

# HOUSE BILL NO. 5421

February 07, 2024, Introduced by Reps. Rogers, Morse, Aragona, McKinney, Conlin, Paiz, Hood, Rheingans, Steckloff, Brabec, Price, Martus, Andrews, Morgan, Brixie, Scott, Haadsma, Neeley, Grant, Wegela, Wilson and Edwards and referred to the Committee on Regulatory Reform.

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,"

by amending section 2 (MCL 445.572), as amended by 1998 PA 473.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

**1**           Sec. 2. (1) A dealer within this state shall not sell, offer

1 for sale, or give to a consumer a nonreturnable container or a  
2 beverage in a nonreturnable container.

3 (2) A dealer ~~who~~**that** regularly sells beverages for  
4 consumption off the dealer's premises shall provide on the  
5 premises, or within 100 yards of the premises on which the dealer  
6 sells or offers for sale a beverage in a returnable container, **and**  
7 **at a minimum during the designated hours of operation**, a convenient  
8 means ~~whereby the~~**for** containers of any kind, size, and brand sold  
9 or offered for sale by the dealer ~~may to~~ be returned by, and the  
10 deposit refunded in cash to, a person whether or not the person is  
11 the original customer of that dealer, and whether or not the  
12 container was sold by that dealer.

13 (3) Regional centers for the redemption of returnable  
14 containers may be established, in addition to but not as  
15 substitutes for, the means established for refunds of deposits  
16 ~~prescribed in~~**under** subsection (2).

17 (4) Except as provided in subsections (5) and (7), a dealer  
18 shall accept from a person an empty returnable container of any  
19 kind, size, and brand sold or offered for sale by that dealer and  
20 pay to that person its full refund value in cash.

21 (5) A dealer ~~who~~**that** does not require a deposit on a  
22 returnable container when the contents are consumed in the dealer's  
23 sale or consumption area is not required to pay a refund for  
24 accepting that empty container.

25 (6) Except as provided in subsection (7), a distributor shall  
26 accept from a dealer an empty returnable container of any kind,  
27 size, and brand sold or offered for sale by that distributor and  
28 pay to the dealer its full refund value in cash.

29 (7) Each beverage container sold or offered for sale by a

1 dealer within this state ~~shall~~**must** clearly indicate by embossing  
 2 or by a stamp, a label, or other method securely affixed to the  
 3 beverage container, the refund value of the container and the name  
 4 of this state. A dealer or distributor may, but is not required to,  
 5 refuse to accept from a person an empty returnable container ~~which~~  
 6 **that** does not state on the container the refund value of the  
 7 container and the name of this state. This subsection does not  
 8 apply to a refillable container ~~having~~**that has** a refund value of  
 9 not less than 10 cents, ~~having~~**has** a brand name permanently marked  
 10 on it, and ~~having~~**has** a securely affixed method of indicating that  
 11 it is a returnable container.

12 (8) A dealer within this state shall not sell, offer for sale,  
 13 or give to consumers a metal beverage container, any part of which  
 14 becomes detached when opened.

15 (9) A person, dealer, distributor, or manufacturer shall not  
 16 return an empty container to a dealer for a refund of the deposit  
 17 if a dealer has already refunded the deposit on that returnable  
 18 container. This subsection does not prohibit a dealer from  
 19 refunding the deposit on an empty returnable container each time  
 20 the returnable container is sanitized by the manufacturer and  
 21 reused as a beverage container.

22 (10) A dealer may accept, but is not required to accept, from  
 23 a person, empty returnable containers for a refund in excess of  
 24 \$25.00 on any given day.

25 (11) A manufacturer **that is** licensed by the commission shall  
 26 not require a distributor **that is** licensed by the commission to pay  
 27 a deposit to the manufacturer on a nonrefillable container.  
 28 However, a manufacturer **that is** licensed by the commission and a  
 29 distributor **that is** licensed by the commission may enter into an

1 agreement providing that either or both may originate a deposit or  
2 any portion of a deposit on a nonrefillable container if the  
3 agreement is entered into freely and without coercion.

4 (12) A manufacturer shall refund the deposit paid on any  
5 container returned by a distributor for which a deposit ~~has been~~  
6 **was** paid by a distributor to the manufacturer.

7 (13) Subsections (4), (6), and (7) apply only to a returnable  
8 container that was originally sold in this state as a filled  
9 returnable container.

10 (14) **As used in this section, "designated hours of operation"**  
11 **means either of the following:**

12 (a) **Except as otherwise provided in subdivision (b), between 8**  
13 **a.m. and 11 p.m.**

14 (b) **If a dealer does not normally operate its premises between**  
15 **8 a.m. and 11 p.m., any period of time between 8 a.m. and 11 p.m.**  
16 **when the premises is normally operated by the dealer.**