

# HOUSE BILL No. 4777

May 28, 2003, Introduced by Rep. Rivet and referred to the Committee on Commerce.

A bill to amend the Initiated Law of 1976, entitled

"A petition to initiate legislation to provide for the use of returnable containers for soft drinks, soda water, carbonated natural or mineral water, other nonalcoholic carbonated drink, and for beer, ale, or other malt drink of whatever alcoholic content, and for certain other beverage containers; to provide for the use of unredeemed bottle deposits; to prescribe the powers and duties of certain state agencies and officials; and to prescribe penalties and provide remedies,"

by amending section 2 (MCL 445.572), as amended by 1998 PA 473.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2. (1) A dealer within this state shall not sell,  
2 offer for sale, or give to a consumer a nonreturnable container  
3 or a beverage in a nonreturnable container.

4           (2) A dealer who regularly sells beverages for consumption  
5 off the dealer's premises shall provide on the premises, or  
6 within 100 yards of the premises on which the dealer sells or  
7 offers for sale a beverage in a returnable container, a  
8 convenient ~~means whereby the~~ **and conspicuous return area where**

1 containers of any kind, size, and brand sold or offered for sale  
2 by the dealer may be returned by, and the deposit refunded in  
3 cash to, a person whether or not the person is the original  
4 customer of that dealer, and whether or not the container was  
5 sold by that dealer. **The dealer shall post a clearly visible**  
6 **sign at each customer entrance indicating the location of the**  
7 **return area.**

8 (3) Regional centers for the redemption of returnable  
9 containers may be established, in addition to but not as  
10 substitutes for, the ~~means established for refunds of deposits~~  
11 ~~prescribed~~ **return areas described** in subsection (2).

12 (4) Except as provided in subsections (5) and (7), a dealer  
13 shall accept from a person an empty returnable container of any  
14 kind, size, and brand sold or offered for sale by that dealer and  
15 pay to that person its full refund value in cash.

16 (5) A dealer who does not require a deposit on a returnable  
17 container when the contents are consumed in the dealer's sale or  
18 consumption area is not required to pay a refund for accepting  
19 that empty container.

20 (6) Except as provided in subsection (7), a distributor shall  
21 accept from a dealer an empty returnable container of any kind,  
22 size, and brand sold or offered for sale by that distributor and  
23 pay to the dealer its full refund value in cash.

24 (7) Each beverage container sold or offered for sale by a  
25 dealer within this state shall clearly indicate by embossing or  
26 by a stamp, a label, or other method securely affixed to the  
27 beverage container, the refund value of the container and the

1 name of this state. A dealer or distributor may, but is not  
2 required to, refuse to accept from a person an empty returnable  
3 container which does not state on the container the refund value  
4 of the container and the name of this state. This subsection  
5 does not apply to a refillable container having a refund value of  
6 not less than 10 cents, having a brand name permanently marked on  
7 it, and having a securely affixed method of indicating that it is  
8 a returnable container.

9 (8) A dealer within this state shall not sell, offer for  
10 sale, or give to consumers a metal beverage container, any part  
11 of which becomes detached when opened.

12 (9) A person, dealer, distributor, or manufacturer shall not  
13 return an empty container to a dealer for a refund of the deposit  
14 if a dealer has already refunded the deposit on that returnable  
15 container. This subsection does not prohibit a dealer from  
16 refunding the deposit on an empty returnable container each time  
17 the returnable container is sanitized by the manufacturer and  
18 reused as a beverage container.

19 (10) A dealer may accept, but is not required to accept, from  
20 a person, empty returnable containers for a refund in excess of  
21 \$25.00 on any given day.

22 (11) A manufacturer licensed by the commission shall not  
23 require a distributor licensed by the commission to pay a deposit  
24 to the manufacturer on a nonrefillable container. However, a  
25 manufacturer licensed by the commission and a distributor  
26 licensed by the commission may enter into an agreement providing  
27 that either or both may originate a deposit or any portion of a

1 deposit on a nonrefillable container if the agreement is entered  
2 into freely and without coercion.

3 (12) A manufacturer shall refund the deposit paid on any  
4 container returned by a distributor for which a deposit has been  
5 paid by a distributor to the manufacturer.

6 (13) Subsections (4), (6), and (7) apply only to a returnable  
7 container that was originally sold in this state as a filled  
8 returnable container.