

**Revised - Chapter 53. Beverage Containers;  
Deposit-Redemption System  
Effective 7/1/06**

1521. DEFINITIONS

For the purpose of this chapter:

- (1) "Beverage" means beer or other malt beverages and mineral waters, mixed wine drink, soda water and, carbonated soft drinks in liquid form and intended for human consumption. As of January 1, 1990 "beverage" also shall mean liquor.
- (2) "Biodegradable material" means material which is capable of being broken down by bacteria into basic elements.
- (3) "Container" means the individual, separate, bottle, can, jar or carton composed of glass, metal, paper, plastic or any combination of those materials containing a consumer product. This definition shall not include containers made of biodegradable material.
- (4) "Distributor" means every person who engages in the sale of consumer products in containers to a dealer in this state including any manufacturer who engages in such sales. Any dealer or retailer who sells, at the retail level, beverages in containers without having purchased them from a person otherwise classified as a distributor, shall be a distributor.
- (5) "Liquor" means spirits as defined in 7 V.S.A. 2.
- (6) "Manufacturer" means every person bottling, canning, packing or otherwise filling containers for sale to distributors or dealers.
- (7) "Mixed wine drink" means a beverage containing wine and more than 15 percent added plain, carbonated or sparkling water; and which contains added natural or artificial blended material, such as fruit juices, flavors, flavoring, adjuncts, coloring or preservatives; which contains not more than 16 percent alcohol by volume; or other similar product marketed as a wine cooler.
- (8) "Recycling" means the process of sorting, cleansing, treating and reconstituting waste and other discarded materials for the purpose of reusing the materials in the same or altered form.
- (9) "Redemption center" means a store or other location where any person may, during normal business hours, redeem the amount of the deposit for any empty beverage container labeled or certified pursuant to section 1524 of this title.
- (10) "Secretary" means the secretary of the agency of natural resources.

## 1522. BEVERAGE CONTAINERS; DEPOSIT

(a) Except with respect to beverage containers which contain liquor, a deposit of not less than five cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. With respect to beverage containers of volume greater than 50 ml. which contain liquor, a deposit of fifteen cents shall be paid by the consumer on each beverage container sold at the retail level and refunded to the consumer upon return of the empty beverage container. The difference between liquor bottle deposits collected and refunds made is hereby appropriated to the liquor control fund for administration of this subsection.

(b) A retailer or a person operating a redemption center who redeems beverage containers shall be reimbursed by the manufacturer or distributor of such beverage containers in an amount which is at least three and one-half cents per container.

(c) The secretary may promulgate rules and regulations necessary to implement this chapter.

(d) Containers shall be redeemed during no fewer than 40 hours per week during the regular operating hours of the establishment.

## 1523. ACCEPTANCE OF BEVERAGE CONTAINERS

(a) Except as provided in section 1522 of this title:

(1) A retailer shall not refuse to accept from any person any empty beverage containers of the kind, size and brand sold by the retailer, or refuse to pay to that person the refund value of a beverage container as established by section 1522 of this title, except as provided in subsection (b) of this section.

(2) A manufacturer or distributor may not refuse to accept from a retailer that sells its product or a person operating a certified redemption center any empty beverage containers of the kind, size and brand sold by the manufacturer or distributor, or refuse to pay the retailer or a person operating a redemption center the refund value of a beverage container as established by section 1522 of this title.

(b) A retailer, with the prior approval of the secretary, may refuse to redeem beverage containers if a redemption center or centers are established which serve the public need.

(c) A retailer or a person operating a redemption center may refuse to redeem beverage containers that are not clean, are broken, or were not purchased in Vermont.

(d) A retailer or group of retailers may petition the secretary for the establishment of a redemption center.

(e) The secretary shall notify the public regarding the petition. The secretary, after determination of need and service to be provided by the proposed redemption center, shall issue a certification authorizing the distributors or retailers affected and servicing the community or area involved to establish a redemption center or alternate method of redemption, or shall deny the petition if found adverse to the public need.

(f) The secretary shall not certify a new redemption center from July 1, 2006 through July 1, 2007, unless the area is currently underserved.

#### 1524. LABELLING

(a) Every beverage container sold or offered for sale at retail in this state shall clearly indicate by embossing or imprinting on the normal product label, or in the case of a metal beverage container on the top of the container, the word "Vermont" or the letters "VT" and the refund value of the container in not less than one-eighth inch type size or such other alternate indications as may be approved by the secretary. This subsection does not prohibit including names or abbreviations of other states with deposit legislation comparable to this chapter.

(b) The commissioner of the department of liquor control may allow, in the case of liquor bottles, a conspicuous, adhesive sticker to be attached to indicate the deposit information required in subsection (a) of this section, provided that the size, placement and adhesive qualities of the sticker are as approved by the commissioner. The stickers shall be affixed to the bottles by the manufacturer, except that liquor which is sold in the state in quantities less than 100 cases per year may have stickers affixed by personnel employed by the department.

(c) This section shall not apply to permanently labeled beverage containers.

#### 1525. PROHIBITIONS

(a) No beverage shall be sold or offered for sale at retail in this state:

(1) in a metal container designed and constructed so that part of the container other than a piece of pressure sensitive tape is detachable in opening the container; or

(2) in containers connected to each other with plastic rings or similar devices which are not classified as biodegradable by the secretary.

For the purposes of this subsection only, the word "beverage" includes all drinks sold in liquid form intended for human consumption, whether or not specifically listed in section 1521 of this chapter.

(b) The secretary of natural resources may exempt specific products from subdivision (1) of subsection (a) of this section for so long as existing technology does not permit compliance for those products.

(c) No distributor shall sell or offer for sale in this state a brand of beverage in a beverage container labeled as provided in subsection (a) of this section if that distributor sells that beverage container containing that brand in a state that does not have a deposit-redemption system similar to the one established by this chapter and that is adjacent to this state. A distributor that violates this subsection is prohibited from selling or offering those beverages for sale in this state until the violation is corrected.

(d) No person shall knowingly attempt to redeem a container to a retailer or a redemption center for deposit return if that container was purchased outside this state.

#### 1526. EDUCATIONAL PROGRAM

(a) State informational material such as travel pamphlets, road maps and similar publications submitted for printing on or after July 1, 1975 shall bear information relating to this chapter. This information shall take the form of a standard public statement relating to the deposit law provided by the secretary.

(b) The department of education may incorporate information on this chapter in educational material which it normally distributes to primary and secondary educational institutions within the state. The department may cooperate with the agency of natural resources in distributing any additional informative material on this chapter to schools in the state.

#### 1527. PENALTY

A person who violates a provision of this chapter shall be fined not more than \$1,000.00 for each violation.

#### Sec. 6. BOTTLE BILL STUDY AND REPORT

(a) The secretary of natural resources with the cooperation and assistance of interested parties, including representatives of distributors, retailers, stand alone redemption centers, beverage retailers with redemption centers, beverage manufacturers, environmental protection organizations, solid waste districts, the solid waste industry and the department of liquor control shall make recommendations to the senate committee on finance, the house committee on ways and means and the house and senate committees on natural resources and energy. The secretary shall propose specific recommendations to improve further the beverage container deposit-redemption system established by chapter 53 of Title 10. The evaluation and recommendations shall address at least the following issues:

(1) on or before January 15, 2007:

(A) a review of the handling fee system and the associated costs and revenues;

- (B) the feasibility of instituting a two-tiered fee based on co-mingling agreements;
  - (C) the costs and benefits of the deposit-redemption system;
  - (D) the disposition of unredeemed deposits collected on beverage containers;
- (2) and on or before January 15, 2008:
- (A) the scope of beverage containers to be included under the bottle bill.