

SUBSTITUTE FOR
HOUSE BILL NO. 6460

A bill to amend 1976 IL 1, 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,"

(MCL 445.571 to 445.576) by adding section 2a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 2A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), IN ADDITION
2 TO THE REQUIREMENTS OF SECTION 2(1), BEGINNING 90 DAYS AFTER THE
3 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A
4 MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR GIVE A BEVERAGE TO
5 A CONSUMER, DEALER, OR DISTRIBUTOR IN THIS STATE IN A 12-OUNCE
6 METAL BEVERAGE CONTAINER THAT IS NOT A DESIGNATED METAL CONTAINER

1 IF EITHER OF THE FOLLOWING IS MET:

2 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE
3 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE AT
4 LEAST 500,000 CASES, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

5 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE
6 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE FEWER
7 THAN 500,000 CASES, AND 12-OUNCE METAL BEVERAGE CONTAINERS OF THAT
8 BRAND OF BEVERAGE WERE OVERREDEEMED BY MORE THAN 600,000 CONTAINERS
9 IN THE PRECEDING CALENDAR YEAR, AS DETERMINED BY THE DEPARTMENT OF
10 TREASURY.

11 (2) IN ADDITION TO THE REQUIREMENTS OF SECTION 2(1), BEGINNING
12 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
13 THIS SECTION, A MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR
14 GIVE A NONALCOHOLIC BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR
15 IN THE UPPER PENINSULA IN A 12-OUNCE METAL BEVERAGE CONTAINER THAT
16 IS NOT A DESIGNATED METAL CONTAINER IF EITHER OF THE FOLLOWING IS
17 MET:

18 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE
19 CONTAINERS IN THE UPPER PENINSULA WERE AT LEAST 500,000 CASES, AS
20 DETERMINED BY THE DEPARTMENT OF TREASURY.

21 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE
22 CONTAINERS IN THE UPPER PENINSULA IN THE PRECEDING CALENDAR YEAR
23 WERE FEWER THAN 500,000 CASES, AND 12-OUNCE METAL BEVERAGE
24 CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED IN THE UPPER
25 PENINSULA BY MORE THAN 600,000 CONTAINERS IN THE PRECEDING CALENDAR
26 YEAR, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

27 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), IN ADDITION TO THE

1 REQUIREMENTS OF SECTION 2(1), BEGINNING 450 DAYS AFTER THE
2 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A
3 MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR GIVE A BEVERAGE TO
4 A CONSUMER, DEALER, OR DISTRIBUTOR IN THIS STATE IN A 12-OUNCE
5 GLASS BEVERAGE CONTAINER THAT IS NOT A DESIGNATED GLASS CONTAINER
6 IF EITHER OF THE FOLLOWING IS MET:

7 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE
8 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE AT
9 LEAST 500,000 CASES, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

10 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE
11 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE FEWER
12 THAN 500,000 CASES, AND 12-OUNCE GLASS BEVERAGE CONTAINERS OF THAT
13 BRAND OF BEVERAGE WERE OVERREDEEMED BY MORE THAN 600,000 CONTAINERS
14 IN THE PRECEDING CALENDAR YEAR, AS DETERMINED BY THE DEPARTMENT OF
15 TREASURY.

16 (4) IN ADDITION TO THE REQUIREMENTS OF SECTION 2(1), BEGINNING
17 450 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
18 THIS SECTION, A MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR
19 GIVE A NONALCOHOLIC BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR
20 IN THE UPPER PENINSULA IN A 12-OUNCE GLASS BEVERAGE CONTAINER THAT
21 IS NOT A DESIGNATED GLASS CONTAINER IF EITHER OF THE FOLLOWING IS
22 MET:

23 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE
24 CONTAINERS IN THE UPPER PENINSULA WERE AT LEAST 500,000 CASES, AS
25 DETERMINED BY THE DEPARTMENT OF TREASURY.

26 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE
27 CONTAINERS IN THE UPPER PENINSULA IN THE PRECEDING CALENDAR YEAR

1 WERE FEWER THAN 500,000 CASES, AND 12-OUNCE GLASS BEVERAGE
2 CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED IN THE UPPER
3 PENINSULA BY MORE THAN 600,000 CONTAINERS IN THE PRECEDING CALENDAR
4 YEAR, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

5 (5) EXCEPT AS PROVIDED IN SUBSECTION (6), IN ADDITION TO THE
6 REQUIREMENTS OF SECTION 2(1), BEGINNING 450 DAYS AFTER THE
7 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A
8 MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR GIVE A BEVERAGE TO
9 A CONSUMER, DEALER, OR DISTRIBUTOR IN THIS STATE IN A 20-OUNCE
10 PLASTIC BEVERAGE CONTAINER THAT IS NOT A DESIGNATED PLASTIC
11 CONTAINER IF EITHER OF THE FOLLOWING IS MET:

12 (A) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC
13 BEVERAGE CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR
14 WERE AT LEAST 500,000 CASES, AS DETERMINED BY THE DEPARTMENT OF
15 TREASURY.

16 (B) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC
17 BEVERAGE CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR
18 WERE FEWER THAN 500,000 CASES, AND 20-OUNCE PLASTIC BEVERAGE
19 CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED BY MORE THAN
20 600,000 CONTAINERS IN THE PRECEDING CALENDAR YEAR, AS DETERMINED BY
21 THE DEPARTMENT OF TREASURY.

22 (6) IN ADDITION TO THE REQUIREMENTS OF SECTION 2(1), BEGINNING
23 450 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
24 THIS SECTION, A MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR
25 GIVE A NONALCOHOLIC BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR
26 IN THE UPPER PENINSULA IN A 20-OUNCE PLASTIC BEVERAGE CONTAINER
27 THAT IS NOT A DESIGNATED PLASTIC CONTAINER IF EITHER OF THE

1 FOLLOWING IS MET:

2 (A) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC
3 BEVERAGE CONTAINERS IN THE UPPER PENINSULA WERE AT LEAST 500,000
4 CASES, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

5 (B) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC
6 BEVERAGE CONTAINERS IN THE UPPER PENINSULA IN THE PRECEDING
7 CALENDAR YEAR WERE FEWER THAN 500,000 CASES, AND 20-OUNCE PLASTIC
8 BEVERAGE CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED IN
9 THE UPPER PENINSULA BY MORE THAN 600,000 CONTAINERS IN THE
10 PRECEDING CALENDAR YEAR, AS DETERMINED BY THE DEPARTMENT OF
11 TREASURY.

12 (7) A SYMBOL, MARK, OR OTHER DISTINGUISHING CHARACTERISTIC
13 THAT IS PLACED ON A DESIGNATED METAL CONTAINER, DESIGNATED GLASS
14 CONTAINER, OR DESIGNATED PLASTIC CONTAINER BY A MANUFACTURER TO
15 ALLOW A REVERSE VENDING MACHINE TO DETERMINE IF THAT CONTAINER IS A
16 RETURNABLE CONTAINER MUST BE UNIQUE TO THIS STATE, OR USED ONLY IN
17 THIS STATE AND 1 OR MORE OTHER STATES THAT HAVE LAWS SUBSTANTIALLY
18 SIMILAR TO THIS ACT.

19 (8) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A
20 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS
21 OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH. SECTION 4 DOES NOT
22 APPLY TO A VIOLATION DESCRIBED IN THIS SUBSECTION.

23 (9) AS USED IN THIS SECTION:

24 (A) "BRAND" MEANS ANY WORD, NAME, GROUP OF LETTERS, SYMBOL, OR
25 TRADEMARK, OR ANY COMBINATION OF THEM, ADOPTED AND USED BY A
26 MANUFACTURER TO IDENTIFY A SPECIFIC BEVERAGE AND TO DISTINGUISH
27 THAT BEVERAGE FROM ANOTHER BEVERAGE PRODUCED OR MARKETED BY THAT

1 MANUFACTURER OR ANOTHER MANUFACTURER.

2 (B) "DESIGNATED GLASS CONTAINER" MEANS A 12-OUNCE GLASS
3 BEVERAGE CONTAINER THAT CONTAINS A SYMBOL, MARK, OR OTHER
4 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE
5 TO DETERMINE IF THE BEVERAGE CONTAINER IS OR IS NOT A RETURNABLE
6 CONTAINER.

7 (C) "DESIGNATED METAL CONTAINER" MEANS A 12-OUNCE METAL
8 BEVERAGE CONTAINER THAT CONTAINS A SYMBOL, MARK, OR OTHER
9 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE
10 TO DETERMINE IF THE BEVERAGE CONTAINER IS OR IS NOT A RETURNABLE
11 CONTAINER.

12 (D) "DESIGNATED PLASTIC CONTAINER" MEANS A 20-OUNCE PLASTIC
13 BEVERAGE CONTAINER THAT CONTAINS A SYMBOL, MARK, OR OTHER
14 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE
15 TO DETERMINE IF THE BEVERAGE CONTAINER IS OR IS NOT A RETURNABLE
16 CONTAINER.

17 (E) "GLASS BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER
18 COMPOSED PRIMARILY OF GLASS.

19 (F) "METAL BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER
20 COMPOSED PRIMARILY OF METAL.

21 (G) "PLASTIC BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER
22 COMPOSED PRIMARILY OF PLASTIC.

23 (H) "REVERSE VENDING MACHINE" MEANS A DEVICE DESIGNED TO
24 PROPERLY IDENTIFY AND PROCESS EMPTY BEVERAGE CONTAINERS AND PROVIDE
25 A MEANS FOR A DEPOSIT REFUND ON RETURNABLE CONTAINERS.

26 Enacting section 1. This amendatory act takes effect on the
27 date that deposits into the beverage container redemption antifraud

1 fund created in the beverage container redemption antifraud act
2 from money appropriated by the legislature equal or exceed
3 \$1,000,000.00.

4 Enacting section 2. This amendatory act does not take effect
5 unless all of the following bills of the 94th Legislature are
6 enacted into law:

7 (a) Senate Bill No. 1648.

8 (b) House Bill No. 5147.