

By: Representatives Montgomery, Sullivan

To: Conservation and Water Resources

HOUSE BILL NO. 1422

1 AN ACT TO CREATE THE "GLASS BOTTLE RECYCLING ACT"; TO REQUIRE
2 THAT EACH GLASS BEVERAGE CONTAINER HAS A REFUND VALUE OF FIVE
3 CENTS; TO REQUIRE A RECYCLING CENTER OR LANDFILL TO ACCEPT
4 BEVERAGE CONTAINERS WITH THE REQUIRED REFUND VALUE AND PAY A
5 CERTAIN AMOUNT TO THE CONSUMER AND TO ALLOCATE A CERTAIN AMOUNT TO
6 THE STATE; TO ALLOW A RECYCLING CENTER OR LANDFILL TO REFUSE TO
7 REFUND BEVERAGE CONTAINERS WITHOUT THE REQUIRED REFUND VALUE; TO
8 PROVIDE THAT A LEGISLATIVE STUDY COMMITTEE SHALL BE CREATED TO
9 STUDY THE EFFECTS OF THIS ACT; AND FOR RELATED PURPOSES.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

11 SECTION 1. This act shall be known and cited as the "Glass
12 Bottle Recycling Act."

13 SECTION 2. As used in this act, unless the context requires
14 otherwise:

15 (a) "Beverage" means beer or other malt beverages and
16 mineral waters, soda water and similar carbonated soft drinks in
17 liquid form and intended for human consumption.

18 (b) "Beverage container" means the individual,
19 separate, sealed glass bottle or jar which has a body consisting
20 primarily of glass that contains a beverage.

21 (c) "Commission" means the Mississippi State Tax
22 Commission.

23 (d) "Consumer" means every person who purchases a
24 beverage in a beverage container for use or consumption.

25 (e) "Dealer" means every person in this state who
26 engages in the sale of beverages in beverage containers to a
27 consumer.

28 (f) "Distributor" means every person who engages in the
29 sale of beverages in beverage containers to a dealer in this
30 state, including any manufacturer who engages in such sales.

31 (g) "In this state" means within the exterior limits of
32 the State of Mississippi and includes all territory within these
33 limits owned by or ceded to the United States of America.

34 (h) "Manufacturer" means every person bottling, canning
35 or otherwise filling beverage containers for sale to distributors
36 or dealers.

37 (i) "Place of business of a dealer" means the location
38 at which a dealer sells or offers for sale beverages in beverage
39 containers to consumers.

40 (j) "Use or consumption" includes the exercise of any
41 right or power over a beverage incident to the ownership thereof,
42 other than the sale or the keeping or retention of a beverage for
43 the purposes of sale.

44 (k) "Recycling center" means an operation which is
45 certified by the department and which accepts from consumers, and
46 pays or provides the authorized refund value for, empty beverage
47 containers intended to be recycled.

48 (l) "Landfill" means a controlled area of land upon
49 which solid waste is deposited, and is compacted and covered with
50 no on-site burning of wastes, and so located, contoured, drained
51 and operated so that it will not cause an adverse effect on public
52 health or the environment.

53 (m) "Voucher" means any document that shows the
54 consumer's name and the total value of beverage containers given
55 to a landfill or recycling center.

56 **SECTION 3.** Every beverage container sold or offered for sale
57 in this state by a dealer shall have a refund value of Five Cents
58 (5¢).

59 **SECTION 4.** Every beverage container sold or offered for sale
60 in this state by a dealer shall indicate clearly by embossing or
61 by a stamp or by a label or other method securely affixed to the
62 beverage container the refund value of the container.

63 **SECTION 5.** (1) A recycling center or landfill shall accept
64 from a consumer an empty beverage container. The center or
65 landfill shall give to the consumer a voucher in an amount equal
66 to Three Cents (3¢) per pound for each pound of beverage
67 containers received and shall allocate the remainder of the refund
68 value ascribed to each container to the State of Mississippi. On
69 the last day of each month, the center or landfill shall transmit
70 to the State Treasurer, for deposit into the State General Fund, a
71 sum representing the aggregate amount of the portion of the refund
72 value allocated to the state.

73 (2) A dealer shall accept from a consumer the voucher issued
74 from a recycling center or landfill and pay to the consumer the
75 amount specified on the voucher.

76 (3) Any voucher received by a dealer may be deposited to the
77 commission and the commission shall pay the dealer the total value
78 of all vouchers received from the dealer.

79 **SECTION 6.** (1) Any recycling center or landfill may refuse
80 to accept from a consumer any empty beverage container which does
81 not state a refund value as established by this act.

82 (2) Subsection (1) of this section shall not apply to
83 beverage containers designed for beverages with a brand name
84 permanently marked on the container which on the effective date of
85 this act had a refund of Five Cents (5¢).

86 **SECTION 7.** (1) To promote the use in this state of reusable
87 beverage containers of uniform design, and to facilitate the
88 return of containers for reuse as a beverage container, the
89 commission shall certify beverage containers which satisfy the
90 requirements of this section.

91 (2) A beverage container shall be certified if:

92 (a) It is reusable as a beverage container by more than
93 one (1) manufacturer in the ordinary course of business; and

94 (b) More than one (1) manufacturer will in the ordinary
95 course of business accept the beverage container for reuse as a
96 beverage container and pay the refund value of the container.

97 (3) A beverage container shall not be certified under this
98 section if by reason of its shape or design, or by reason of words
99 or symbols permanently inscribed thereon, whether by engraving,
100 embossing, painting or other permanent method, it is reusable as a
101 beverage container in the ordinary course of business only by a
102 manufacturer of a beverage sold under a specific brand name.

103 **SECTION 8.** (1) Unless an application for certification
104 under Section 7 of this act is denied by the commission within
105 sixty (60) days after the filing of the application, the beverage
106 container shall be deemed certified.

107 (2) The commission may review at any time certification of a
108 beverage container. If after such review, with written notice and
109 hearing afforded to the person who filed the application for
110 certification under Section 7 of this act, the commission
111 determines the container is no longer qualified for certification,
112 it shall withdraw certification.

113 (3) Withdrawal of certification shall be effective not less
114 than thirty (30) days after written notice to the person who filed
115 the application for certification under Section 7 of this act and
116 to the manufacturers referred to in subsection (2) of Section 7 of
117 this act.

118 **SECTION 9.** (1) To facilitate the return of empty beverage
119 containers and to serve dealers of beverages, any person may
120 establish a recycling center, subject to the approval of the
121 Mississippi State Tax Commission, at which consumers may return
122 empty beverage containers and receive payment for the beverage
123 containers.

124 (2) Application for approval of a recycling center shall be
125 filed with the commission. The application shall state the name
126 and address of the person responsible for the establishment and

127 operation of the recycling center, the kind and brand names of the
128 beverage containers which will be accepted at the recycling
129 center. The application shall include such additional information
130 as the commission may require.

131 (3) The commission shall approve a recycling center if it
132 finds that the recycling center will provide a convenient service
133 to consumers for the return of empty beverage containers. The
134 order of the commission approving a recycling center shall state
135 the kind and brand names of empty beverage containers which the
136 recycling center must accept. The order may contain such other
137 provisions to insure the recycling center will provide a
138 convenient service to the public as the commission may determine.

139 (4) The commission may review at any time approval of a
140 recycling center. After written notice to the person responsible
141 for the establishment and operation of the recycling center, the
142 commission may, after hearing, withdraw approval of a recycling
143 center or the commission finds there has not been compliance with
144 its order approving the recycling center, or the recycling center
145 no longer provides a convenient service to the public.

146 **SECTION 10.** (1) Any person who violates this act shall be
147 guilty of a misdemeanor, and upon conviction shall be punished by
148 imprisonment for not more than thirty (30) days or by a fine of
149 not more than One Thousand Dollars (\$1,000.00), or both.

150 (2) In addition to the penalty prescribed by subsection (1)
151 of this section, the commission may revoke or suspend the license
152 of any person who willfully violates this act who is required by
153 state law to have a license.

154 **SECTION 11.** (1) A legislative study committee shall cause
155 to be conducted a study of the operation of this act that shall
156 include, but not be limited to, an analysis of:

157 (a) Its economic impact on persons licensed under
158 current state law who engage in the nonalcoholic beverage
159 manufacturing business, on persons engaged in the business of

160 manufacturing beer and other malt beverages and on persons engaged
161 in the business of manufacturing beverage containers in complying
162 with the provisions of this act.

163 (b) The problems, if any, incurred in the distribution,
164 sale and return of beverage containers subject to the provisions
165 of this act.

166 (c) The effectiveness of the provisions of this act in
167 the reduction of the incidence of the littering by beverage
168 containers in this state.

169 (d) The costs incurred in the enforcement of the
170 provisions of this act.

171 (2) Before January 1, 2007, the legislative study committee
172 shall prepare and submit to both houses of the Legislature a
173 report of its findings made pursuant to subsection (1) of this
174 section and its recommendations with respect to any legislative
175 proposal considered by it to be necessary as the result of the
176 study conducted as required by subsection (1) of this section.

177 **SECTION 12.** This act shall take effect and be in force from
178 and after July 1, 2004.