

SF 2378 – Bottle Bill

Signed by Governor on June 17, 2022

- Codifies the convenience standard
  - 1) 10 miles for counties with population greater than 30,000
  - 2) 15 miles for counties with population less than 30,000
  - 3) Effective upon enactment
  - 4) Any retailer with a redemption center that satisfies this convenience standard may opt out immediately upon enactment
  - 5) Retailers who take back containers may also qualify as a redemption center
  
- Allows retailers to refuse to accept returned containers if any of these three are present:
  - 1) Prepared food
    - a) Retailer holds a food establishment license under Chapter 137F to prepare or serve food;
    - b) has a certified food protection manager as required by the FDA; and
    - c) sells time/temperature control for safety food as defined in Section 137F.2.
  
  - 2) Retailer has an agreement with an approved redemption center for the operation of a mobile redemption system and all of the following apply:
    - a) Retailer provides space, utilities and internet for operation; and
    - b) The agreement does not require additional payment to the retailer or the mobile redemption system.
  
  - 3) Retailer is within the codified convenience standard
  
  - 4) Effective January 1, 2023
  
  - 5) Any retailer who refuses to accept container returns must conspicuously display a notice on the front door of the business that they do not accept containers and the location of the nearest approved redemption center. After the DNR has an operational electronic locator available, the notice must contain information on the electronic method of locating.
  
- Handling fee is increased to 3 cents
  - 1) Paid by distributors
  - 2) Paid to both redemption centers and any retailers who accept containers
  - 3) Effective January 1, 2023
  
- Redemption centers will still have to be approved by the DNR and comply with hours of operation

- Civil penalties
  - 1) A person who attempts to collect on a container not properly marked for redemption subject to a civil penalty of \$10 per container not to exceed \$5,000.
  - 2) Any other violations of the code chapter are subject to a civil penalty of \$2,000 per violation.
  - 3) Civil penalties are deposited into a newly created bottle bill fund.
  
- Creates a new administrative compliance order for DNR
  
- Provides the Attorney General with enforcement authority upon the request of the DNR. Violations of a court order pursuant to this enforcement are subject to civil penalties of up to \$2,000 per day.
  
- Creates a bottle bill fund from moneys deposited from civil enforcement actions. Moneys are appropriated from the fund to the DNR for administering and enforcing the code chapter.
  
- Codifies the unredeemed deposits as property of the distributors.
  
- Creates a Legislative Fiscal Committee Review. Conducts an interim review of administration, enforcement and redemption performance in 2026.