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Michigan's Beverage Container Deposit Law: Some Questions and Answers
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Michigan's Beverage Container Deposit Law: *some questions and answers*

*Initiated Law of 1976
(Section 445.571-445.576)
Of Michigan Compiled Laws Annotated*

December 1978

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1. What does the beverage container deposit law require?

According to this law (frequently incorrectly called "the bottle bill") all soft drink and beer containers sold, offered for sale, or given to consumers in Michigan must be returnable. It includes bottles (glass and plastic) and cans.

2. When did it go into effect?

December 3, 1978. It was passed by 64% of the Michigan voters in the 1976 general election and went into effect two years after it became law.

3. Does the law cover all liquids and all sizes of bottles and cans?

No. Wine, liquor, fruit juice and other noncarbonated containers are exempt. The law includes soft drinks, soda water, carbonated natural or mineral water or other nonalcoholic carbonated drinks, beer, ale or other malt drinks in containers one gallon or less at the time of sale.

4. How much deposit will be required on a bottle or can?

It varies, but requires at least a 10¢ deposit except for those "certified" by the state. It is expected that a 10¢ deposit will be paid on every can of beer or soft drink, and a 5¢ or 10¢ deposit on each 12 and/or 16 ounce glass refillable container. The lower 5¢ deposit will be on "certified" bottles. The deposit for the larger containers will be set by the bottlers; currently the quart and liter glass bottles carry a 20¢ deposit.

5. What is a "certified" bottle?

It is a returnable-refillable container which is used by more than one manufacturer. Those containers which cannot be used by more than one bottler will be

required to have a 10¢ deposit. In other words, the law requires a refundable deposit of 30¢ on a 6-pack of "certified" bottles, or 60¢ on a 6-pack of noncertified bottles. Certified bottles will be used primarily for beer.

6. How will the containers be labeled that carry a deposit?

All beverage containers must be clearly marked with the name of the state and refund value or carry a "money back" designation for a refillable, permanently marked bottle. Any permanently marked container produced after December 3, 1978, must indicate the bottle is returnable for deposit refund.

7. If I buy beverages in returnable containers, will I have any trouble returning them and getting my deposit back?

Perhaps. The law provides that a dealer "shall not refuse to accept from a person any empty returnable container of any kind, size, and brand sold by that dealer, nor refuse to pay a person his full refund value." In other words, a dealer who sells a particular kind, size and brand of beer or soft drink must accept containers for those kinds, sizes and brands, and **must pay a cash refund**. However, a dealer does not have to accept or give a cash refund for any kind, size, and brand of beverage container that dealer does not handle.

At some locations which have restrictions on the return of beverage containers you may have some problem in getting your cash refund. For instance, some retailers require that beverage containers be returned in cases, and some state that they will refuse to pay a refund on a bent or dented can. Such practices are considered illegal. If you have problems, contact your local prosecuting attorney (see question 8).

8. What agency will enforce this law and where should a person go with a problem?

Enforcement will be handled by the Attorney General's office and the Prosecuting Attorney's office in each of the 83 counties. Fines for violation are a minimum of \$100 to \$1,000 plus court costs for each day the dealer, distributor, or manufacturer is out of compliance.

The Michigan Liquor Control Commission is responsible for the certification of containers, used primarily for beer.

9. What is the impact of this law on Michigan consumers?

In 1976 there were approximately 4.5 billion beverage containers for beer and soft drinks used in the state. Less than 20% were refillable, reusable, or required returning to the store for a refund. As of December 3, 1978, 100% of those containers are returnable.

10. Will I pay more for beer and soft drinks and returnables?

Yes. The cost of additional labor, increased equipment, inventory and storage necessary at both retail and wholesale levels will increase the cost. The total additional capital investment needed for the soft drink industry in Michigan to stay in business in compliance with the law is estimated to be \$85 million. This does not include added labor, fuel, or facilities for washing bottles.

11. What is the recommended procedure for handling and taking the beverage containers back to the store for the deposit refund?

A. Rinse the cans or bottles so they won't present a sanitation problem in your home storage area or at the dealers'.

B. Don't crush your empty cans (uncrushed cans will help speed up the return system).

C. Return cans to dealer in grocery sacks, plastic bags, etc. If you bought the cans in cartons, return them in the cartons.

D. Be patient. This return system will be new to your dealer, too. He'll appreciate cooperation in making the conversion as smooth as possible.

12. What other states have similar laws?

Six. The Vermont, Main, Oregon and Michigan laws are already in effect, with Iowa and Connecticut laws scheduled to go into effect in the near future.

13. What about pull tabs on metal cans?

The law prohibits the use of metal soft drink and beer containers with detachable openers. Only tabs that remain attached to the container after it is opened are permitted.

14. What about buying beverages from vending machines?

Each situation will be handled separately. The law allows an exemption from deposit and return when the beverage is bought and consumed on the premises. If no deposit is required, no redemption of containers is required. There should, however, be a rack or bin for accepting empty containers (without paying a refund) near the beverage machines. Vendors are concerned be-

cause they must pay their suppliers a deposit on each container they purchase for placement in vending machines, but the vendors stand to lose the deposit if someone walks off with a can or bottle.

If beverages are regularly sold from a vending machine for consumption off premises, a deposit will be charged and a convenient place to redeem the containers must be provided.

15. Is a deposit necessary for beverage bought in restaurants, cafeterias, and lunchrooms?

No. If the beverage in the container is consumed on the premises, they are not required to charge a deposit on the beverage container, nor pay a refund for such.