

House Bill 3432

Sponsored by Representatives GOMBERG, ELMER, Senator SMITH DB, Representative SCHARF, Senator MEEK

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: The Act lets wineries refuse to redeem cans and bottles not sold at the winery. (Flesch Readability Score: 67.5).

Permits a winery to refuse to accept and to pay the refund value of beverage containers not sold at the winery.

A BILL FOR AN ACT

Relating to the redemption of beverage containers at wineries; amending ORS 459A.715.

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

SECTION 1. ORS 459A.715 is amended to read:

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

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

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

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

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

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

(d) Any beverage container that is damaged to the extent that the brand appearing on the container cannot be identified.

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

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

(5) A dealer that holds a winery license under ORS 471.223 may, at the premises of the winery, refuse to accept and to pay the refund value for any empty beverage container that is of a kind, size and brand that the dealer does not sell at the winery.

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.