

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2916

By: McCullough

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6 AS INTRODUCED

7 An Act relating to environment and natural resources;
8 creating the Oklahoma Deposit Beverage Container
9 Recycling Act; providing short title; stating
10 application; providing for certain fees to be imposed
11 for deposits and sales of certain beverage containers
12 by certain dates; stating amounts of fees; stating
13 requirements for deposits; providing for refund
14 value; providing for voluntary redemption centers;
15 requiring the Environmental Quality Board and the
16 Oklahoma Tax Commission to promulgate rules;
17 providing for codification; and declaring an
18 emergency.

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24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-11-701 of Title 27A, unless
there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma
Deposit Beverage Container Recycling Act".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-11-702 of Title 27A, unless
there is created a duplication in numbering, reads as follows:

1 A. There is hereby established a deposit and recycling program
2 for beverage containers made of glass, plastic, or aluminum/bimetal
3 holding beer, soft drinks, water, tea, coffee, and other specified
4 beverages, but shall not include medicines, flavoring substances,
5 milk, liquids designed to be consumed only as a dietary supplement,
6 frozen products, unmixed wine and spirits, and soups. The deposit
7 and recycling program shall be administered by the Department of
8 Environmental Quality and the accounting functions shall be
9 performed by the Oklahoma Tax Commission.

10 B. Beginning January 1, 2011, every deposit beverage
11 distributor shall pay to the Oklahoma Tax Commission a container
12 recovery fee for each deposit beverage container as defined in
13 subsection A of this section and manufactured in or imported into
14 this state. The fee shall be imposed only one time per deposit
15 beverage container, and shall be implemented as follows:

16 1. Beginning January 1, 2011, until December 31, 2011, the
17 amount of the container recovery fee shall be one-fourth of one cent
18 (\$0.0025) per deposit beverage container;

19 2. Beginning January 1, 2012, the amount of the container
20 recovery fee shall increase to one-half of one cent (\$0.0050) per
21 deposit beverage container and remain at that level until December
22 31, 2012; and

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1 3. Beginning January 1, 2013, the amount of the container
2 recovery fee shall increase to one cent (\$0.01) per deposit beverage
3 container.

4 C. Beginning June 1, 2013, every deposit beverage distributor
5 shall pay to the Oklahoma Tax Commission a deposit on each deposit
6 beverage container manufactured in or imported into this state. The
7 amount of the deposit shall be five cents (\$0.05) per deposit
8 beverage container, and shall remain at that level until modified by
9 an act of the Legislature.

10 D. Beginning June 1, 2013, every deposit beverage distributor
11 shall charge each dealer a deposit equal to the refund value for
12 each deposit beverage container sold in Oklahoma. The deposit
13 charge shall appear as a separate line item on any invoice or sales
14 receipt.

15 E. Beginning June 1, 2013, every dealer shall charge the
16 consumer at the point of sale a deposit equal to the refund value
17 for each deposit beverage container sold in this state, except on
18 beverages intended for on-premises consumption. The deposit charge
19 shall appear as a separate line item on any sales receipt or
20 invoice.

21 F. Beginning June 1, 2013, every deposit beverage container
22 sold in this state shall have a refund value of five cents (\$0.05)
23 equal to the amount of the deposit required. Once a refund value
24 has been applied to a deposit beverage container, the deposit on

1 that container may not be changed, and may not be collected more
2 than once.

3 G. Redemption centers shall be established to collect the
4 containers as described in this section. Redemption centers
5 established within retail businesses shall be voluntary. No
6 retailer or other business operating in this state shall be required
7 to establish any redemption center pursuant to the provisions of
8 this act.

9 H. The Environmental Quality Board and the Oklahoma Tax
10 Commission shall promulgate rules to implement the provisions of
11 this act.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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