

**SUBSTITUTE FOR  
HOUSE BILL NO. 6460**

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,"

(MCL 445.571 to 445.576) by adding section 2a.

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

1           **SEC. 2A. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), IN ADDITION**  
2 **TO THE REQUIREMENTS OF SECTION 2(1), BEGINNING 90 DAYS AFTER THE**  
3 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A**  
4 **MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR GIVE A BEVERAGE TO**  
5 **A CONSUMER, DEALER, OR DISTRIBUTOR IN THIS STATE IN A 12-OUNCE**  
6 **METAL BEVERAGE CONTAINER THAT IS NOT A DESIGNATED METAL CONTAINER**

1 IF EITHER OF THE FOLLOWING IS MET:

2 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE  
3 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE AT  
4 LEAST 500,000 CASES, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

5 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE  
6 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE FEWER  
7 THAN 500,000 CASES, AND 12-OUNCE METAL BEVERAGE CONTAINERS OF THAT  
8 BRAND OF BEVERAGE WERE OVERREDEEMED BY MORE THAN 600,000 CONTAINERS  
9 IN THE PRECEDING CALENDAR YEAR, AS DETERMINED BY THE DEPARTMENT OF  
10 TREASURY.

11 (2) IN ADDITION TO THE REQUIREMENTS OF SECTION 2(1), BEGINNING  
12 90 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
13 THIS SECTION, A MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR  
14 GIVE A NONALCOHOLIC BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR  
15 IN THE UPPER PENINSULA IN A 12-OUNCE METAL BEVERAGE CONTAINER THAT  
16 IS NOT A DESIGNATED METAL CONTAINER IF EITHER OF THE FOLLOWING IS  
17 MET:

18 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE  
19 CONTAINERS IN THE UPPER PENINSULA WERE AT LEAST 500,000 CASES, AS  
20 DETERMINED BY THE DEPARTMENT OF TREASURY.

21 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE METAL BEVERAGE  
22 CONTAINERS IN THE UPPER PENINSULA IN THE PRECEDING CALENDAR YEAR  
23 WERE FEWER THAN 500,000 CASES, AND 12-OUNCE METAL BEVERAGE  
24 CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED IN THE UPPER  
25 PENINSULA BY MORE THAN 600,000 CONTAINERS IN THE PRECEDING CALENDAR  
26 YEAR, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

27 (3) EXCEPT AS PROVIDED IN SUBSECTION (4), IN ADDITION TO THE

1 REQUIREMENTS OF SECTION 2(1), BEGINNING 450 DAYS AFTER THE  
2 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A  
3 MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR GIVE A BEVERAGE TO  
4 A CONSUMER, DEALER, OR DISTRIBUTOR IN THIS STATE IN A 12-OUNCE  
5 GLASS BEVERAGE CONTAINER THAT IS NOT A DESIGNATED GLASS CONTAINER  
6 IF EITHER OF THE FOLLOWING IS MET:

7 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE  
8 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE AT  
9 LEAST 500,000 CASES, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

10 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE  
11 CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR WERE FEWER  
12 THAN 500,000 CASES, AND 12-OUNCE GLASS BEVERAGE CONTAINERS OF THAT  
13 BRAND OF BEVERAGE WERE OVERREDEEMED BY MORE THAN 600,000 CONTAINERS  
14 IN THE PRECEDING CALENDAR YEAR, AS DETERMINED BY THE DEPARTMENT OF  
15 TREASURY.

16 (4) IN ADDITION TO THE REQUIREMENTS OF SECTION 2(1), BEGINNING  
17 450 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
18 THIS SECTION, A MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR  
19 GIVE A NONALCOHOLIC BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR  
20 IN THE UPPER PENINSULA IN A 12-OUNCE GLASS BEVERAGE CONTAINER THAT  
21 IS NOT A DESIGNATED GLASS CONTAINER IF EITHER OF THE FOLLOWING IS  
22 MET:

23 (A) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE  
24 CONTAINERS IN THE UPPER PENINSULA WERE AT LEAST 500,000 CASES, AS  
25 DETERMINED BY THE DEPARTMENT OF TREASURY.

26 (B) SALES OF THAT BRAND OF BEVERAGE IN 12-OUNCE GLASS BEVERAGE  
27 CONTAINERS IN THE UPPER PENINSULA IN THE PRECEDING CALENDAR YEAR

1 WERE FEWER THAN 500,000 CASES, AND 12-OUNCE GLASS BEVERAGE  
2 CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED IN THE UPPER  
3 PENINSULA BY MORE THAN 600,000 CONTAINERS IN THE PRECEDING CALENDAR  
4 YEAR, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

5 (5) EXCEPT AS PROVIDED IN SUBSECTION (6), IN ADDITION TO THE  
6 REQUIREMENTS OF SECTION 2(1), BEGINNING 450 DAYS AFTER THE  
7 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, A  
8 MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR GIVE A BEVERAGE TO  
9 A CONSUMER, DEALER, OR DISTRIBUTOR IN THIS STATE IN A 20-OUNCE  
10 PLASTIC BEVERAGE CONTAINER THAT IS NOT A DESIGNATED PLASTIC  
11 CONTAINER IF EITHER OF THE FOLLOWING IS MET:

12 (A) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC  
13 BEVERAGE CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR  
14 WERE AT LEAST 500,000 CASES, AS DETERMINED BY THE DEPARTMENT OF  
15 TREASURY.

16 (B) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC  
17 BEVERAGE CONTAINERS IN THIS STATE IN THE PRECEDING CALENDAR YEAR  
18 WERE FEWER THAN 500,000 CASES, AND 20-OUNCE PLASTIC BEVERAGE  
19 CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED BY MORE THAN  
20 600,000 CONTAINERS IN THE PRECEDING CALENDAR YEAR, AS DETERMINED BY  
21 THE DEPARTMENT OF TREASURY.

22 (6) IN ADDITION TO THE REQUIREMENTS OF SECTION 2(1), BEGINNING  
23 450 DAYS AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED  
24 THIS SECTION, A MANUFACTURER SHALL NOT SELL, OFFER FOR SALE, OR  
25 GIVE A NONALCOHOLIC BEVERAGE TO A CONSUMER, DEALER, OR DISTRIBUTOR  
26 IN THE UPPER PENINSULA IN A 20-OUNCE PLASTIC BEVERAGE CONTAINER  
27 THAT IS NOT A DESIGNATED PLASTIC CONTAINER IF EITHER OF THE

1 FOLLOWING IS MET:

2 (A) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC  
3 BEVERAGE CONTAINERS IN THE UPPER PENINSULA WERE AT LEAST 500,000  
4 CASES, AS DETERMINED BY THE DEPARTMENT OF TREASURY.

5 (B) SALES OF THAT BRAND OF BEVERAGE IN 20-OUNCE PLASTIC  
6 BEVERAGE CONTAINERS IN THE UPPER PENINSULA IN THE PRECEDING  
7 CALENDAR YEAR WERE FEWER THAN 500,000 CASES, AND 20-OUNCE PLASTIC  
8 BEVERAGE CONTAINERS OF THAT BRAND OF BEVERAGE WERE OVERREDEEMED IN  
9 THE UPPER PENINSULA BY MORE THAN 600,000 CONTAINERS IN THE  
10 PRECEDING CALENDAR YEAR, AS DETERMINED BY THE DEPARTMENT OF  
11 TREASURY.

12 (7) A SYMBOL, MARK, OR OTHER DISTINGUISHING CHARACTERISTIC  
13 THAT IS PLACED ON A DESIGNATED METAL CONTAINER, DESIGNATED GLASS  
14 CONTAINER, OR DESIGNATED PLASTIC CONTAINER BY A MANUFACTURER TO  
15 ALLOW A REVERSE VENDING MACHINE TO DETERMINE IF THAT CONTAINER IS A  
16 RETURNABLE CONTAINER MUST BE UNIQUE TO THIS STATE, OR USED ONLY IN  
17 THIS STATE AND 1 OR MORE OTHER STATES THAT HAVE LAWS SUBSTANTIALLY  
18 SIMILAR TO THIS ACT.

19 (8) A PERSON THAT VIOLATES THIS SECTION IS GUILTY OF A  
20 MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN 180 DAYS  
21 OR A FINE OF NOT MORE THAN \$2,000.00, OR BOTH. SECTION 4 DOES NOT  
22 APPLY TO A VIOLATION DESCRIBED IN THIS SUBSECTION.

23 (9) AS USED IN THIS SECTION:

24 (A) "BRAND" MEANS ANY WORD, NAME, GROUP OF LETTERS, SYMBOL, OR  
25 TRADEMARK, OR ANY COMBINATION OF THEM, ADOPTED AND USED BY A  
26 MANUFACTURER TO IDENTIFY A SPECIFIC BEVERAGE AND TO DISTINGUISH  
27 THAT BEVERAGE FROM ANOTHER BEVERAGE PRODUCED OR MARKETED BY THAT

1 MANUFACTURER OR ANOTHER MANUFACTURER.

2 (B) "DESIGNATED GLASS CONTAINER" MEANS A 12-OUNCE GLASS  
3 BEVERAGE CONTAINER THAT CONTAINS A SYMBOL, MARK, OR OTHER  
4 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE  
5 TO DETERMINE IF THE BEVERAGE CONTAINER IS OR IS NOT A RETURNABLE  
6 CONTAINER.

7 (C) "DESIGNATED METAL CONTAINER" MEANS A 12-OUNCE METAL  
8 BEVERAGE CONTAINER THAT CONTAINS A SYMBOL, MARK, OR OTHER  
9 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE  
10 TO DETERMINE IF THE BEVERAGE CONTAINER IS OR IS NOT A RETURNABLE  
11 CONTAINER.

12 (D) "DESIGNATED PLASTIC CONTAINER" MEANS A 20-OUNCE PLASTIC  
13 BEVERAGE CONTAINER THAT CONTAINS A SYMBOL, MARK, OR OTHER  
14 DISTINGUISHING CHARACTERISTIC THAT ALLOWS A REVERSE VENDING MACHINE  
15 TO DETERMINE IF THE BEVERAGE CONTAINER IS OR IS NOT A RETURNABLE  
16 CONTAINER.

17 (E) "GLASS BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER  
18 COMPOSED PRIMARILY OF GLASS.

19 (F) "METAL BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER  
20 COMPOSED PRIMARILY OF METAL.

21 (G) "PLASTIC BEVERAGE CONTAINER" MEANS A BEVERAGE CONTAINER  
22 COMPOSED PRIMARILY OF PLASTIC.

23 (H) "REVERSE VENDING MACHINE" MEANS A DEVICE DESIGNED TO  
24 PROPERLY IDENTIFY AND PROCESS EMPTY BEVERAGE CONTAINERS AND PROVIDE  
25 A MEANS FOR A DEPOSIT REFUND ON RETURNABLE CONTAINERS.

26 Enacting section 1. This amendatory act takes effect on the  
27 date that deposits into the beverage container redemption antifraud

1 fund created in the beverage container redemption antifraud act  
2 from money appropriated by the legislature equal or exceed  
3 \$1,000,000.00.

4 Enacting section 2. This amendatory act does not take effect  
5 unless all of the following bills of the 94th Legislature are  
6 enacted into law:

7 (a) Senate Bill No. 1648.

8 (b) House Bill No. 5147.