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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO HEALTH AND SAFETY -- PLASTIC BOTTLE AND CONTAINER  
LABELING ACT

Introduced By: Representatives Barros, Abney, Kazarian, Coughlin, and Solomon

Date Introduced: January 14, 2016

Referred To: House Finance

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-18.15-1 and 23-18.15-2 of the General Laws in Chapter 23-  
2 18.15 entitled "Plastic Bottle and Container Labeling Act" are hereby amended to read as follows:

3 **23-18.15-1. Definitions.** -- As used in this chapter:

4 (1) "Label" means a molded imprint or raised symbol on the bottom of a plastic product,  
5 unless the manufacturer demonstrates the reasonable necessity for an alternate location, and shall  
6 include an add-on bar code, or deposit code which shall indicate where the container was sold in  
7 which case it shall be near the product bottom.

8 (2) "Plastic" means any material made of polymeric organic compounds and additives  
9 that can be shaped by flow.

10 (3) "Plastic bottle" means a plastic container that has a neck that is smaller than the body  
11 of the container, accepts a screw type, snap cap, or other closure and has a capacity of sixteen  
12 (16) fluid ounces or more, but less than five (5) gallons.

13 (4) "Rigid plastic container" means any formed or molded container, other than a bottle,  
14 intended for single use, composed predominantly of plastic resin and having a relatively  
15 inflexible finite shape or form with a capacity of eight (8) ounces or more but less than five (5)  
16 gallons.

17 (5) "Beverage container" means any sealable bottle, can, jar, or carton which is primarily  
18 composed of glass, metal, plastic or any combination of those materials and is produced for the

1 [purpose of containing a beverage. This definition excludes containers made of biodegradable](#)  
2 [materials, aseptic cartons, gable-top boxes, and foil pouches.](#)

3 **23-18.15-2. Labeling requirements.** -- No person shall distribute, sell or offer for sale  
4 any plastic bottle or rigid plastic container, or any product in a plastic bottle or container, unless  
5 the product bottle or container is labeled with a code indicating the plastic resin used to produce  
6 the bottle or container. Plastic bottles or rigid plastic containers with labels and basecaps of a  
7 different material shall be coded by their basic material. The code shall consist of a number  
8 placed within a triangle of arrows and letters placed below the triangle of arrows. The triangle  
9 shall be equilateral, formed by three (3) arrows with the apex of each point of the triangle at the  
10 midpoint of each arrow, rounded with a short radius. The arrowhead of each arrow shall be at the  
11 midpoint of each side of the triangle with a short gap separating the pointer from the base of the  
12 adjacent arrow. The triangle, formed by the three (3) arrows curved at their midpoints shall depict  
13 a clockwise path around the code number. The numbers and letters used shall be as follows:

14 (1) "1" -- PETE (polyethylene terephthalate);

15 (2) "2" -- HDPE (high density polyethylene);

16 (3) "3" -- V (vinyl);

17 (4) "4" -- LDPE (low density polyethylene);

18 (5) "5" -- PP (polypropylene);

19 (6) "6" -- PS (polystyrene);

20 (7) "7" -- OTHER.

21 [\(b\) All eligible beverage containers sold or offered for sale in the state, except those](#)  
22 [defined in §23-18.18-2 shall indicate on the container the refund value or "return for refund" or](#)  
23 ["return for deposit"; and words "Rhode Island" or "RI".](#)

24 [\(c\) Labeling cannot appear solely at the bottom of metal beverage containers. Metal](#)  
25 [beverage containers must have the labeling on the top. All eligible beverage containers sold or](#)  
26 [offered for sale in the state, except those defined in §23-18.18-2, shall indicate on the beverage](#)  
27 [container the refund value or "return for refund" or "return for deposit" and the words "Rhode](#)  
28 [Island" or "RI".](#)

29 SECTION 2. Title 23 of the General Laws entitled "HEALTH AND SAFETY" is hereby  
30 amended by adding thereto the following chapter:

31 [CHAPTER 18.18](#)

32 [BEVERAGE CONTAINER DEPOSIT ACT](#)

33 **23-18.18-1. Purpose.** -- [The purposes of this chapter are as follows:](#)

34 [\(1\) To provide a sustainable method for capturing beverage containers for recycling;](#)

1           (2) To provide a monetary incentive to consumers to promote the redemption of beverage  
2 containers at the appropriate redemption centers;

3           (3) To maximize the amount of recycling of beverage containers by continuing existing  
4 municipal recycling programs and by offering an additional method for consumers to recycle  
5 beverage containers;

6           (4) To allow Rhode Island resource recovery corporation to own and operate redemption  
7 centers statewide to ensure beverage containers remain a part of the recyclable materials collected  
8 and resold or reused by the corporation; and

9           (5) To allow reverse vending machines at qualified dealer locations as determined by the  
10 Rhode Island resource recovery corporation.

11           **23-18.18-2. Definitions.** -- For the purposes of this chapter, the following definitions  
12 shall have the following meanings:

13           (1) "Beverage" means carbonated and non-carbonated, alcoholic and non-alcoholic and  
14 non-alcoholic beverages, including packaged liquors and liquid mixes, but excluding liquids  
15 intended for medicinal use or liquids packaged in aseptic cartons, gable-top boxes, or foil  
16 pouches.

17           (2) "Beverage container" means any sealable bottle, can, jar, or carton which is primarily  
18 composed of glass, metal, plastic or any combination of those materials and is produced for the  
19 purpose of containing a beverage. This definition excludes containers made of biodegradable  
20 material, aseptic cartons, gable-top boxes, and foil pouches.

21           (3) "Bottler" means any person bottling, canning or otherwise filling beverage containers  
22 for sale to distributors or dealers.

23           (4) "Consumer" means any person who purchases a beverage in a beverage container for  
24 use or consumption with no intent to resell that beverage by such dealer at such place of business.

25           (5) "Corporation" means the Rhode Island resource recovery corporation as established  
26 pursuant to chapter 19 of this title.

27           (6) "Dealer" means any person, including any operator of a vending machine, who  
28 engages in the sale of beverages in beverage containers to consumers in the state, provided that  
29 this does not include a restaurateur selling beverages to be consumed on the premises.

30           (7) "Distributor" means any person who engages in the sale of beverages in beverage  
31 containers to dealers in the state including any bottler who engages in such sale.

32           (8) "Label" means a molded imprint or raised symbol on or near the bottom of a beverage  
33 container and shall include an add-on bar code, or deposit code, which shall indicate where the  
34 container was sold.

1           (9) "Plastic" means any material made of polymeric organic compounds and additives  
2 that can be shaped by flow.

3           (10) "Plastic bottle" means a plastic container that has a neck that is smaller than the body  
4 of the container, accepts a screwtype, snap cap or other closure and has a capacity of sixteen  
5 fluid ounces (16 oz) or more, but less than five (5) gallons.

6           (11) "Restaurateur" means any person who operates a business for the sale of prepared  
7 food and/or alcoholic beverages for immediate consumption in the area under their control.

8           (12) "Reusable beverage container" means any beverage container so constructed and  
9 designed that it is structurally capable of being refilled and resold by a bottler at least ten (10)  
10 times after its initial use.

11           (13) "Rigid plastic container" means any formed or molded container, other than a bottle,  
12 intended for single use, composed predominantly of plastic resin and having a relatively  
13 inflexible finite shape or form with a capacity of eight ounces (8 oz) or more but less than five (5)  
14 gallons.

15           (14) "Sales for on-premise consumption" means sales transactions in which beverages are  
16 purchased by a consumer for immediate consumption within the area under the control of a  
17 restaurateur.

18           **23-18.18-3. Refund value; Exemption. --** (a) Every beverage container sold or offered  
19 for sale in the state shall have a refund value of not less than five cents (\$0.05). The provisions of  
20 this section shall not apply to such containers sold by a distributor for use by a common carrier in  
21 the conduct of interstate passenger service.

22           (b) Every beverage container, except permanently labeled reusable glass containers,  
23 imported into, or offered for sale in the state by a bottler, distributor, or dealer shall clearly  
24 indicate in at least eight (8) point type, by embossing or by stamp, or by label, or other method  
25 securely affixed to any portion except the bottom of the beverage container, the refund value of  
26 the container. A permanently labeled reusable glass beverage container first imported into, or  
27 offered for sale in the state after the effective date of this act by a bottler, distributor, or dealer  
28 shall clearly indicate in at least eight (8) point type, by embossing or by stamp, or by label, or  
29 other method securely affixed to any portion except the bottom of the permanently labeled  
30 reusable glass beverage container, that the container may be returned for deposit. A redemption  
31 center may refuse to accept from any person any empty beverage container, except a permanently  
32 labeled reusable glass beverage container, which does not state thereon a refund value and may  
33 refuse to accept any permanently labeled reusable glass beverage container which does not state  
34 thereon that the container may be returned for deposit.

1           (c) Every operator of a vending machine which sells beverages in beverage containers  
2 shall post a conspicuous notice on each vending machine indicating that a refund of not less than  
3 five cents (\$0.05) is available on each beverage container purchased and where and from whom  
4 that refund may be obtained. The provisions of this paragraph shall not be construed to require  
5 such vending machine operators to provide refunds at the premises wherein such vending  
6 machines are located.

7           **23-18.18-4. Return of container; Refund; Refusal to accept container.** -- (a) Every  
8 consumer shall deposit with the dealer the refund value of each beverage container purchased  
9 from that dealer.

10           (b) A dealer that receives deposits under this chapter shall segregate said deposits in a  
11 fund which shall be maintained separately from all other revenues. Said dealer shall remit said  
12 deposits on a quarterly basis to the corporation in a manner prescribed by the corporation. If the  
13 dealer discontinues selling a certain brand beverage, they shall immediately notify the corporation  
14 of the discontinuance, and shall continue to redeem that type of beverage container for at least  
15 sixty (60) days after the date of the last sale of that type of beverage. Sixty (60) days before the  
16 last date for redemption, the dealer shall post notice of that last redemption date.

17           (c) A redemption center shall accept from any consumer any empty beverage container of  
18 the type, size and brand sold by a dealer within ninety (90) days, and shall pay the consumer the  
19 refund value of the beverage container.

20           (d) The corporation shall establish the beverage container deposit fund which shall be  
21 used for the purposes of accepting and holding the deposits received pursuant to subsection (b) of  
22 this section. Amounts in such fund may only be expended to pay refund values paid for returned  
23 beverage containers pursuant to subsection (c) of this section.

24           (e) The obligations to accept or take empty beverage containers and to pay the refund  
25 value for such containers as described in subsection (c) of this section shall apply only to  
26 containers originally sold in the state as filled beverage containers. Any person who tenders to a  
27 redemption center more than ten (10) cases of twenty-four (24) empty beverage containers each,  
28 which they know or have reason to know were not originally sold in the state as filled beverage  
29 containers, for the purpose of obtaining a refund value, shall be subject to the enforcement action  
30 and civil penalties set forth in §23-18.18-10.

31           (f) Vending machine exemption. An operator of a vending machine(s) who sells  
32 beverages in containers only in a vending machine(s) may refuse to accept beverage containers  
33 for redemption if there has been posted a conspicuous notice on each vending machine indicating  
34 that a refund of not less five cents (\$0.05) is available on each container purchased, and where

1 and from whom the refund may be obtained.

2 **23-18.18-5. Redemption methods.** -- (a) The corporation shall establish redemption  
3 centers, at locations determined by the corporation, and shall accept from consumers such  
4 beverage containers for recycling that meet the requirements of §§23-18.12-3 and 23-18.15-2.

5 (b) A redemption center may refuse to accept any beverage container which contains  
6 material foreign to the normal contents of the container.

7 (c) Except as provided in subsection (b) of this section, a redemption center shall take  
8 from any consumer any empty beverage container sold by a dealer or distributor within the past  
9 ninety (90) days, and shall pay the consumer the refund value of the container.

10 (d) Dealers, located within a square footage building area to be determined by the  
11 corporation pursuant to §23-18.18-9(a) shall allow installation of reverse vending machines on  
12 their property. These reverse vending machines shall be located in a sheltered area within the  
13 dealer's physical building and shall be accessible to consumers during the normal hours of  
14 operation. Ownership and operation of the reverse vending machines shall be the responsibility of  
15 the corporation or its contracted agent. If the machine should break down, the dealer must notify  
16 the corporation within twenty-four (24) hours in order for the corporation to provide an alternate  
17 procedure for redemption.

18 **23-18.18-6. Abandoned deposit amounts; Determination.** -- At the end of each quarter,  
19 any amounts that are or should be in the corporation's beverage container deposit fund shall be  
20 deemed to constitute abandoned deposit amounts. Income earned on said fund may be transferred  
21 from said fund for use as funds for the corporation.

22 **23-18.18-7. Transfer of abandoned deposit amounts.** -- By the tenth day after the end  
23 of each quarter the corporation shall remit to the general treasurer seventy-five percent (75%) of  
24 any deposit amounts deemed to be abandoned at the close of the preceding quarter, pursuant to  
25 §23-18.18-6. Such amounts may be paid from the beverage container deposit fund. Amounts  
26 collected by the general treasurer pursuant to this section shall be deposited in the general fund.  
27 The remaining twenty-five percent (25%) of the abandoned deposit amounts may be used by the  
28 corporation for purposes set forth in this chapter and for purposes of supporting municipal and  
29 commercial recycling programs set forth in chapters 18.8 and 18.9 of this title.

30 **23-18.18-8. Prohibition on certain types of holders.** -- No dealer shall sell or offer for  
31 sale in this state containers connected to each other by a separate holding device constructed of  
32 plastic rings or any other device or material which cannot be broken down by bacteria and or by  
33 light into constituent parts.

34 **23-18.18-9. Administration; Rules and regulations.** -- The director of the Rhode Island

1 resource recovery corporation shall administer the provisions of this chapter. The director shall,  
2 in accordance with the provisions of chapter 35 of title 42 ("The Administrative Procedures  
3 Act"), promulgate and from time to time revise reasonable rules and regulations to effectuate the  
4 purposes of this chapter; provided that said rules and regulations be promulgated not later than  
5 December 31, 2016.

6 **23-18.18-10. Penalty. --** (a) The attorney general shall enforce all the provisions of this  
7 chapter. Any bottler, distributor, redemption center or dealer who violates any provisions of this  
8 chapter shall be subject to a civil penalty for each violation of not more than one thousand dollars  
9 (\$1,000).

10 (b) Any dealer failing to make full and timely payments as required by §23-18.18-4(b)  
11 shall pay interest on any unpaid amounts at the rate of one and one half percent (1.5%) for each  
12 month or part thereof until payment is made in full.

13 SECTION 3. This act shall take effect on July 1, 2017; provided, that §23-18.18-9 shall  
14 take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- PLASTIC BOTTLE AND CONTAINER  
LABELING ACT

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1           This act would create the "Beverage Container Deposit Act" in order to provide a  
2 sustainable method for capturing beverage containers for recycling.

3           This act would take effect on July 1, 2017; provided, that §23-18.18-9 would take effect  
4 upon passage.

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