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## DIGEST

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Lambert

HB No. 445

**Abstract:** Provides for a system of deposits and redemption on glass and metal beverage containers.

Proposed law creates the La. Beverage Container Law as follows:

- (1) Defines "beverage", "beverage container", "dealer", "department", "distributor", "manufacturer", "mixed spirit drink", "mixed wine drink", "operator of a vending machine", "person", "place of business", "redeemer", "redemption center", "secretary", "use or consumption", and "within this state".
- (2) Provides for a minimum refund of 5¢ on every beverage container sold or offered for sale which will be collected by a dealer and forwarded to the Dept. of Environmental Quality (DEQ).
- (3) Requires every authorized redemption center to accept the container from and pay to the redeemer the La. refund value, beginning Dec. 1, 2013.
- (4) Requires handling fees to be not less than 1¢ per aluminum can and 2¢ per other beverage container paid by the department to the redemption center.
- (5) Requires every beverage container sold in this state to clearly indicate the refund value of the container and the letters "LA Refund". Exempts glass beverage containers which already have a refund value on the container.
- (6) Allows a redemption center to refuse to accept any broken glass bottle, dismembered container, or any container which contains a free-flowing liquid, does not properly indicate a La. refund value, or contains a foreign material.
- (7) Allows, but does not require, a dealer who is also an authorized redemption center to accept from a redeemer empty beverage containers for a refund in excess of \$20 on any given day.
- (8) Allows the secretary of DEQ to promulgate rules and regulations concerning the circumstances in which a dealer is required to accept the return of empty containers and make payments, reporting requirements of dealers and redemption centers, the payment of handling fees, the rules for redemption at the dealer's place of business, the right of

dealers to restrict or limit the number of containers redeemed, the redemption of containers from a beverage for which sales have discontinued, the pickup of returned beverage containers and the initiations of deposits, sales through vending machines and on-premises consumption, recordkeeping, refunding for refillable containers, or labeling.

- (9) Authorizes the secretary to issue permits to establish redemption centers. Allows dealers to operate a redemption center at their same location without a permit.
- (10) Requires deposits paid to DEQ which are not required to be remitted to authorized redemption centers, which are unredeemed deposits, shall be deposited into the Environmental Trust Fund and shall be used for the administration of proposed law.
- (11) Subjects violators to civil penalty of not more than \$5,000 for violations and additional penalties of not more than \$500 for each day the violation continues.

(Adds R.S. 30:2553-2553.9)