

House Bill 3433

Sponsored by Representatives GOMBERG, ELMER, Senators SMITH DB, 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: This Act adds wine bottles to the Bottle Bill and makes other changes to the law. (Flesch Readability Score: 84.8).

Adds wine bottles to the Bottle Bill, operative July 1, 2026. Modifies provisions of the Bottle Bill applicable to wine containers.

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

A BILL FOR AN ACT

1
2 Relating to beverage containers for wine; creating new provisions; amending ORS 459A.702,
3 459A.705, 459A.715 and 459A.720 and section 11, chapter 80, Oregon Laws 2022; and prescribing
4 an effective date.

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

6 **SECTION 1.** ORS 459A.702, as amended by section 8, chapter 80, Oregon Laws 2022, is amended
7 to read:

8 459A.702. ORS 459A.700 to 459A.744 apply to:

9 (1) Any individual, separate, sealed glass, metal or plastic bottle or can, except for a carton, foil
10 pouch, drink box or metal container that requires a tool to be opened, that contains any one of the
11 following beverages, intended for human consumption and in a quantity less than or equal to three
12 liters:

13 (a) Water or flavored water;

14 (b) Beer or another malt beverage;

15 (c) Mineral water, soda water or a similar carbonated soft drink;

16 (d) Kombucha; *[or]*

17 (e) Hard seltzer; **or**

18 **(f) Wine.**

19 *[(2) Wine in a can.]*

20 *[(3)]* **(2)** Any beverage **in a container type listed in subsection (1) of this section**, other than
21 those **beverages** specified in *[subsections (1) and (2)]* **subsection (1)** of this section, that is intended
22 for human consumption and is in a quantity more than or equal to four fluid ounces and less than
23 or equal to one and one-half liters, except distilled liquor, *[wine in a container other than a can,]*
24 dairy or plant-based milks, infant formula and any other exemptions set forth in rule by the Oregon
25 Liquor and Cannabis Commission.

26 **SECTION 2.** ORS 459A.705, as amended by section 9, chapter 80, Oregon Laws 2022, is amended
27 to read:

28 459A.705. (1) Except as provided in *[subsections (2) and (3)]* **subsection (2)** of this section, every
29 beverage container sold or offered for sale in this state shall have a refund value of not less than

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 *[five]* 10 cents.

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

4 [(A) Eight months after the Oregon Liquor and Cannabis Commission determines that, in each of
5 the two previous calendar years, the number of beverage containers returned for the refund value
6 specified in this section was less than 80 percent of the total number of beverage containers that were
7 sold in this state; or]

8 [(B) January 1 of the calendar year following the determination by the commission described in
9 subparagraph (A) of this paragraph.]

10 [(b) In making a determination under this subsection, the commission may not include the
11 beverages described in ORS 459A.702 (3) before January 1, 2021.]

12 [(3)] (2) Every beverage container certified as provided in ORS 459A.725, sold or offered for sale
13 in this state, shall have a refund value of not less than two cents.

14 **SECTION 3.** ORS 459A.715 is amended to read:

15 459A.715. (1)(a) A dealer may refuse to accept from any person, and a distributor or importer
16 may refuse to accept from a dealer, any empty beverage container that does not state thereon a
17 refund value as established by ORS 459A.705.

18 **(b) Notwithstanding paragraph (a) of this subsection, a dealer may not refuse to accept
19 from any person, and a distributor or importer may not refuse to accept from a dealer an
20 empty beverage container described in ORS 459A.720 (4) because the beverage container does
21 not state thereon a refund value established by ORS 459A.705.**

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

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

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

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

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

32 (d) Any beverage container that is damaged to the extent that the brand appearing on the con-
33 tainer cannot be identified.

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

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

40 **SECTION 4.** ORS 459A.720 is amended to read:

41 459A.720. (1) Every beverage container sold or offered for sale in this state by a dealer shall
42 clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the
43 beverage container, the refund value of the container.

44 **(2) A beverage container containing wine is in compliance with subsection (1) of this
45 section if the container is labeled with a code that a consumer may scan with a smartphone**

1 **or similar electronic device to view the refund value.**

2 [(2)] (3) Subsection (1) of this section shall not apply to glass beverage containers designed for
3 beverages having a brand name permanently marked thereon which, on October 1, 1972, had a re-
4 fund value of not less than five cents.

5 **(4) Subsection (1) of this section does not apply to wine in a can that was filled and la-
6 beled before July 1, 2025.**

7 [(3)] (5) No person shall sell or offer for sale at retail in this state any metal beverage container
8 so designed and constructed that a part of the container is detachable in opening the container
9 without the aid of a can opener.

10 [(4)] (6) On or after March 1, 1979, no person shall sell or offer for sale at retail in this state,
11 in addition to beverages as defined in ORS 459A.700 (1), any beverage in liquid form intended for
12 human consumption in any beverage container so designed and constructed that a metal part of the
13 container is detachable in opening the container through use of a metal ring or tab without the aid
14 of a can opener. However, nothing in this subsection shall prohibit the sale of a container the only
15 detachable part of which is a piece of pressure sensitive tape.

16 [(5)] (7) No person shall sell or offer for sale at retail in this state metal beverage containers
17 connected to each other by a separate holding device constructed of plastic rings or other material
18 which will not decompose by photobiodegradation, chemical degradation, or biodegradation within
19 120 days of disposal.

20 **SECTION 5.** ORS 459A.720, as amended by section 4 of this 2025 Act, is amended to read:

21 459A.720. (1) Every beverage container sold or offered for sale in this state by a dealer shall
22 clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the
23 beverage container, the refund value of the container.

24 (2) A beverage container containing wine is in compliance with subsection (1) of this section if
25 the container is labeled with a code that a consumer may scan with a smartphone or similar elec-
26 tronic device to view the refund value.

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

30 (4) Subsection (1) of this section does not apply to:

31 (a) Wine in a can that was filled and labeled before July 1, 2025.

32 (b) **Wine in a bottle that was filled and labeled before July 1, 2026.**

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

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

42 (7) No person shall sell or offer for sale at retail in this state metal beverage containers con-
43 nected to each other by a separate holding device constructed of plastic rings or other material
44 which will not decompose by photobiodegradation, chemical degradation, or biodegradation within
45 120 days of disposal.

1 **SECTION 6.** Section 11, chapter 80, Oregon Laws 2022, is amended to read:

2 **Sec. 11. (1)** On and after [*the operative date specified in section 10 of this 2022 Act*] **July 1, 2025,**
3 and until [*October 1, 2026*] **January 1, 2027:**

4 [(1)] (a) The refund value paid for a can that contains wine as described in ORS 459A.702 shall
5 be not less than 10 cents, regardless of the refund value, or lack of a refund value, indicated on the
6 beverage container.

7 [(2)] (b) A can that contains wine may be sold or offered for sale in this state regardless of the
8 refund value, or lack of a refund value, indicated on the beverage container, notwithstanding ORS
9 459A.720 (1).

10 **(2) On and after the operative date specified in section 8 of this 2025 Act and until Jan-**
11 **uary 1, 2028:**

12 **(a) The refund value paid for a beverage container described in ORS 459A.702 that con-**
13 **tains wine, other than a can, shall be not less than 10 cents, regardless of the refund value,**
14 **or lack of a refund value, indicated on the beverage container.**

15 **(b) A beverage container that contains wine, other than a can, may be sold or offered for**
16 **sale in this state regardless of the refund value, or lack of a refund value, indicated on the**
17 **beverage container, notwithstanding ORS 459A.720 (1).**

18 **SECTION 7. (1)** The amendments to ORS 459A.715 and 459A.720 by sections 3 and 4 of this
19 **2025 Act become operative on July 1, 2025.**

20 **(2) The Oregon Liquor and Cannabis Commission may adopt rules and take any action**
21 **before the operative date specified in subsection (1) of this section that is necessary to enable**
22 **the commission, on and after the operative date specified in subsection (1) of this section,**
23 **to exercise all of the duties, powers and functions conferred on the commission by the**
24 **amendments to ORS 459A.715 and 459A.720 by sections 3 and 4 of this 2025 Act.**

25 **SECTION 8. (1)** The amendments to ORS 459A.702, 459A.705 and 459A.720 by sections 1,
26 **2 and 5 of this 2025 Act become operative on July 1, 2026.**

27 **(2) The Oregon Liquor and Cannabis Commission may adopt rules and take any action**
28 **before the operative date specified in subsection (1) of this section that is necessary to enable**
29 **the commission, on and after the operative date specified in subsection (1) of this section,**
30 **to exercise all of the duties, powers and functions conferred on the commission by the**
31 **amendments to ORS 459A.702, 459A.705 and 459A.720 by sections 1, 2 and 5 of this 2025 Act.**

32 **SECTION 9.** This 2025 Act takes effect on the 91st day after the date on which the 2025
33 **regular session of the Eighty-third Legislative Assembly adjourns sine die.**

34