



General Assembly

Amendment

January Session, 2021

LCO No. 9528



Offered by:

SEN. MINER, 30th Dist.

SEN. KISSEL, 7th Dist.

To: Subst. Senate Bill No. 1037

File No. 562

Cal. No. 322

(As Amended)

"AN ACT CONCERNING SOLID WASTE MANAGEMENT."

1 Strike section 3 in its entirety and insert the following in lieu thereof:

2 "Sec. 3. Section 22a-245 of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2021*):

4 (a) No person shall establish a redemption center without registering
5 with the commissioner on a form provided by the commissioner with
6 such information as the commissioner deems necessary including (1) the
7 name of the business principals of the redemption center and the
8 address of the business; (2) the name and address of the sponsors and
9 dealers to be served by the redemption center; (3) the types of beverage
10 containers to be accepted; (4) the hours of operation; and (5) whether
11 beverage containers will be accepted from consumers. The operator of
12 the redemption center shall report any change in procedure to the
13 commissioner within forty-eight hours of such change. Any person

14 establishing a redemption center shall have the right to determine what
15 kind, size and brand of beverage container shall be accepted. Any
16 redemption center may be established to serve all persons or to serve
17 certain specified dealers.

18 (b) A dealer shall not refuse to accept at such dealer's place of
19 business, from any person any empty beverage containers of the kind,
20 size and brand sold by the dealer, or refuse to pay to such person the
21 refund value of a beverage container unless (1) such container contains
22 materials which are foreign to the normal contents of the container; (2)
23 such container is not labeled in accordance with subsection (b) of section
24 22a-244, as amended by this act; (3) such dealer sponsors, solely or with
25 others, a redemption center which is located within a one-mile radius of
26 such place of business and which accepts beverage containers of the
27 kind, size and brand sold by such dealer at such place of business; or (4)
28 there is established by others, a redemption center which is located
29 within a one-mile radius of such place of business and which accepts
30 beverage containers of the kind, size and brand sold by such dealer at
31 such place of business. A dealer shall redeem an empty container of a
32 kind, size or brand the sale of which has been discontinued by such
33 dealer for not less than sixty days after the last sale by the dealer of such
34 kind, size or brand of beverage container. Sixty days before such date,
35 the dealer shall post, at the point of sale, notice of the last date on which
36 the discontinued kind, size or brand of beverage container shall be
37 redeemed.

38 (c) A distributor shall not refuse to accept from a dealer or from an
39 operator of a redemption center, located and operated exclusively
40 within the territory of the distributor or whose operator certifies to the
41 distributor that redeemed containers were from a dealer located within
42 such territory, any empty beverage containers of the kind, size and
43 brand sold by the distributor, or refuse to pay to such dealer or
44 redemption center operator the refund value of a beverage container
45 unless such container contains materials which are foreign to the normal
46 contents of the container or unless such container is not labeled in
47 accordance with subsection (b) of section 22a-244, as amended by this

48 act. A distributor shall remove any empty beverage container from the
49 premises of a dealer serviced by the distributor or from the premises of
50 a redemption center sponsored by dealers serviced by the distributor,
51 provided such premises are located within the territory of the
52 distributor. The distributor shall pay the refund value to dealers in
53 accordance with the schedule for payment by the dealer to the
54 distributor for full beverage containers and shall pay such refund value
55 to operators of redemption centers not more than twenty days after
56 receipt of the empty container. For the purposes of this subsection, a
57 redemption center shall be considered to be sponsored by a dealer if (1)
58 the dealer refuses to redeem beverage containers and refers consumers
59 to the redemption center, or (2) there is an agreement between the dealer
60 and the operator of the redemption center requiring the redemption
61 center to remove empty beverage containers from the premises of the
62 dealer. A distributor shall redeem an empty container of a kind, size or
63 brand of beverage container the sale of which has been discontinued by
64 the distributor for not less than one hundred fifty days after the last
65 delivery of such kind, size or brand of beverage container. Not less than
66 one hundred twenty days before the last date such containers may be
67 redeemed, the distributor shall notify such dealer who bought the
68 discontinued kind, size or brand of beverage container that such
69 distributor shall not redeem an empty beverage container of such kind,
70 size or brand of beverage containers.

71 (d) [In] Prior to the operation of an organization established pursuant
72 to section 9 of this act, in addition to the refund value of a beverage
73 container, a distributor shall pay to any dealer or operator of a
74 redemption center a handling fee of at least [one and one-half] two cents
75 for each container of beer or other malt beverage and two and three-
76 quarter cents for each beverage container of mineral waters, soda water
77 and similar carbonated soft drinks or noncarbonated beverage returned
78 for redemption. On and after the operation of an organization
79 established pursuant to section 9 of this act, in addition to the refund
80 value of a beverage container, a distributor shall pay to any dealer or
81 operator of a redemption center a handling fee of at least two and one-

82 half cents for each container of beer or other malt beverage and three
83 and one-half cents for each beverage container of mineral waters, soda
84 water and similar carbonated soft drinks or noncarbonated beverage
85 returned for redemption. A distributor shall not be required to pay to a
86 manufacturer the refund value of a nonrefillable beverage container.

87 (e) The Commissioner of Energy and Environmental Protection shall
88 adopt regulations, in accordance with the provisions of chapter 54, to
89 implement the provisions of sections 22a-243 to 22a-245, inclusive, as
90 amended by this act. Such regulations shall include, but not be limited
91 to, provisions for the redemption of beverage containers dispensed
92 through automatic reverse vending machines, the use of vending
93 machines that [dispense cash to] reimburse consumers for the
94 redemption value of beverage containers, scheduling for redemption by
95 dealers and distributors and for exemptions or modifications to the
96 labeling requirement of section 22a-244, as amended by this act.

97 (f) For the purposes of this section, "refund value" means the refund
98 value established by subsection (a) of section 22a-244, as amended by
99 this act."