycling law. Authorizes establishment of alternative access redemption centers and producer responsibility organization depot redemption centers.

Takes effect on the 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to beverage containers; creating new provisions; amending ORS 459A.700, 459A.715,
3 459A.720, 459A.735, 459A.738, 459A.741 and 459A.863; and prescribing an effective date.

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

5 **SECTION 1. Sections 2 to 4 of this 2025 Act are added to and made a part of ORS 459A.700**
6 **to 459A.744.**

7 **SECTION 2. (1) To expand and enhance alternative redemption access opportunities for**
8 **individuals who redeem empty beverage containers on a daily or near daily basis, the Oregon**
9 **Liquor and Cannabis Commission may approve one or more alternative access redemption**
10 **centers at which any person may return empty beverage containers and receive payment of**
11 **the refund value. An alternative access redemption center approved under this section must**
12 **be:**

13 (a) **Established and operated by a nonprofit organization in partnership with a distributor**
14 **cooperative; and**

15 (b) **Located within a city having a population greater than 500,000.**

16 (2) **Application for approval of an alternative access redemption center shall be filed with**
17 **the commission. The application shall state the name and address of the nonprofit organ-**
18 **ization and distributor cooperative responsible for the establishment and operation of the**
19 **alternative access redemption center, the kind of empty beverage containers that will be**
20 **accepted at the alternative access redemption center, the names and addresses of the dealers**
21 **to be served by the alternative access redemption center and a proposal for the convenience**
22 **zone described in ORS 459A.738. The application shall include such additional information as**
23 **the commission may require.**

24 (3) **The commission shall approve an alternative access redemption center if it finds the**
25 **redemption center will provide alternative redemption access opportunities for individuals**
26 **who redeem empty beverage containers on a daily or near daily basis. The order of the**
27 **commission approving an alternative access redemption center shall state:**

28 (a) **The location of the convenience zone specified by the commission under ORS 459A.738;**

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 (b) The dealers within the convenience zone to be served by the alternative access re-
 2 demption center;

3 (c) The dealers within the convenience zone not to be served by or not participating in
 4 the alternative access redemption center;

5 (d) The services to be provided by the alternative access redemption center and the
 6 equivalent services required to be provided under ORS 459A.738 by a dealer that does not
 7 participate in, and is not served by, the alternative access redemption center;

8 (e) The kind of empty beverage containers that the alternative access redemption center
 9 must accept;

10 (f) Whether the alternative access redemption center will be located in an area zoned for
 11 commercial use under state statute or local ordinance or will be located in an area that will
 12 provide better access to redemption opportunities for individuals who redeem empty beverage
 13 containers on a daily or near daily basis than plausible alternative locations located in an
 14 area zoned for commercial use; and

15 (g) Such other provisions to ensure that the alternative access redemption center will
 16 provide alternative redemption access opportunities for individuals who redeem empty
 17 beverage containers on a daily or near daily basis.

18 (4) An alternative access redemption center approved by the commission under this sec-
 19 tion is not a recycling depot for purposes of ORS 90.318, 459A.007, 459A.010, 459A.050 or
 20 459A.080.

21 (5)(a) No later than five days after approving an alternative access redemption center
 22 under subsection (3) of this section, the commission shall provide written notice to each
 23 dealer that is identified in the order approving the alternative access redemption center as
 24 a dealer within the convenience zone not to be served by or not participating in the alter-
 25 native access redemption center.

26 (b) The notice required under this subsection shall include:

27 (A) All information required to be in the order approving the alternative access redemp-
 28 tion center under subsection (3) of this section; and

29 (B) Notice of the provisions of ORS 459A.738 that are applicable to the dealer receiving
 30 the notice.

31 (6) The commission may review at any time approval of an alternative access redemption
 32 center. After written notice to the persons responsible for the establishment and operation
 33 of the alternative access redemption center, and to the dealers served by the alternative
 34 access redemption center, the commission may, after hearing, withdraw approval of an al-
 35 ternative access redemption center if the commission finds there has not been compliance
 36 with its order approving the alternative access redemption center, or if the alternative ac-
 37 cess redemption center no longer provides alternative redemption access opportunities for
 38 individuals who redeem empty beverage containers on a daily or near daily basis.

39 **SECTION 3.** (1) As used in this section, “covered product,” “producer responsibility or-
 40 ganization” and “recycling depot” have the meanings given those terms in ORS 459A.863.

41 (2)(a) Subject to the approval of the Oregon Liquor and Cannabis Commission, one or
 42 more dealers may establish a producer responsibility organization depot redemption center
 43 at any recycling depot or drop off center where a producer responsibility organization di-
 44 rectly or indirectly provides for the collection of covered products to satisfy the require-
 45 ments of ORS 459A.896.

1 (b) The dealer or dealers that establish the producer responsibility organization depot
2 redemption center:

3 (A) Must secure any necessary agreements to establish the producer responsibility or-
4 ganization depot redemption center at that site from the owner or operator of the recycling
5 depot or drop off center; and

6 (B) May contract with the owner or operator of the recycling depot or drop off center
7 to provide the beverage container return services described in this section.

8 (3) Notwithstanding any other provision of ORS 459A.700 to 459A.744, a producer respon-
9 sibility organization depot redemption center must:

10 (a) Provide secure drop off service for empty beverage containers to be returned by any
11 person for the refund value established by ORS 459A.705 in a bag or other bulk return con-
12 tainer sold for that purpose;

13 (b) Provide an accounting mechanism by which a person may redeem the refund value
14 of beverage containers returned in bulk no later than one week after the beverage containers
15 are dropped off at the producer responsibility organization depot redemption center;

16 (c) Be serviced by a distributor cooperative for purposes of transporting and processing
17 redeemed beverage containers; and

18 (d) Be available for persons to return beverage containers to the producer responsibility
19 organization depot redemption center during any time that the recycling depot or drop off
20 center is otherwise open to the public.

21 (4) A producer responsibility organization depot redemption center may provide services
22 other than those specified in subsection (3) of this section as determined necessary by the
23 dealer or dealers that establish the redemption center.

24 (5) A distributor cooperative that services producer responsibility organization depot re-
25 demption centers shall:

26 (a) Provide notice to the commission no later than 14 days after the date that a producer
27 responsibility organization depot redemption center:

28 (A) Begins providing drop off service to persons for the return of empty beverage con-
29 tainers; or

30 (B) Ceases operations; and

31 (b) Annually provide to the commission the names and addresses of the dealers served
32 by all producer responsibility organization depot redemption centers serviced by the distrib-
33 utor cooperative, and such additional information as the commission may require.

34 (6) A dealer that participates in, is served by and pays the cost of participation in a
35 producer responsibility organization depot redemption center may, notwithstanding any
36 other provision of ORS 459A.700 to 459A.744, refuse to accept and to pay the refund value of
37 empty beverage containers.

38 (7) The commission shall specify a convenience zone for each producer responsibility or-
39 ganization depot redemption center. In specifying the convenience zone, the commission shall
40 take into account the convenience standards adopted by the Environmental Quality Com-
41 mission under ORS 459A.914. Any dealer doing business within a producer responsibility or-
42 ganization depot redemption center convenience zone may participate in, be served by and
43 pay the cost of participation in the producer responsibility organization depot redemption
44 center and receive the benefit provided for in subsection (6) of this section.

45 **SECTION 4.** The Oregon Liquor and Cannabis Commission shall establish by rule stan-

1 **dards for periods of time during which a dealer redemption center may, notwithstanding any**
 2 **provision of ORS 459A.700 to 459A.744, temporarily refuse to accept and to pay the refund**
 3 **value of empty beverage containers in order to provide for:**

4 **(1) The sanitation of the redemption center; or**

5 **(2) The safety of a dealer’s employees or the public.**

6 **SECTION 5.** ORS 459A.700 is amended to read:

7 459A.700. As used in ORS [459.992 (3) and (4) and] 459A.700 to 459A.744, unless the context re-
 8 quires otherwise:

9 **(1) “Alternative access redemption center” means a redemption center that meets the**
 10 **requirements of section 2 of this 2025 Act.**

11 [(1)] **(2) “Beverage”** means a fluid described in ORS 459A.702.

12 [(2)] **(3) “Beverage container”** means a container described in ORS 459A.702.

13 [(3)] **(4) “Commission”** means the Oregon Liquor and Cannabis Commission.

14 [(4)] **(5) “Consumer”** means every person who purchases a beverage in a beverage container for
 15 use or consumption.

16 [(5)] **(6) “Dealer”** means every person in this state who engages in the sale of beverages in
 17 beverage containers to a consumer, or means a full-service redemption center approved under ORS
 18 459A.735.

19 [(6)] **(7) “Dealer redemption center”** means a location that meets the requirements of ORS
 20 459A.741, at which any person may return empty beverage containers and [receive payment of] **ac-**
 21 **cess** the refund value of the beverage containers **through an accounting mechanism that makes**
 22 **the refund value available no later than one week after the person drops off the beverage**
 23 **containers.**

24 [(7)] **(8) “Distributor”** means every person who engages in the sale of beverages in beverage
 25 containers to a dealer in this state including any manufacturer who engages in such sales.

26 [(8)] **(9) “Full-service redemption center”** means a location that meets the requirements of ORS
 27 459A.737, at which any person may return empty beverage containers and receive payment of the
 28 refund value of the beverage containers.

29 [(9)] **(10) “Hard seltzer”** means any sugar-based alcoholic beverage that contains carbonated
 30 water or any malt-based alcoholic beverage that contains carbonated water and is not a malt
 31 beverage, as defined in ORS 471.001.

32 [(10)] **(11) “Importer”** means any dealer or manufacturer who directly imports beverage con-
 33 tainers into this state.

34 [(11)] **(12) “In this state”** means within the exterior limits of the State of Oregon and includes
 35 all territory within these limits owned by or ceded to the United States of America.

36 [(12)] **(13) “Kombucha”** means a fermented beverage that is made from tea and contains not
 37 more than 21 percent of alcohol by volume.

38 [(13)] **(14) “Manufacturer”** means every person bottling, canning or otherwise filling beverage
 39 containers for sale to distributors, importers or dealers.

40 [(14)] **(15) “Place of business of a dealer”** means the location at which a dealer sells or offers
 41 for sale beverages in beverage containers to consumers.

42 **(16) “Producer responsibility organization depot redemption center” means a redemption**
 43 **center that meets the requirements of section 3 of this 2025 Act.**

44 [(15)] **(17) “Redemption center”** means a full-service redemption center, [or] a dealer redemption
 45 center, **an alternative access redemption center or a producer responsibility organization**

1 **depot redemption center.**

2 [(16)] (18) “Use or consumption” includes the exercise of any right or power over a beverage
 3 incident to the ownership thereof, other than the sale or the keeping or retention of a beverage for
 4 the purposes of sale.

5 [(17)] (19) “Water and flavored water” means any beverage identified through the use of letters,
 6 words or symbols on its product label as a type of water.

7 [(18)] (20) “Wine” has the meaning given that term in ORS 471.001, except that “wine” does not
 8 mean hard seltzer or kombucha.

9 **SECTION 6.** ORS 459A.715 is amended to read:

10 459A.715. (1) A dealer may refuse to accept from any person, and a distributor or importer may
 11 refuse to accept from a dealer, any empty beverage container that does not state thereon a refund
 12 value as established by ORS 459A.705.

13 (2) A dealer may refuse to accept and to pay the refund value of:

14 (a) Empty beverage containers if the place of business of the dealer and the kind of empty
 15 beverage containers are included in an order of the Oregon Liquor and Cannabis Commission ap-
 16 proving a full-service redemption center under ORS 459A.735.

17 **(b) Empty beverage containers, if the dealer participates in, is served by and pays the**
 18 **cost of participation in a dealer redemption center, alternative access redemption center or**
 19 **a producer responsibility organization depot redemption center.**

20 [(b)] (c) Any beverage container visibly containing or contaminated by a substance other than
 21 water, residue of the original contents or ordinary dust.

22 [(c)(A)] (d)(A) More than 144 individual beverage containers returned by any one person during
 23 one day, if the dealer occupies a space of 5,000 or more square feet in a single area.

24 (B) More than 50 individual beverage containers returned by any one person during one day, if
 25 the dealer occupies a space of less than 5,000 square feet in a single area.

26 [(d)] (e) Any beverage container that is damaged to the extent that the brand appearing on the
 27 container cannot be identified.

28 (3) The commission shall develop and provide to dealers notices that describe the reasons a
 29 dealer may refuse to accept and to pay the refund value for empty beverage containers under sub-
 30 section (2) of this section. The notices may contain additional information as determined by the
 31 commission.

32 (4) A dealer must post in each area where beverage containers are received a notice provided
 33 to the dealer under subsection (3) of this section.

34 **SECTION 7.** ORS 459A.735 is amended to read:

35 459A.735. (1) To facilitate the return of empty beverage containers and to serve dealers of
 36 beverages, any person may establish a full-service redemption center, subject to the approval of the
 37 Oregon Liquor and Cannabis Commission, at which any person may return empty beverage con-
 38 tainers and receive payment of the refund value of such beverage containers.

39 (2) Application for approval of a full-service redemption center shall be filed with the commis-
 40 sion. The application shall state the name and address of the person responsible for the establish-
 41 ment and operation of the full-service redemption center, the kind of beverage containers that will
 42 be accepted at the full-service redemption center, the names and addresses of the dealers to be
 43 served by the full-service redemption center and proposals for [up to two] a convenience [zones] zone
 44 described in ORS 459A.738. The application shall include such additional information as the com-
 45 mission may require.

1 (3) The commission shall approve a full-service redemption center if it finds the redemption
 2 center will provide a convenient service to persons for the return of empty beverage containers.
 3 The order of the commission approving a full-service redemption center shall state:

4 (a) The location of the convenience [zones] **zone** specified by the commission under ORS
 5 459A.738 [(1)];

6 (b) The dealers within the convenience [zones] **zone** to be served by the full-service redemption
 7 center;

8 (c) The dealers within the convenience [zones] **zone** not to be served by or not participating in
 9 the full-service redemption center;

10 (d) The services to be provided by the redemption center and the equivalent services required
 11 to be provided under ORS 459A.738 [(5)] by a dealer that does not participate in, and is not served
 12 by, the full-service redemption center;

13 (e) The kind of empty beverage containers that the full-service redemption center must accept;

14 (f) Whether the full-service redemption center will be located in an area zoned for commercial
 15 use under state statute or local ordinance or will be located in an area that will provide more
 16 convenient service given the proximity of the location to the dealers within the convenience
 17 [zones] **zone** to be served by the full-service redemption center; and

18 (g) Such other provisions to ensure that the full-service redemption center will provide a con-
 19 venient service to the public as the commission may determine.

20 (4) A full-service redemption center approved by the commission under this section is not a re-
 21 cycling depot for purposes of ORS 90.318, 459A.007, 459A.010, 459A.050 or 459A.080.

22 (5)(a) No later than five days after approving a full-service redemption center under subsection
 23 (3) of this section, the commission shall provide written notice to each dealer that is identified in
 24 the order approving the full-service redemption center as a dealer within the convenience [zones]
 25 **zone** not to be served by or not participating in the full-service redemption center.

26 (b) The notice required under this subsection shall include:

27 (A) All information required to be in the order approving the full-service redemption center
 28 under subsection (3) of this section; and

29 (B) Notice of the provisions of ORS 459A.738 that are applicable to the dealer receiving the
 30 notice.

31 (6) The commission may review at any time approval of a full-service redemption center. After
 32 written notice to the person responsible for the establishment and operation of the full-service re-
 33 demption center, and to the dealers served by the full-service redemption center, the commission
 34 may, after hearing, withdraw approval of a full-service redemption center if the commission finds
 35 there has not been compliance with its order approving the full-service redemption center, or if the
 36 full-service redemption center no longer provides a convenient service to the public.

37 **SECTION 8.** ORS 459A.738 is amended to read:

38 459A.738. (1) For each full-service redemption center **or alternative access redemption**
 39 **center**, the Oregon Liquor and Cannabis Commission shall specify [*up to two convenience zones*] **a**
 40 **convenience zone**. The [*first*] convenience zone shall be the sector within a radius of not more than
 41 [*two miles around the full-service redemption center. The second convenience zone shall be the sector*
 42 *beginning at the border of the first convenience zone and continuing to a radius of not more than*] three
 43 and one-half miles around the [*full-service*] redemption center. The convenience [zones] **zone** shall
 44 be based to the greatest extent practicable upon the proposals submitted as part of the application
 45 for approval of the full-service redemption center under ORS 459A.735 **or the alternative access**

1 **redemption center under section 2 of this 2025 Act.**

2 (2) All dealers doing business within [*the first*] a convenience zone that occupy a space of 5,000
3 or more square feet in a single area may participate in, be served by and be charged the cost of
4 participation in the full-service redemption center **or alternative access redemption center** and,
5 if such a dealer participates in, is served by and pays the cost of participation in the full-service
6 redemption center **or alternative access redemption center**, the dealer may, notwithstanding any
7 other provision of ORS 459A.700 to 459A.744, refuse to accept and to pay the refund value of empty
8 beverage containers.

9 [*(3) All dealers doing business within the second convenience zone that occupy a space of 5,000 or*
10 *more square feet in a single area may participate in, be served by and be charged the cost of partic-*
11 *ipation in the full-service redemption center and, if such a dealer participates in, is served by and pays*
12 *the cost of participation in the full-service redemption center, the dealer may, notwithstanding any other*
13 *provision of ORS 459A.700 to 459A.744, refuse to accept and to pay the refund value of more than 24*
14 *individual empty beverage containers returned by any one person during one day.]*

15 [(4)] (3) All dealers doing business within [*either*] a convenience zone that occupy a space of less
16 than 5,000 square feet in a single area may, notwithstanding any other provision of ORS 459A.700
17 to 459A.744, refuse to accept and to pay the refund value of more than 24 individual empty beverage
18 containers returned by any one person during one day.

19 [(5)(a)] (4)(a) Any dealer doing business within [*either*] a convenience zone that occupies a space
20 of 5,000 or more square feet in a single area that does not participate in, and is not served by, the
21 full-service redemption center **or alternative access redemption center** may not refuse to accept
22 and to pay the refund value of up to 350 individual empty beverage containers, as established by
23 ORS 459A.705, returned by any one person during one day and must, beginning on the date that the
24 full-service redemption center **or alternative access redemption center** begins accepting beverage
25 containers, provide services equivalent to those provided by the redemption center under ORS
26 459A.737 (2), including hand counting and drop off service.

27 (b) In addition to complying with the requirements specified in paragraph (a) of this subsection,
28 a dealer described in paragraph (a) of this subsection must:

29 (A) Post in each area where beverage containers are received a clearly visible and legible sign
30 that contains the list of services that must be provided by the dealer; and

31 (B) Provide two automated reverse vending machines capable of processing metal, plastic and
32 glass beverage containers, or one automated reverse vending machine capable of processing metal,
33 plastic and glass beverage containers for each 500,000 beverage containers sold by the dealer in the
34 previous calendar year, whichever is greater.

35 (c)(A) The provisions of paragraphs (a) and (b) of this subsection do not apply to a dealer de-
36 scribed in paragraph (a) of this subsection if the dealer sold fewer than 100,000 beverage containers
37 in the previous calendar year. To be eligible for the exemption under this paragraph, a dealer de-
38 scribed in paragraph (a) of this subsection must report to the commission the number of beverage
39 containers sold by the dealer in the previous calendar year.

40 (B) The report required under this paragraph must be submitted by a dealer:

41 (i) Except as provided in subsection [(6)] (5) of this section, no later than 60 days after issuance
42 of the notice required under ORS 459A.735 (5); and

43 (ii) No later than January 1 of each calendar year following the year that the notice under ORS
44 459A.735 (5) was issued and for which the dealer intends to claim the exemption.

45 (d) The commission shall ensure compliance with this subsection by a dealer described in para-

1 graph (a) of this subsection that is not subject to an exemption under paragraph (c) of this sub-
2 section.

3 [(6)] **(5)** A dealer that plans to begin doing business within *[either]* a convenience zone after the
4 date that the full-service redemption center **or alternative access redemption center** associated
5 with the convenience zone begins accepting beverage containers shall, not less than 60 days prior
6 to the date that the dealer begins doing business:

7 (a) Provide notice to the commission explaining whether the dealer will or will not participate
8 in, be served by and pay the cost of participation in the full-service redemption center **or alterna-**
9 **tive access redemption center**; and

10 (b) If the dealer will not participate in the redemption center and will claim an exemption under
11 subsection [(5)(c)] **(4)(c)** of this section, provide documentation of compliance with the requirements
12 for nonparticipating dealers under this section and an estimate of the number of beverage containers
13 that the dealer expects to sell during the first calendar year that the dealer does business within
14 the convenience zone.

15 [(7)] **(6)** The provisions of subsections (2) to [(6)] **(5)** of this section do not apply to any dealer
16 for which the driving distance from the place of business of the dealer to the full-service redemption
17 center **or alternative access redemption center**, calculated using the shortest route, is more than
18 two times the radius specified for the *[second]* convenience zone *[or, if only one convenience zone is*
19 *specified by the commission, two times the radius specified for that convenience zone]*.

20 [(8)] **(7)** Not more than 60 days after issuance of notice from the commission under ORS
21 459A.735 (5), a dealer shall provide the commission with written documentation confirming compli-
22 ance with each of the requirements of this section that are applicable to the dealer receiving notice.

23 **(8) No less than once every five years, the commission shall conduct a review of each**
24 **convenience zone. The review must include consultation with:**

25 **(a) The distributor cooperative;**

26 **(b) Participating dealers within the convenience zone; and**

27 **(c) If the convenience zone has a radius of less than three and one-half miles, dealers**
28 **that would be within the convenience zone if the radius of the convenience zone were ex-**
29 **tended to three and one-half miles.**

30 **SECTION 9.** ORS 459A.741 is amended to read:

31 459A.741. (1) Any person may establish a dealer redemption center to serve one or more dealers
32 *[doing business in an area that is not part of a convenience zone specified by the Oregon Liquor and*
33 *Cannabis Commission under ORS 459A.738].*

34 (2) Notwithstanding any other provision of ORS 459A.700 to 459A.744, a dealer redemption cen-
35 ter must:

36 (a) Provide secure drop off service *[at no charge]* for empty beverage containers to be returned
37 by any person for the refund value established by ORS 459A.705 in a bag or other bulk return con-
38 tainer sold for that purpose;

39 (b) Provide an accounting mechanism by which a person may redeem the refund value of
40 beverage containers returned in bulk *[either immediately in cash from a dealer participating in the*
41 *dealer redemption center or]* no later than one week after the beverage containers are dropped off
42 **at the dealer redemption center;**

43 (c) Be serviced by a distributor cooperative for purposes of transporting and processing re-
44 deemed beverage containers; **and**

45 (d) Be available for persons to return beverage containers to the dealer redemption center dur-

1 ing any time that a participating dealer is open between the hours of 8 a.m. and 8 p.m.]; *and*]

2 [(e) *Be of a sufficient capacity to provide convenient service to the public as the commission may*
 3 *determine.*]

4 (3) A dealer redemption center may provide services other than those specified in subsection (2)
 5 of this section as determined necessary by the person responsible for operation of the dealer re-
 6 demption center.

7 (4) A distributor cooperative that services dealer redemption centers shall:

8 (a) Provide notice to the **Oregon Liquor and Cannabis** Commission no later than 14 days after
 9 the date that a dealer redemption center:

10 (A) Begins providing drop off service to persons for the return of empty beverage containers;
 11 or

12 (B) Ceases operations; and

13 (b) Annually provide to the commission the names and addresses of the dealers served by all
 14 dealer redemption centers serviced by the distributor cooperative, and such additional information
 15 as the commission may require.

16 (5)(a) A dealer that participates in, is served by and pays the cost of participation in a dealer
 17 redemption center may, notwithstanding any other provision of ORS 459A.700 to 459A.744, refuse to
 18 accept and to pay the refund value of [*more than 24 individual*] empty beverage containers [*returned*
 19 *by any one person during one day*].

20 (b) If a dealer redemption center is established in a city having a population of less than
 21 [*10,000*] **50,000** people, the Oregon Liquor and Cannabis Commission shall specify a dealer redemp-
 22 tion center convenience zone. The dealer redemption center convenience zone shall be the sector
 23 within a radius of not more than [*one mile*] **ten miles** around the dealer redemption center. Any
 24 dealer doing business within a dealer redemption center convenience zone may participate in, be
 25 served by and pay the cost of participation in the dealer redemption center and receive the benefit
 26 provided for in paragraph (a) of this subsection.

27 **SECTION 10.** ORS 459A.720 is amended to read:

28 459A.720. (1) Every beverage container sold or offered for sale in this state by a dealer shall
 29 clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the
 30 beverage container, the refund value of the container.

31 (2) Subsection (1) of this section shall not apply to glass beverage containers designed for
 32 beverages having a brand name permanently marked thereon which, on October 1, 1972, had a re-
 33 fund value of not less than five cents.

34 (3) No person shall sell or offer for sale at retail in this state any metal beverage container so
 35 designed and constructed that a part of the container is detachable in opening the container without
 36 the aid of a can opener.

37 (4) On or after March 1, 1979, no person shall sell or offer for sale at retail in this state, in
 38 addition to beverages as defined in ORS 459A.700 [*(1)*], any beverage in liquid form intended for
 39 human consumption in any beverage container so designed and constructed that a metal part of the
 40 container is detachable in opening the container through use of a metal ring or tab without the aid
 41 of a can opener. However, nothing in this subsection shall prohibit the sale of a container the only
 42 detachable part of which is a piece of pressure sensitive tape.

43 (5) No person shall sell or offer for sale at retail in this state metal beverage containers con-
 44 nected to each other by a separate holding device constructed of plastic rings or other material
 45 which will not decompose by photobiodegradation, chemical degradation, or biodegradation within

1 120 days of disposal.

2 **SECTION 11.** ORS 459A.863 is amended to read:

3 459A.863. As used in ORS 459A.860 to 459A.975:

4 (1) "Brand" means any mark, word, name, symbol, design, device or graphical element, or a
5 combination thereof, including a registered or unregistered trademark, that identifies a product and
6 distinguishes the product from other products.

7 (2) "Commingled recycling" means the recycling or recovery of two or more materials that are
8 mixed together and that generally would be separated into individual materials at a commingled
9 recycling processing facility in order to be marketed.

10 (3)(a) "Commingled recycling processing facility" means a facility that:

11 (A) Receives source separated commingled recyclable materials that are collected commingled
12 from a collection program providing the opportunity to recycle; and

13 (B) Separates the recyclable materials described in subparagraph (A) of this paragraph into
14 marketable commodities or streams of materials that are intended for use or further processing by
15 others.

16 (b) "Commingled recycling processing facility" does not include:

17 (A) Scrap metal recycling facilities;

18 (B) Scrap automotive or appliance recycling facilities;

19 (C) [*Full-service redemption centers or dealer redemption centers, as those terms are*] **Redemption**
20 **centers** as defined in ORS 459A.700[,] and recycling facilities owned and operated by a distributor
21 cooperative established under ORS 459A.718;

22 (D) Recycling facilities handling covered electronic devices, as defined in ORS 459A.305;

23 (E) Recycling processing facilities that process only noncommingled, source separated recyclable
24 material from commercial entities;

25 (F) Recycling processing facilities that recover commingled recyclable material primarily from
26 the construction and demolition debris waste stream;

27 (G) Recycling depots;

28 (H) Recycling reload facilities; or

29 (I) Limited sort facilities, as defined by rule by the Environmental Quality Commission.

30 (4) "Contaminant" means:

31 (a) A material set out for recycling collection that is not properly prepared and on the list of
32 materials accepted for recycling collection by a recycling collection program; or

33 (b) A material shipped to a recycling end market that is not accepted or desired by that end
34 market.

35 (5) "Contamination" means the presence of one or more contaminants in a recycling collection
36 or commodity stream in an amount or concentration that negatively impacts the value of the mate-
37 rial or negatively impacts a processor's ability to sort that material.

38 (6)(a) "Covered product" means:

39 (A) Packaging;

40 (B) Printing and writing paper; and

41 (C) Food serviceware.

42 (b) "Covered product" does not include:

43 (A) A beverage container, as defined in ORS 459A.700.

44 (B) Bound books.

45 (C) Napkins, paper towels or other paper intended to be used for cleaning or the absorption of

- 1 liquids.
- 2 (D) Rigid pallets used as the structural foundation for transporting goods lifted by a forklift,
3 pallet jack or similar device.
- 4 (E) Specialty packaging items that are used exclusively in industrial or manufacturing processes,
5 including but not limited to:
- 6 (i) Cores and wraps for rolls of packaging sold by a mill to a packaging converter or food
7 processor; and
- 8 (ii) Trays, whether designed for a single use or multiple uses, used for the transport of compo-
9 nent parts from a parts supplier to a manufacturer that assembles those parts.
- 10 (F) Liquified petroleum gas containers that are designed to be refilled.
- 11 (G) A material that the producer demonstrates is exempt under ORS 459A.869.
- 12 (H) Pallet wrap or similar packaging used to secure a palletized load if added by a person that
13 is not the producer of the palletized covered products.
- 14 (I) Packaging related to containers for architectural paint, as defined in ORS 459A.822, that has
15 been collected by a producer responsibility organization under the program established under ORS
16 459A.820 to 459A.855.
- 17 (J) Any item that is not ultimately discarded inside this state, whether for purposes of recovery
18 or disposal.
- 19 (K) Items sold on a farm or used on a farm, including items used for farm use, as defined in ORS
20 215.203, or for processing on a farm, provided that an item used on a farm is not subsequently sold
21 at a retail establishment that is not located on a farm.
- 22 (L) Items used by a nursery licensed under ORS 571.055 that generates the majority of the
23 nursery's revenue through the sale of nursery stock, as defined in ORS 571.005, provided that the
24 items are not sold through retail sales.
- 25 (M) Packaging and paper products sold or supplied in connection with:
- 26 (i) Prescription drugs as defined in ORS 689.005;
- 27 (ii) Nonprescription drugs as defined in ORS 689.005;
- 28 (iii) Drugs marketed under a brand name as defined in ORS 689.515; or
- 29 (iv) Drugs marketed under a generic name as defined in ORS 689.515.
- 30 (N) Packaging and paper products sold or supplied in connection with drugs that are used for
31 animal medicines, including but not limited to parasiticide drugs for animals.
- 32 (O) Packaging and paper products sold or supplied in connection with:
- 33 (i) Infant formula as defined in 21 U.S.C. 321(z);
- 34 (ii) Medical food as defined in 21 U.S.C. 360ee(b)(3); or
- 35 (iii) Fortified oral nutritional supplements used for individuals who require supplemental or sole
36 source nutrition to meet nutritional needs due to special dietary needs directly related to cancer,
37 chronic kidney disease, diabetes, malnutrition, or failure to thrive, as those terms are defined as by
38 the International Classification of Diseases, Tenth Revision, or other medical conditions as deter-
39 mined by the commission.
- 40 (P) Wine and spirit containers for which a refund value is established under Oregon law.
- 41 (Q) Packaging for products:
- 42 (i) That are required under 40 C.F.R. 156.140, or other federal regulation pertaining to toxic or
43 hazardous materials, to state on the label or container that the packaging should not be recycled
44 or should be disposed of in a manner other than recycling; or
- 45 (ii) Identified by the commission by rule as product that is required by law to state on the label

1 or container that the packaging should not be recycled or should be disposed of in a manner other
2 than recycling.

3 (R) Any other material, as determined by the commission by rule, after consultation with the
4 Oregon Recycling System Advisory Council.

5 (7) "Food serviceware" means paper or plastic plates, wraps, cups, bowls, pizza boxes, cutlery,
6 straws, lids, bags, aluminum foil or clamshells or similar containers:

7 (a) That are generally intended for single use; and

8 (b) That are sold to a retailer or a dine-in food establishment or a take-out food establishment,
9 regardless of whether the item is used to prepackage food for resale, is filled on site for food ordered
10 by a customer or is resold as is.

11 (8) "Large producer" means a producer that is among the 25 largest producers of covered pro-
12 ducts based on market share.

13 (9) "Licensee" means a person that is licensed by a brand and manufactures a covered product
14 or a packaged item under that brand.

15 (10) "Litter" means waste that is improperly placed so as to be a nuisance or aesthetic, health
16 or environmental concern.

17 (11) "Local government" means:

18 (a) A city;

19 (b) A county; or

20 (c) A metropolitan service district.

21 (12) "Local government's service provider" means:

22 (a) A collection service franchise holder under ORS 459A.085;

23 (b) Any person authorized by a city or county to provide recycling collection services described
24 in subsection (25)(a) to (d) of this section; or

25 (c) Any person authorized by a metropolitan service district to provide recycling collection
26 services described in subsection (25)(d) of this section.

27 (13) "Market share" means a producer's percentage of all covered products sold in or into this
28 state during a specified time period, as calculated in accordance with methods established by the
29 commission by rule.

30 (14) "Mechanical recycling" means a form of recycling that does not change the basic molecular
31 structure of the material being recycled.

32 (15) "Metropolitan service district" means a metropolitan service district established under ORS
33 chapter 268.

34 (16) "Nonprofit organization" means an organization or group of organizations described in
35 section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a)
36 of the Internal Revenue Code.

37 (17) "Opportunity to recycle" has the meaning given that term in ORS 459A.005.

38 (18)(a) "Packaging" means:

39 (A) Materials used for the containment or protection of products, including but not limited to
40 paper, plastic, glass or metal or a mixture thereof;

41 (B) Single-use bags, including but not limited to shopping bags; and

42 (C) Nondurable materials used in storage, shipping or moving, including but not limited to
43 packing materials, moving boxes, file boxes and folders.

44 (b) "Packaging" does not include:

45 (A) Food serviceware; or

- 1 (B) Sharps, as defined in ORS 459.386.
- 2 (19) "Person" has the meaning given that term in ORS 459.005.
- 3 (20) "Printing and writing paper" includes, but is not limited to, newspaper, magazines, flyers,
4 brochures, booklets, catalogs, telephone directories and paper used for copying, writing or other
5 general use.
- 6 (21) "Processor" means a person that owns or operates a commingled recycling processing fa-
7 cility.
- 8 (22) "Producer" means a person that is determined to be the producer of a covered product un-
9 der ORS 459A.866.
- 10 (23) "Producer responsibility organization" means a nonprofit organization established by a
11 producer or group of producers to administer a producer responsibility program.
- 12 (24) "Producer responsibility program" means a statewide program for the responsible manage-
13 ment of covered products that is administered by a producer responsibility organization pursuant to
14 a plan approved by the Department of Environmental Quality under ORS 459A.878.
- 15 (25) "Recycling collection" means the act or process of gathering recyclable materials by:
- 16 (a) On-route residential collection from the generator at the place of generation;
- 17 (b) On-site nonresidential collection from the generator at the place of generation;
- 18 (c) Multifamily on-route residential collection from each multifamily dwelling that has five or
19 more units;
- 20 (d) Recycling depots at a disposal site or another designated location that is more convenient
21 to the population being served and expanded depots as described in ORS 459A.007; or
- 22 (e) Other collection methods included in an approved producer responsibility program plan.
- 23 (26) "Recycling depot" means a location where recyclable materials are accepted from the public
24 or commercial businesses and transported to a location for processing or to an end market.
- 25 (27) "Recycling reload facility" means a facility other than a recycling depot where recyclable
26 materials are received, consolidated and made ready for transport to another location for processing
27 or to a responsible end market.
- 28 (28) "Recycling system" means all aspects of the programs and participants that have a role in
29 Oregon's statewide recycling structure, including producers of products sold in or into Oregon,
30 generators of recyclable materials, governments that regulate materials management programs,
31 businesses that collect and process recyclable materials and persons that receive recyclable mate-
32 rials to convert to new feedstock or products.
- 33 (29) "Responsible end market" means a materials market in which the recycling or recovery of
34 materials or the disposal of contaminants is conducted in a way that benefits the environment and
35 minimizes risks to public health and worker health and safety.
- 36 (30) "Responsible management" means the handling, tracking and disposition of covered pro-
37 ducts from the point of collection through the final destination of the collected material in a way
38 that benefits the environment and minimizes risks to public health and worker health and safety.
- 39 (31) "Responsible recycling" means the handling of covered products for recycling and removal
40 of contaminants by a certified or permitted processor and disposition to a responsible end market.
- 41 (32) "Small producer" means a producer that:
- 42 (a) Is a nonprofit organization;
- 43 (b) Is a public body, as defined in ORS 174.109;
- 44 (c) Has a gross revenue of less than \$5 million for the organization's most recent fiscal year;
- 45 (d) Sold in or into Oregon less than one metric ton of covered products for use in this state in

1 the most recent calendar year;

2 (e) Is a manufacturer of a beverage sold in a beverage container, as those terms are defined in
3 ORS 459A.700, that sold in or into Oregon less than five metric tons of covered products, including
4 but not limited to secondary and tertiary packaging for beverage containers, for use in this state in
5 the most recent calendar year;

6 (f)(A) Is a restaurant, food cart or similar business establishment that primarily sells to members
7 of the public food that is generally intended to be consumed immediately and without the need for
8 further preparation, either on or off the premises; and

9 (B) Is not a producer of food serveware as described in ORS 459A.866; or

10 (g) Operates a single retail sales establishment, has no online sales and is not supplied or op-
11 erated as part of a franchise or a chain.

12 (33) "Specifically identified material" means a material or covered product identified by the de-
13 partment under ORS 459A.917.

14 (34) "Uniform statewide collection list" means the list of materials established in accordance
15 with the requirements of ORS 459A.914 (4).

16 **SECTION 12. (1) Sections 2 to 4 of this 2025 Act and the amendments to ORS 459A.700,**
17 **459A.715, 459A.720, 459A.735, 459A.738, 459A.741 and 459A.863 by sections 5 to 11 of this 2025**
18 **Act become operative on January 1, 2026.**

19 **(2) The Oregon Liquor and Cannabis Commission may take any action before the opera-**
20 **tive date specified in subsection (1) of this section that is necessary to enable the commission**
21 **to exercise, on and after the operative date specified in subsection (1) of this section, all of**
22 **the duties, functions and powers conferred on the commission by sections 2 to 4 of this 2025**
23 **Act and the amendments to ORS 459A.700, 459A.715, 459A.720, 459A.735, 459A.738, 459A.741**
24 **and 459A.863 by sections 5 to 11 of this 2025 Act.**

25 **SECTION 13. This 2025 Act takes effect on the 91st day after the date on which the 2025**
26 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

27