

# Senate Bill 869

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Governor Tina Kotek for Oregon Liquor and Cannabis Commission)

## 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 sets the hours that dealers must accept returns of beverage containers. (Flesch Readability Score: 63.4).

Specifies hours during which dealers must accept returns of beverage containers.

## A BILL FOR AN ACT

1  
2 Relating to beverage containers; amending ORS 459A.700 and 459A.715.

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

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

5 459A.715. (1) A dealer may refuse to accept from any person, and a distributor or importer may  
6 refuse to accept from a dealer, any empty beverage container that does not state thereon a refund  
7 value as established by ORS 459A.705.

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

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

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

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

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

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

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

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

26 **(5) A dealer must accept the return of beverage containers during the hours of 8 a.m.  
27 to 8 p.m. while the dealer is otherwise open for business. A dealer may refuse to accept the  
28 return of beverage containers during all other hours.**

29 **SECTION 2.** ORS 459A.700 is amended to read:

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

3 (1) “Beverage” means a fluid described in ORS 459A.702.

4 (2) “Beverage container” means a container described in ORS 459A.702.

5 (3) “Commission” means the Oregon Liquor and Cannabis Commission.

6 (4) “Consumer” means every person who purchases a beverage in a beverage container for use  
 7 or consumption.

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

10 (6) “Dealer redemption center” means a location that meets the requirements of ORS 459A.741,  
 11 at which any person may return empty beverage containers and receive payment of the refund value  
 12 of the beverage containers.

13 (7) “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 (8) “Full-service redemption center” means a location that meets the requirements of ORS  
 16 459A.737, at which any person may return empty beverage containers and receive payment of the  
 17 refund value of the beverage containers.

18 (9) “Hard seltzer” means any sugar-based alcoholic beverage that contains carbonated water or  
 19 any malt-based alcoholic beverage that contains carbonated water and is not a malt beverage, as  
 20 defined in ORS 471.001.

21 (10) “Importer” means any dealer or manufacturer who directly imports beverage containers into  
 22 this state.

23 (11) “In this state” means within the exterior limits of the State of Oregon and includes all  
 24 territory within these limits owned by or ceded to the United States of America.

25 (12) “Kombucha” means a fermented beverage that is made from tea and contains not more than  
 26 21 percent of alcohol by volume.

27 (13) “Manufacturer” means every person bottling, canning or otherwise filling beverage con-  
 28 tainers for sale to distributors, importers or dealers.

29 (14) “Place of business of a dealer” means the location at which a dealer sells or offers for sale  
 30 beverages in beverage containers to consumers.

31 (15) “Redemption center” means a full-service redemption center or a dealer redemption center.

32 (16) “Use or consumption” includes the exercise of any right or power over a beverage incident  
 33 to the ownership thereof, other than the sale or the keeping or retention of a beverage for the  
 34 purposes of sale.

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

37 (18) “Wine” has the meaning given that term in ORS 471.001, except that “wine” does not mean  
 38 hard seltzer or kombucha.

39