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HOUSE BILL 2718

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State of Washington

56th Legislature

2000 Regular Session

By Representatives Sullivan, Romero, Haigh, Dickerson, Constantine, Santos, Keiser, Cody, Doumit, Anderson, Ruderman, O'Brien, Lovick, Tokuda, Stensen, Kagi, Kenney, Ogden and Rockefeller

Read first time 01/19/2000. Referred to Committee on Agriculture & Ecology.

1 AN ACT Relating to the return and reuse of beverage containers;  
2 amending RCW 70.132.010 and 70.132.020; and adding new sections to  
3 chapter 70.132 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 70.132.010 and 1982 c 113 s 1 are each amended to read  
6 as follows:

7 (1) The legislature finds that the bottled and canned beverage  
8 industry has grown significantly since 1972, when a policy on the  
9 return and reuse of beverage containers was first considered in several  
10 states. Use of energy and materials for the manufacture of individual  
11 containers made of metal and glass is higher than for reused containers  
12 made of the same materials. Therefore, energy and material use solely  
13 attributable to the growth of the industry has increased. Several  
14 states have instituted successful long-term programs for the return and  
15 reuse of beverage containers. For many reasons, including global  
16 warming, energy and materials conservation, finite landfill space, and  
17 the continuing need for litter control, the legislature believes that  
18 individual beverage containers should be returned and reused whenever  
19 possible.

1       (2) The legislature finds that beverage containers designed to be  
2 opened through the use of detachable metal rings or tabs are hazardous  
3 to the health and welfare of the citizens of this state and detrimental  
4 to certain wildlife. The detachable parts are susceptible to ingestion  
5 by human beings and wildlife. The legislature intends to eliminate the  
6 danger posed by these unnecessary containers by prohibiting their  
7 retail sale in this state.

8       **Sec. 2.** RCW 70.132.020 and 1983 c 257 s 1 are each amended to read  
9 as follows:

10       Unless the context clearly requires otherwise, the definitions in  
11 this section apply throughout this chapter:

12       (1) "Beverage" means beer or other malt beverage or mineral water,  
13 fruit juice or juice drinks, soda water, or other drink in liquid form  
14 and intended for human consumption. The term does not include milk-  
15 based, soy-based, or similar products requiring heat and pressure in  
16 the canning process.

17       (2) "Beverage container" means a separate and sealed can or bottle  
18 containing a beverage.

19       (3) "Dealer" means every person in the state of Washington who  
20 engages in the sale of beverages in beverage containers to a consumer,  
21 or means a redemption center certified under section 7 of this act.

22       (4) "Department" means the department of ecology created under  
23 chapter 43.21A RCW.

24       (5) "Distributor" means every person who engages in the sale of  
25 beverages in beverage containers to a dealer in the state of Washington  
26 including any manufacturer who engages in such sales.

27       (6) "Manufacturer" means every person bottling, canning, or  
28 otherwise filling beverage containers for sale to distributors or  
29 dealers.

30       (7) "Person" means an individual, partnership, franchise holder,  
31 association, corporation, a state, a city, a county, or any subdivision  
32 or instrumentality of a state, and its employees, agents, or legal  
33 representatives.

34       NEW SECTION. **Sec. 3.** A new section is added to chapter 70.132 RCW  
35 to read as follows:

36       Every beverage container sold or offered for sale in the state  
37 shall have a refund value of not less than fifteen cents.

1        NEW SECTION.   **Sec. 4.**   A new section is added to chapter 70.132 RCW  
2 to read as follows:

3        (1) Except as provided in this section, a dealer shall accept from  
4 any person any empty beverage containers of the kind, size, and brand  
5 sold by the dealer, and shall pay to that person the refund value of  
6 the beverage container as established by section 3 of this act.

7        (2) Except as provided in this section, a distributor shall accept  
8 from a dealer any empty beverage containers of the kind, size, and  
9 brand sold by the distributor, and shall pay the dealer the refund  
10 value of the beverage container as established by section 3 of this  
11 act.

12        (3) A dealer may refuse to accept from any person, and a  
13 distributor may refuse to accept from any dealer, any empty beverage  
14 container that does not state on it a refund value as established by  
15 section 3 of this act.

16        (4) A dealer may refuse to accept and to pay the refund value of  
17 any beverage container visibly containing or contaminated by a  
18 substance other than water, residue of the original contents, or  
19 ordinary dust.

20        (5) A dealer may refuse to accept and to pay the refund value of  
21 more than one hundred forty-four individual beverage containers  
22 returned by any one person during one day.

23        (6) In order to refuse containers under subsection (4) or (5) of  
24 this section, the dealer must post in each area where containers are  
25 received a clearly visible and legible sign containing the following  
26 information:

27        "NOTICE:

28        Washington law allows a dealer to refuse to accept:

- 29        1.        Beverage containers visibly containing or contaminated by a  
30                substance other than water, residue of the original  
31                contents, or ordinary dust; or  
32        2.        More than one hundred forty-four individual beverage  
33                containers from any one person during one day."

34        NEW SECTION.   **Sec. 5.**   A new section is added to chapter 70.132 RCW  
35 to read as follows:

36        Beginning January 1, 2001, every beverage container sold or offered  
37 for sale in this state by a dealer shall clearly indicate by embossing

1 or by a stamp, or by a label or other method securely affixed to the  
2 beverage container, the refund value of the container.

3 NEW SECTION. **Sec. 6.** A new section is added to chapter 70.132 RCW  
4 to read as follows:

5 (1) To promote the use of reusable beverage containers of uniform  
6 design and to facilitate the return of containers to manufacturers for  
7 reuse as a beverage container, the department of licensing may certify  
8 beverage containers that satisfy the requirements of this section.

9 (2) A beverage container may be certified if:

10 (a) It is reusable as a beverage container by more than one  
11 manufacturer in the ordinary course of business; and

12 (b) More than one manufacturer will in the ordinary course of  
13 business accept the beverage container for reuse as a beverage  
14 container and pay the refund value of the container.

15 (3) The department may by rule establish appropriate liquid  
16 capacities and shapes for beverage containers to be certified or  
17 decertified in accordance with the purposes in subsection (1) of this  
18 section.

19 (4) A beverage container shall not be certified under this section  
20 if by reason of its shape or design, or by reason of words or symbols  
21 permanently inscribed thereon, whether by engraving, embossing,  
22 painting, or other permanent method, it is reusable as a beverage  
23 container in the ordinary course of business only by a manufacturer of  
24 a beverage sold under a specific brand name.

25 (5) Unless an application for certification under this section is  
26 denied by the liquor control board within sixty days after the filing  
27 of the application, the beverage container shall be deemed certified.

28 (6) The department may review at any time certification of a  
29 beverage container. If after such review, with written notice and  
30 hearing afforded to the person who filed the application for  
31 certification under this section, the department determines the  
32 container is no longer qualified for certification, it shall withdraw  
33 certification.

34 (7) Withdrawal of certification shall be effective not less than  
35 thirty days after written notice to the person who filed the  
36 application for certification under this section and to the  
37 manufacturers under this section.

1        NEW SECTION.    **Sec. 7.**    A new section is added to chapter 70.132 RCW  
2 to read as follows:

3        (1) To facilitate the return of empty beverage containers and to  
4 serve dealers of beverages, any person may establish a redemption  
5 center, subject to the approval of the department of licensing, at  
6 which any person may return empty beverage containers and receive  
7 payment of the refund value of such beverage containers.

8        (2) Application for approval of a redemption center shall be filed  
9 with the department of licensing. The application shall state the name  
10 and address of the person responsible for the establishment and  
11 operation of the redemption center, the kind and brand names of the  
12 beverage containers that will be accepted at the redemption center, and  
13 the names and addresses of the dealers to be served by the redemption  
14 center. The application shall include such additional information as  
15 the department may require.

16        (3) The department of licensing shall approve a redemption center  
17 if it finds the center will provide a convenient service for the return  
18 of empty beverage containers. The order of the department approving a  
19 redemption center shall identify the dealers to be served by the  
20 redemption center and the kind and brand names of empty beverage  
21 containers that the redemption center must accept. The order may  
22 contain any other provisions that ensure the redemption center will  
23 provide a convenient service to the public as the department may  
24 determine.

25        (4) The department of licensing may review approval of a redemption  
26 center at any time. After written notice to the person responsible for  
27 the establishment and operation of the redemption center and to the  
28 dealers served by the redemption center, the department may, after  
29 hearing, withdraw approval of a redemption center if the department  
30 finds there has not been compliance with its order approving the  
31 redemption center, or if the redemption center no longer provides a  
32 convenient service to the public.

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