

SECOND REGULAR SESSION

HOUSE BILL NO. 2061

94TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HOLSMAN (Sponsor), GRILL, HARRIS (110), HODGES, MEINERS, OXFORD, DAUS, McCLANAHAN AND ROORDA (Co-sponsors).

Read 1st time February 7, 2008 and copies ordered printed.

D. ADAM CRUMBLISS, Chief Clerk

3307L.01I

AN ACT

To amend chapter 260, RSMo, by adding thereto six new sections relating to the recycling of containers.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 260, RSMo, is amended by adding thereto six new sections, to be
2 known as sections 260.2000, 260.2003, 260.2006, 260.2009, 260.2012, and 260.2015, to read
3 as follows:

260.2000. As used in sections 260.2000 to 260.2015, the following words shall mean:

- 2 (1) "Beverage", wine, wine coolers, intoxicating liquor, beer, mineral water, soda
3 water, and similar carbonated soft drinks in liquid form and intended for human
4 consumption;
5 (2) "Beverage container", any sealed glass, plastic, or metal bottle, can, jar, or
6 carton containing a beverage;
7 (3) "Consumer", any person who purchases a beverage in a beverage container for
8 use or consumption;
9 (4) "Dealer", any person who engages in the sale of beverages in beverage
10 containers to a consumer;
11 (5) "Dealer agent", a person who solicits or picks up empty beverage containers
12 from a dealer for the purpose of returning the empty beverage containers to a distributor
13 or manufacturer;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

- 14 (6) "Department", the department of natural resources;
15 (7) "Director", the director of the department;
16 (8) "Distributor", any person who engages in the sale of beverages in beverage
17 containers to a dealer in this state, including any manufacturer who engages in such sales;
18 (9) "Division", the division of environmental quality within the department;
19 (10) "Geographic territory", the geographical area within a perimeter formed by
20 the outermost boundaries served by a distributor;
21 (11) "Manufacturer", any person who bottles, cans, or otherwise fills beverage
22 containers for sale to distributors or dealers;
23 (12) "Nonrefillable beverage container", a beverage container not intended to be
24 refilled for sale by a manufacturer;
25 (13) "Redemption center", a facility at which consumers may return empty
26 beverage containers and receive payment for the refund value of the empty beverage
27 containers.

260.2003. 1. A refund value of five cents shall be paid by the consumer on each
2 beverage container sold in this state by a dealer for consumption off the premises. Upon
3 return of the empty beverage container upon which a refund value has been paid to the
4 dealer or person operating a redemption center and acceptance of the empty beverage
5 container by the dealer or person operating a redemption center, the dealer or person
6 operating a redemption center shall return the amount of the refund value to the
7 consumer.

8 2. In addition to the refund value provided in subsection 1 of this section, a dealer,
9 or person operating a redemption center who redeems empty beverage containers or a
10 dealer agent shall be reimbursed by the distributor required to accept the empty beverage
11 containers an amount which is one cent per container. A dealer, dealer agent, or person
12 operating a redemption center may compact empty metal beverage containers with the
13 approval of the distributor required to accept the containers.

260.2006. 1. A dealer shall not refuse to accept from a consumer any empty
2 beverage container of the kind, which is less than one gallon in size and is a brand sold by
3 the dealer, or refuse to pay to the consumer the refund value of a beverage container as
4 provided under section 260.2003.

5 2. A distributor shall accept and pick up from a dealer served by the distributor
6 or a redemption center for a dealer served by the distributor at least weekly, or when the
7 distributor delivers the beverage product if deliveries are less frequent than weekly, any
8 empty beverage container of the kind, which is less than one gallon in size and is a brand
9 sold by the distributor, and shall pay to the dealer or person operating a redemption center

10 the refund value of a beverage container and the reimbursement as provided under section
11 260.2003 within one week following pickup of the containers or when the dealer or
12 redemption center normally pays the distributor for the deposit on beverage products
13 purchased from the distributor if less frequent than weekly. A distributor or employee or
14 agent of a distributor is not in violation of this subsection if a redemption center is closed
15 when the distributor attempts to make a regular delivery or a regular pickup of empty
16 beverage containers.

17 3. A distributor shall not be required to pay to a manufacturer a deposit or refund
18 value on a nonrefillable beverage container.

19 4. A distributor shall accept from a dealer agent any empty beverage container of
20 the kind, which is less than one gallon in size, and is a brand sold by the distributor and
21 which was picked up by the dealer agent from a dealer within the geographic territory
22 served by the distributor and the distributor shall pay the dealer agent the refund value
23 of the empty beverage container and the reimbursement as provided in section 260.2003.

260.2009. 1. To facilitate the return of empty beverage containers and to serve
2 dealers of beverages, any person may establish a redemption center, subject to the
3 approval of the department, at which consumers may return empty beverage containers
4 and receive payment of the refund value of such beverage containers.

5 2. An application for approval of a redemption center shall be filed with the
6 department. The application shall state the name and address of the person responsible
7 for the establishment and operation of the redemption center, the kind and brand names
8 of the beverage containers which will be accepted at the redemption center, and the names
9 and addresses of the dealers to be served by the redemption center. The application shall
10 contain such other information as the director may reasonably require.

11 3. The department shall approve a redemption center if it finds that the redemption
12 center will provide a convenient service to consumers for the return of empty beverage
13 containers. The order of the department approving a redemption center shall state the
14 dealers to be served by the redemption center and the kind and brand names of empty
15 beverage containers which the redemption center must accept. The order may contain
16 such other provisions to ensure that the redemption center will provide a convenient
17 service to the public as the director may determine.

18 4. The department may review the approval of any redemption center at any time.
19 After written notice to the person responsible for the establishment and operation of the
20 redemption center, and to the dealers served by the redemption center, the division may,
21 after hearing, withdraw approval of a redemption center if the division finds there has not

22 been compliance with the department's order approving the redemption center, or if the
23 redemption center no longer provides a convenient service to the public.

24 5. All approved redemption centers shall meet applicable health standards.

260.2012. Beginning August 28, 2008, the final disposal of beverage containers by
2 a dealer, distributor, or manufacturer, or person operating a redemption center in a
3 sanitary landfill is prohibited.

260.2015. The department shall promulgate rules to implement the provisions of
2 sections 260.2000 to 260.2015. Any rule or portion of a rule, as that term is defined in
3 section 536.010, RSMo, that is created under the authority delegated in this section shall
4 become effective only if it complies with and is subject to all of the provisions of chapter
5 536, RSMo, and, if applicable, section 536.028, RSMo. This section and chapter 536,
6 RSMo, are nonseverable and if any of the powers vested with the general assembly under
7 chapter 536, RSMo, to review, to delay the effective date, or to disapprove and annul a rule
8 are subsequently held unconstitutional, then the grant of rulemaking authority and any
9 rule proposed or adopted after August 28, 2008, shall be invalid and void.

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