

Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO

DRAFT
10.2.19

BILL 2

LLS NO. 20-0310.01 Richard Sweetman x4333

INTERIM COMMITTEE BILL

Zero Waste and Recycling Interim Study Committee

BILL TOPIC: "Beverage Container Redemption & Refunds"

A BILL FOR AN ACT

101 **CONCERNING THE RECYCLING OF BEVERAGE CONTAINERS, AND, IN**
102 **CONNECTION THEREWITH, ESTABLISHING A REFUND VALUE ON**
103 **EACH BEVERAGE CONTAINER SOLD IN THE STATE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov/>.)

Zero Waste and Recycling Interim Study Committee. The bill establishes a refund value of 10 cents for every beverage container sold or offered for sale in the state. The bill states that, with certain exceptions:

- A dealer shall not refuse to accept from any person any empty beverage container that contained the kind of

*Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

beverage sold by the dealer, or refuse to pay to that person the refund value of the beverage container;

- A distributor or importer shall not refuse to accept from a dealer any empty beverage containers of the kind, size, and brand sold by the distributor or importer, or refuse to pay that dealer the refund value of the beverage container; and
- A manufacturer, distributor, or importer of any beverage sold in Colorado shall ensure that all dealers or redemption centers in this state that redeem beverage containers are paid the refund value for those beverage containers and that those beverage containers are collected from the dealer or redemption center in a timely manner.

A manufacturer, distributor, or importer that fails to pay to a dealer or redemption center the refund value of beverage containers and to timely collect beverage containers as required is liable to the dealer or redemption center for treble the unpaid refund value and treble the collection costs incurred by the dealer or redemption center for any beverage containers that were not timely collected. Additionally, the department of public health and environment (department) may impose civil penalties for each violation.

The bill states that 2 or more distributors or importers may establish a distributor cooperative for the purposes of:

- Collecting the refund value of beverage containers from distributors or importers and refunding to dealers the amount the dealers paid for the refund value of empty beverage containers;
- Paying the refund value for beverage containers sold in this state; and
- Processing beverage containers sold in this state.

A distributor cooperative must serve a majority of the dealers in the state. A distributor cooperative and each distributor or importer that does not participate in a distributor cooperative shall report certain beverage container return data to the department annually. Using the beverage container return data, the department shall calculate the previous calendar year's percentage of beverage containers returned for their refund value. Beginning in 2026, if the statewide percentage of beverage containers returned for their refund value is less than 70% during any 2 consecutive years, then, effective January 1 of the following calendar year, the refund value of every beverage container sold or offered for sale in this state increases to 15 cents.

The bill allows any person to establish a redemption center, subject to the approval of the department. The department shall approve one redemption center in a city having a population of fewer than 300,000 persons, to be operated by a distributor cooperative serving a majority of the dealers in this state, and may approve one or more additional

redemption centers. The bill imposes certain operational requirements for redemption centers.

The bill requires that, for each redemption center, the department shall specify up to 2 convenience zones. The first convenience zone is the sector within a radius of not more than 2 miles around the redemption center. The second convenience zone, if any, is the sector beginning at the border of the first convenience zone and continuing to a radius of not more than 3.5 miles around the redemption center. The bill establishes certain requirements and exceptions for dealers based on each dealer's size and whether the dealer operates within a convenience zone.

The statewide recycling efforts described in the bill are repealed, effective September 1, 2030. Prior to such repeal, the department of regulatory agencies shall conduct a sunset review of the statewide recycling efforts.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) According to the department of public health and environment, nearly ninety-five percent of Colorado's waste could be recycled or composted, yet each year, Colorado recycles only about fourteen percent of its recyclable waste, throwing away nearly two hundred sixty-five million dollars worth of recyclable materials;

(b) By using recycled materials, manufacturers require significantly less energy to produce new bottles and cans;

(c) For example, according to the Recycling Coalition of Utah:

(I) A recycled aluminum can requires ninety-five percent less energy to manufacture than a new aluminum can;

(II) A recycled plastic bottle requires eighty-eight percent less energy to manufacture than a new plastic bottle; and

(III) A recycled glass bottle requires thirty percent less energy to manufacture than a new glass bottle; and

1 (d) According to a 2018 report from the Colorado Public Interest
2 Research Group, if Colorado increased statewide recycling to
3 twenty-eight percent, the state could reduce its energy consumption and
4 statewide carbon emissions by more than 2.2 million tons each year,
5 which is the equivalent of removing about four hundred eighty-five
6 thousand cars from the roadways;

7 (2) The general assembly also finds that:

8 (a) The state of Oregon appears to have the most efficient
9 beverage container recycling program in the United States;

10 (b) The Oregon system is the nation's flagship statewide beverage
11 container recycling program, having originated in 1971;

12 (c) Since Oregon enacted its recycling law, ten other states have
13 enacted their own beverage container recycling programs; and

14 (d) Oregon's beverage container recycling program differs from
15 those of other states because:

16 (I) Oregon's system does not mandate any government
17 participation in the redemption or payment process;

18 (II) The Oregon state government receives no revenue from the
19 recycling program; and

20 (III) The Oregon system is operated by the Oregon beverage
21 recycling cooperative, a vertically integrated, not-for-profit cooperative
22 of beverage distributors.

23 (3) The general assembly declares that the people, the economy,
24 and the natural environment of Colorado will benefit greatly from the
25 creation and implementation of a statewide beverage container recycling
26 program that is structured similarly to Oregon's beverage container
27 recycling program.

1 **SECTION 2.** In Colorado Revised Statutes, **add** part 5 to article
2 17 of title 25 as follows:

3 PART 5
4 RECYCLING OF BEVERAGE CONTAINERS

5 **25-17-501. Definitions.** AS USED IN THIS PART 5, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "BEVERAGE" INCLUDES:

8 (a) WATER AND FLAVORED WATER;

9 (b) MALT LIQUORS, AS DEFINED IN SECTION 44-3-103 (30), AND
10 FERMENTED MALT BEVERAGES, AS DEFINED IN SECTION 44-4-103 (1);

(c) BEVERAGES THAT ARE MARKETED AND SOLD AS "SPORTS
DRINKS" AND "ENERGY DRINKS"; AND

13 (d) CARBONATED SOFT DRINKS.

(2) "BEVERAGE CONTAINER" MEANS ANY INDIVIDUAL, SEPARATE, SEALED GLASS, METAL, OR PLASTIC BOTTLE OR CAN, EXCEPT FOR CARTONS, FOIL POUCHES, AND DRINK BOXES, THAT CONTAINS BEVERAGES INTENDED FOR HUMAN CONSUMPTION IN A QUANTITY LESS THAN OR EQUAL TO THREE LITERS.

19 (3) "CONSUMER" MEANS A PERSON WHO PURCHASES A BEVERAGE
20 IN A BEVERAGE CONTAINER FOR USE OR CONSUMPTION.

21 (4) (a) "DEALER" MEANS:

22 (I) A PERSON IN THIS STATE WHO ENGAGES IN THE SALE OF
23 BEVERAGES IN BEVERAGE CONTAINERS TO A CONSUMER; OR

24 (II) A REDEMPTION CENTER APPROVED PURSUANT TO SECTION
25 25-17-509.

26 (b) "DEALER" DOES NOT INCLUDE A PERSON WHO ENGAGES IN THE
27 SALE OF BEVERAGES IN BEVERAGE CONTAINERS TO CONSUMERS

1 EXCLUSIVELY THROUGH THE USE OF VENDING MACHINES.

2 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
3 AND ENVIRONMENT CREATED IN SECTION 25-1-102.

4 (6) "DISTRIBUTOR" MEANS A PERSON WHO ENGAGES IN THE SALE
5 OF BEVERAGES IN BEVERAGE CONTAINERS TO A DEALER IN THIS STATE,
6 INCLUDING ANY MANUFACTURER WHO ENGAGES IN SUCH SALES.

7 (7) "IMPORTER" MEANS A DEALER OR MANUFACTURER WHO
8 DIRECTLY IMPORTS BEVERAGE CONTAINERS INTO THIS STATE.

9 (8) "MANUFACTURER" MEANS A PERSON THAT BOTTLES, CANS, OR
10 OTHERWISE FILLS BEVERAGE CONTAINERS FOR SALE TO DISTRIBUTORS,
11 IMPORTERS, OR DEALERS.

12 (9) "PLACE OF BUSINESS OF A DEALER" MEANS THE LOCATION AT
13 WHICH A DEALER SELLS OR OFFERS FOR SALE BEVERAGES IN BEVERAGE
14 CONTAINERS TO CONSUMERS.

15 (10) "REDEMPTION CENTER" MEANS A REDEMPTION CENTER
16 DESCRIBED IN SECTION 25-17-509.

17 (11) "STATE BOARD" MEANS THE STATE BOARD OF HEALTH
18 CREATED IN SECTION 25-1-103.

19 (12) "WATER AND FLAVORED WATER" MEANS ANY BEVERAGE
20 IDENTIFIED THROUGH THE USE OF LETTERS, WORDS, OR SYMBOLS ON ITS
21 PRODUCT LABEL AS A TYPE OF WATER, INCLUDING MINERAL WATERS AND
22 SODA WATERS.

23 **25-17-502. Refund value.** (1) EXCEPT AS SPECIFIED IN
24 SUBSECTION (2) OF THIS SECTION, ON AND AFTER THE EFFECTIVE DATE OF
25 THIS PART 5, A BEVERAGE CONTAINER SOLD OR OFFERED FOR SALE IN THIS
26 STATE HAS A REFUND VALUE OF TEN CENTS.

27 (2) BEGINNING WITH THE 2026 CALENDAR YEAR, IF THE

1 STATEWIDE PERCENTAGE OF BEVERAGE CONTAINERS RETURNED FOR THEIR
2 REFUND VALUE TO ALL DISTRIBUTORS AND IMPORTERS IS LESS THAN
3 SEVENTY PERCENT, AS CALCULATED BY THE DEPARTMENT PURSUANT TO
4 SECTION 25-17-507 (6)(c), DURING ANY TWO CONSECUTIVE YEARS, THEN,
5 EFFECTIVE JANUARY 1 OF THE FOLLOWING CALENDAR YEAR, EVERY
6 BEVERAGE CONTAINER SOLD OR OFFERED FOR SALE IN THIS STATE HAS A
7 REFUND VALUE OF FIFTEEN CENTS.

8 **25-17-503. Practices required of dealers and distributors -**
9 **exceptions.** (1) (a) EXCEPT AS PROVIDED IN SECTION 25-17-505 AND IN
10 SUBSECTION (1)(b) OF THIS SECTION, A DEALER SHALL NOT REFUSE TO
11 ACCEPT FROM ANY PERSON ANY EMPTY BEVERAGE CONTAINER THAT
12 CONTAINED THE KIND OF BEVERAGE SOLD BY THE DEALER, OR REFUSE TO
13 PAY TO THAT PERSON THE REFUND VALUE OF A BEVERAGE CONTAINER.

14 (b) EXCEPT AS PROVIDED IN SECTION 25-17-505, A DEALER THAT
15 OCCUPIES A SPACE OF LESS THAN FIVE THOUSAND SQUARE FEET IN A
16 SINGLE AREA MAY REFUSE TO ACCEPT FROM ANY PERSON ANY EMPTY
17 BEVERAGE CONTAINER OF A KIND, SIZE, AND BRAND THAT THE DEALER
18 DOES NOT SELL.

19 (2) A DISTRIBUTOR OR IMPORTER SHALL NOT REFUSE TO ACCEPT
20 FROM A DEALER ANY EMPTY BEVERAGE CONTAINERS OF THE KIND, SIZE,
21 AND BRAND SOLD BY THE DISTRIBUTOR OR IMPORTER, OR REFUSE TO PAY
22 THE DEALER THE REFUND VALUE OF A BEVERAGE CONTAINER.

23 (3) THE MANUFACTURER, DISTRIBUTOR, OR IMPORTER OF ANY
24 BEVERAGE SOLD IN THIS STATE SHALL ENSURE THAT DEALERS AND
25 REDEMPTION CENTERS IN THIS STATE THAT REDEEM BEVERAGE
26 CONTAINERS ARE PAID THE REFUND VALUE FOR THOSE BEVERAGE
27 CONTAINERS AND THAT THOSE BEVERAGE CONTAINERS ARE COLLECTED

1 FROM THE DEALER OR REDEMPTION CENTER IN A TIMELY MANNER.

2 (4) A DEALER WHO SELLS A BEVERAGE IN A BEVERAGE CONTAINER
3 TO A CONSUMER AND PROVIDES A WRITTEN RECEIPT FOR THE SALE SHALL
4 ENSURE THAT THE TEXT OF THE RECEIPT INDICATES THE REFUND VALUE OF
5 THE BEVERAGE CONTAINER SEPARATELY FROM THE PRICE OF THE
6 BEVERAGE.

7 **25-17-504. Liability of manufacturer, distributor, and**
8 **importer for failure to pay refund value of beverage containers.** A
9 MANUFACTURER, DISTRIBUTOR, OR IMPORTER THAT FAILS TO PAY TO A
10 DEALER OR REDEMPTION CENTER THE REFUND VALUE OF BEVERAGE
11 CONTAINERS AND TO TIMELY COLLECT BEVERAGE CONTAINERS AS
12 REQUIRED BY SECTION 25-17-503 (3) IS LIABLE TO THE DEALER OR
13 REDEMPTION CENTER FOR TREBLE THE UNPAID REFUND VALUE AND
14 TREBLE THE COLLECTION COSTS INCURRED BY THE DEALER OR
15 REDEMPTION CENTER FOR ANY BEVERAGE CONTAINERS THAT WERE NOT
16 TIMELY COLLECTED.

17 **25-17-505. Refusal of dealer or distributor to accept beverage**
18 **containers or pay refunds in certain cases - notice.** (1) A DEALER MAY
19 REFUSE TO ACCEPT FROM ANY PERSON, AND A DISTRIBUTOR OR IMPORTER
20 MAY REFUSE TO ACCEPT FROM A DEALER, AN EMPTY BEVERAGE
21 CONTAINER THAT DOES NOT STATE THEREON A REFUND VALUE AS
22 REQUIRED BY SECTION 25-17-508.

23 (2) A DEALER MAY REQUIRE A PERSON TO PRESENT PHOTO
24 IDENTIFICATION INDICATING THAT THE PERSON IS A RESIDENT OF THE
25 STATE OF COLORADO BEFORE THE DEALER ACCEPTS MORE THAN THIRTY
26 EMPTY BEVERAGE CONTAINERS FROM THE PERSON OR REFUNDS THE VALUE
27 OF MORE THAN THIRTY EMPTY BEVERAGE CONTAINERS TO THE PERSON.

1 (3) A DEALER MAY REFUSE TO ACCEPT AND TO PAY THE REFUND
2 VALUE OF:

3 (a) EMPTY BEVERAGE CONTAINERS IF THE PLACE OF BUSINESS OF
4 THE DEALER AND THE KIND OF EMPTY BEVERAGE CONTAINERS ARE
5 INCLUDED IN AN ORDER OF THE DEPARTMENT APPROVING A REDEMPTION
6 CENTER UNDER SECTION 25-17-509;

7 (b) ANY BEVERAGE CONTAINER VISIBLY CONTAINING OR
8 CONTAMINATED BY A SUBSTANCE OTHER THAN WATER, RESIDUE OF THE
9 ORIGINAL CONTENTS, OR ORDINARY DUST;

10 (c) (I) ANY BEVERAGE CONTAINERS IN EXCESS OF ONE HUNDRED
11 FORTY-FOUR INDIVIDUAL BEVERAGE CONTAINERS RETURNED BY ANY ONE
12 PERSON DURING ONE DAY, IF THE DEALER OCCUPIES A SPACE OF FIVE
13 THOUSAND OR MORE SQUARE FEET IN A SINGLE AREA; OR

14 (II) ANY BEVERAGE CONTAINERS IN EXCESS OF FIFTY INDIVIDUAL
15 BEVERAGE CONTAINERS RETURNED BY ANY ONE PERSON DURING ONE DAY,
16 IF THE DEALER OCCUPIES A SPACE OF FEWER THAN FIVE THOUSAND
17 SQUARE FEET IN A SINGLE AREA;

18 (d) ANY BEVERAGE CONTAINER THAT IS DAMAGED TO THE EXTENT
19 THAT THE BRAND APPEARING ON THE CONTAINER CANNOT BE IDENTIFIED;
20 AND

21 (e) ANY AMOUNT OF BEVERAGE CONTAINERS IN EXCESS OF THIRTY
22 INDIVIDUAL BEVERAGE CONTAINERS IF THE PERSON ATTEMPTING TO
23 RETURN THE BEVERAGE CONTAINERS FOR THEIR REFUND VALUE PRESENTS
24 IDENTIFICATION INDICATING THAT THE PERSON RESIDES IN ARIZONA,
25 KANSAS, OKLAHOMA, NEBRASKA, NEW MEXICO, UTAH, OR WYOMING.

26 (4) (a) IN ORDER TO REFUSE CONTAINERS PURSUANT TO
27 SUBSECTION (3)(b), (3)(c)(I), OR (3)(d) OF THIS SECTION, IF A DEALER

1 OCCUPIES A SPACE OF FIVE THOUSAND OR MORE SQUARE FEET IN A SINGLE
2 AREA, THE DEALER MUST POST IN EACH AREA WHERE CONTAINERS ARE
3 RECEIVED A CLEARLY VISIBLE AND LEGIBLE SIGN CONTAINING THE
4 FOLLOWING INFORMATION:

5 NOTICE:

6 COLORADO LAW ALLOWS A DEALER TO REFUSE TO ACCEPT:

- 7 1. BEVERAGE CONTAINERS VISIBLY CONTAINING OR
8 CONTAMINATED BY A SUBSTANCE OTHER THAN WATER,
9 RESIDUE OF THE ORIGINAL CONTENTS, OR ORDINARY DUST;
- 10 2. MORE THAN 144 INDIVIDUAL BEVERAGE CONTAINERS
11 FROM ANY ONE PERSON DURING ONE DAY; OR
- 12 3. BEVERAGE CONTAINERS THAT ARE DAMAGED TO THE
13 EXTENT THAT THE BRAND APPEARING ON THE CONTAINER
14 CANNOT BE IDENTIFIED.

15 (b) IN ORDER TO REFUSE CONTAINERS PURSUANT TO SUBSECTION
16 (3)(b), (3)(c)(II), OR (3)(d) OF THIS SECTION, IF A DEALER OCCUPIES A
17 SPACE OF FEWER THAN FIVE THOUSAND SQUARE FEET IN A SINGLE AREA,
18 THE DEALER MUST POST IN EACH AREA WHERE CONTAINERS ARE RECEIVED
19 A CLEARLY VISIBLE AND LEGIBLE SIGN CONTAINING THE FOLLOWING
20 INFORMATION:

21 NOTICE:

22 COLORADO LAW ALLOWS A DEALER TO REFUSE TO ACCEPT:

- 23 1. BEVERAGE CONTAINERS VISIBLY CONTAINING OR
24 CONTAMINATED BY A SUBSTANCE OTHER THAN WATER,
25 RESIDUE OF THE ORIGINAL CONTENTS, OR ORDINARY DUST;
- 26 2. MORE THAN 50 INDIVIDUAL BEVERAGE CONTAINERS
27 FROM ANY ONE PERSON DURING ONE DAY; OR

1 3. BEVERAGE CONTAINERS THAT ARE DAMAGED TO THE
2 EXTENT THAT THE BRAND APPEARING ON THE CONTAINER
3 CANNOT BE IDENTIFIED.

4 **25-17-506. Civil penalties.** (1) EXCEPT AS SPECIFIED IN
5 SUBSECTION (2) OF THIS SECTION, THE DEPARTMENT MAY IMPOSE A CIVIL
6 PENALTY OF AT LEAST FIFTY DOLLARS, BUT NOT MORE THAN FIVE
7 HUNDRED DOLLARS, FOR A VIOLATION OF THIS PART 5. EACH DAY THAT A
8 VIOLATION OCCURS CONSTITUTES A SEPARATE VIOLATION.

9 (2) IF A DEALER VIOLATES SECTION 25-17-511, THE DEPARTMENT
10 SHALL PROVIDE THE DEALER WITH WRITTEN NOTICE INFORMING THE
11 DEALER OF THE VIOLATION AND STATING THAT THE DEALER MAY AVOID
12 CIVIL PENALTY FOR THE VIOLATION BY CURING THE VIOLATION WITHIN
13 SIXTY DAYS AFTER ISSUANCE OF THE NOTICE. IF THE DEALER FAILS TO
14 CURE THE VIOLATION WITHIN SIXTY DAYS AFTER ISSUANCE OF THE NOTICE,
15 THE DEPARTMENT SHALL IMPOSE A CIVIL PENALTY OF AT LEAST TWO
16 HUNDRED DOLLARS FOR THE VIOLATION. EACH DAY AFTER THE SIXTY-DAY
17 PERIOD THAT THE DEALER CONTINUES TO VIOLATE SECTION 25-17-511 IS
18 A SEPARATE OFFENSE SUBJECT TO A SEPARATE CIVIL PENALTY. THE
19 DEPARTMENT IS NOT REQUIRED TO PROVIDE THE DEALER WITH AN
20 OPPORTUNITY TO CURE A CONTINUING VIOLATION BEFORE IMPOSING A
21 CIVIL PENALTY FOR THE CONTINUING VIOLATION.

22 (3) ALL PENALTIES RECOVERED UNDER THIS SECTION SHALL BE
23 TRANSFERRED TO THE STATE TREASURER, WHO SHALL CREDIT THEM TO
24 THE GENERAL FUND.

25 **25-17-507. Distributor cooperatives - requirements -**
26 **calculations - reports - compliance - rules - definition.** (1) TWO OR
27 MORE DISTRIBUTORS OR IMPORTERS MAY ESTABLISH A DISTRIBUTOR

1 COOPERATIVE FOR THE PURPOSES OF:

2 (a) COLLECTING THE REFUND VALUE OF BEVERAGE CONTAINERS
3 FROM DISTRIBUTORS OR IMPORTERS AND REFUNDING TO DEALERS THE
4 AMOUNT THE DEALERS PAID FOR THE REFUND VALUE OF EMPTY BEVERAGE
5 CONTAINERS;

6 (b) PAYING THE REFUND VALUE FOR BEVERAGE CONTAINERS SOLD
7 IN THIS STATE; AND

8 (c) PROCESSING BEVERAGE CONTAINERS SOLD IN THIS STATE.

9 (2) A DISTRIBUTOR COOPERATIVE ESTABLISHED UNDER THIS
10 SECTION MUST SERVE A MAJORITY OF THE DEALERS IN THIS STATE.

11 (3) IF A DISTRIBUTOR COOPERATIVE IS ESTABLISHED, A DEALER
12 THAT USES THE DISTRIBUTOR COOPERATIVE TO REDEEM AND PROCESS
13 BEVERAGE CONTAINERS IS NOT REQUIRED TO RETURN BEVERAGE
14 CONTAINERS TO A DISTRIBUTOR OR IMPORTER THAT DOES NOT
15 PARTICIPATE IN THE DISTRIBUTOR COOPERATIVE SO LONG AS THE DEALER
16 OR THE DISTRIBUTOR COOPERATIVE PROVIDES AN ACCOUNTING TO THE
17 DISTRIBUTOR OR IMPORTER OF THE BEVERAGE CONTAINERS BY BRAND AND
18 KIND THAT WERE DISTRIBUTED BY THE DISTRIBUTOR OR IMPORTER AND
19 SUBSEQUENTLY REDEEMED BY THE DEALER OR DISTRIBUTOR
20 COOPERATIVE.

21 (4) UPON RECEIPT OF THE ACCOUNTING REQUIRED BY SUBSECTION
22 (3) OF THIS SECTION, A DISTRIBUTOR OR IMPORTER THAT DOES NOT
23 PARTICIPATE IN THE DISTRIBUTOR COOPERATIVE SHALL PAY THE REFUND
24 VALUE OF THE REDEEMED BEVERAGE CONTAINERS SPECIFIED IN THE
25 ACCOUNTING TO THE DEALER OR DISTRIBUTOR COOPERATIVE THAT
26 PROVIDED THE ACCOUNTING.

27 (5) (a) AS USED IN THIS SUBSECTION (5), "BEVERAGE CONTAINER

1 RETURN DATA" MEANS THE NUMBER OF BEVERAGE CONTAINERS RETURNED
2 FOR THEIR REFUND VALUE IN COLORADO DURING THE PREVIOUS
3 CALENDAR YEAR AND THE NUMBER OF BEVERAGE CONTAINERS THAT HAVE
4 A REFUND VALUE AND ARE SOLD IN COLORADO DURING THE PREVIOUS
5 CALENDAR YEAR, CALCULATED SEPARATELY.

6 (b) ON OR BEFORE JULY 1 OF EACH CALENDAR YEAR, A
7 DISTRIBUTOR COOPERATIVE SHALL PROVIDE THE DEPARTMENT A REPORT
8 THAT LISTS, IN AGGREGATE FORM FOR ALL DISTRIBUTORS AND IMPORTERS
9 THAT PARTICIPATE IN THE DISTRIBUTOR COOPERATIVE, THE PREVIOUS
10 CALENDAR YEAR'S BEVERAGE CONTAINER RETURN DATA, CALCULATED
11 SEPARATELY FOR GLASS, METAL, AND PLASTIC BEVERAGE CONTAINERS.

12 (c) ON OR BEFORE JULY 1 OF EACH CALENDAR YEAR, A
13 DISTRIBUTOR OR IMPORTER THAT DOES NOT PARTICIPATE IN A
14 DISTRIBUTOR COOPERATIVE SHALL PROVIDE THE DEPARTMENT WITH A
15 REPORT THAT LISTS THE DISTRIBUTOR'S OR THE IMPORTER'S BEVERAGE
16 CONTAINER RETURN DATA FOR THE PREVIOUS CALENDAR YEAR,
17 CALCULATED SEPARATELY FOR GLASS, METAL, AND PLASTIC BEVERAGE
18 CONTAINERS.

19 (6) (a) BY AUGUST 1 OF EACH CALENDAR YEAR, USING THE
20 BEVERAGE CONTAINER RETURN DATA PROVIDED PURSUANT TO
21 SUBSECTION (5)(b) OF THIS SECTION, THE DEPARTMENT SHALL CALCULATE
22 THE PREVIOUS CALENDAR YEAR'S PERCENTAGE OF BEVERAGE CONTAINERS
23 RETURNED FOR THEIR REFUND VALUE FOR EACH DISTRIBUTOR
24 COOPERATIVE. THE DEPARTMENT SHALL CARRY OUT THE CALCULATION
25 SEPARATELY FOR GLASS, METAL, AND PLASTIC BEVERAGE CONTAINERS
26 AND SHALL POST THE PERCENTAGES ON THE DEPARTMENT'S WEBSITE.

27 (b) BY AUGUST 1 OF EACH CALENDAR YEAR, USING THE BEVERAGE

1 CONTAINER RETURN DATA PROVIDED IN SUBSECTION (5)(c) OF THIS
2 SECTION, THE DEPARTMENT SHALL CALCULATE THE PREVIOUS CALENDAR
3 YEAR'S PERCENTAGE OF BEVERAGE CONTAINERS RETURNED FOR THEIR
4 REFUND VALUE FOR EACH DISTRIBUTOR OR IMPORTER THAT DOES NOT
5 PARTICIPATE IN A DISTRIBUTOR COOPERATIVE. THE DEPARTMENT SHALL
6 CARRY OUT THE CALCULATION SEPARATELY FOR GLASS, METAL, AND
7 PLASTIC BEVERAGE CONTAINERS AND SHALL POST THE PERCENTAGES ON
8 THE DEPARTMENT'S WEBSITE.

9 (c) BY AUGUST 1 OF EACH CALENDAR YEAR, USING THE BEVERAGE
10 CONTAINER RETURN DATA PROVIDED IN SUBSECTIONS (5)(b) AND (5)(c) OF
11 THIS SECTION, THE DEPARTMENT SHALL CALCULATE THE PREVIOUS
12 CALENDAR YEAR'S PERCENTAGE OF BEVERAGE CONTAINERS RETURNED
13 FOR THEIR REFUND VALUE FOR ALL DISTRIBUTORS AND IMPORTERS IN
14 COLORADO. THE DEPARTMENT SHALL CARRY OUT THE CALCULATION FOR
15 ALL BEVERAGE CONTAINERS, AND SEPARATELY FOR GLASS, METAL, AND
16 PLASTIC BEVERAGE CONTAINERS, AND SHALL POST THE PERCENTAGES ON
17 THE DEPARTMENT'S WEBSITE.

18 (d) EXCEPT FOR THE PERCENTAGES DESCRIBED IN SUBSECTIONS
19 (6)(a), (6)(b), AND (6)(c) OF THIS SECTION OR IN A PROCEEDING UNDER
20 SECTION 25-17-506 FOR A VIOLATION OF SUBSECTION (5) OF THIS SECTION,
21 THE DEPARTMENT SHALL NOT DISCLOSE ANY INFORMATION PROVIDED BY
22 A DISTRIBUTOR, AN IMPORTER, OR A DISTRIBUTOR COOPERATIVE
23 PURSUANT TO SUBSECTION (5) OF THIS SECTION.

24 (7) (a) IN ORDER TO DETERMINE COMPLIANCE WITH SUBSECTION
25 (5) OF THIS SECTION, WITHIN SIX MONTHS AFTER THE DATE THAT THE
26 DEPARTMENT RECEIVES A REPORT DESCRIBED IN SUBSECTION (5)(b) OR
27 (5)(c) OF THIS SECTION, THE DEPARTMENT MAY REVIEW OR AUDIT THE

1 RECORDS OF EACH REPORTING DISTRIBUTOR COOPERATIVE OR OF EACH
2 REPORTING DISTRIBUTOR OR IMPORTER THAT DOES NOT PARTICIPATE IN A
3 DISTRIBUTOR COOPERATIVE.

4 (b) (I) If, IN THE COURSE OF A REVIEW DESCRIBED IN SUBSECTION
5 (7)(a) OF THIS SECTION, THE DEPARTMENT DETERMINES THAT AN AUDIT OF
6 A DISTRIBUTOR COOPERATIVE, DISTRIBUTOR, OR IMPORTER IS NECESSARY,
7 THE DEPARTMENT SHALL REQUIRE THE DISTRIBUTOR COOPERATIVE,
8 DISTRIBUTOR, OR IMPORTER TO RETAIN AN INDEPENDENT FINANCIAL AUDIT
9 FIRM TO DETERMINE THE ACCURACY OF INFORMATION CONTAINED IN THE
10 REPORT. THE DISTRIBUTOR COOPERATIVE, DISTRIBUTOR, OR IMPORTER
11 THAT IS THE SUBJECT OF REVIEW SHALL PAY THE COSTS OF THE AUDIT. THE
12 AUDIT IS LIMITED TO THE RECORDS DESCRIBED IN SUBSECTION (7)(a) OF
13 THIS SECTION.

14 (II) BY DECEMBER 1, 2020, THE STATE BOARD SHALL ADOPT RULES
15 TO CARRY OUT THIS SUBSECTION (7).

16 **25-17-508. Indication of refund value.** EVERY BEVERAGE
17 CONTAINER SOLD OR OFFERED FOR SALE IN THIS STATE BY A DEALER MUST
18 CLEARLY INDICATE BY EMBOSSING, BY A STAMP, BY A LABEL, OR BY
19 ANOTHER METHOD SECURELY AFFIXED TO THE BEVERAGE CONTAINER, THE
20 REFUND VALUE OF THE CONTAINER, WHICH REFUND VALUE IS ESTABLISHED
21 PURSUANT TO SECTION 25-17-502.

22 **25-17-509. Redemption centers - application for approval -**
23 **contents of approval order - notice.** (1) TO FACILITATE THE RETURN OF
24 EMPTY BEVERAGE CONTAINERS AND TO SERVE DEALERS, ANY PERSON MAY
25 ESTABLISH A REDEMPTION CENTER, SUBJECT TO THE APPROVAL OF THE
26 DEPARTMENT, AT WHICH ANY PERSON MAY RETURN EMPTY BEVERAGE
27 CONTAINERS AND RECEIVE PAYMENT OF THE REFUND VALUE OF EMPTY

1 BEVERAGE CONTAINERS.

2 (2) AN APPLICATION FOR APPROVAL OF A REDEMPTION CENTER
3 MUST BE FILED WITH THE DEPARTMENT. THE APPLICATION MUST STATE
4 THE NAME AND ADDRESS OF THE PERSON RESPONSIBLE FOR THE
5 ESTABLISHMENT AND OPERATION OF THE REDEMPTION CENTER, THE KIND
6 OF BEVERAGE CONTAINERS THAT WILL BE ACCEPTED AT THE REDEMPTION
7 CENTER, THE NAMES AND ADDRESSES OF THE DEALERS TO BE SERVED BY
8 THE REDEMPTION CENTER, AND PROPOSALS FOR NO MORE THAN TWO
9 CONVENIENCE ZONES DESCRIBED IN SECTION 25-17-511. THE APPLICATION
10 MUST INCLUDE SUCH ADDITIONAL INFORMATION AS THE STATE BOARD
11 MAY REQUIRE BY RULE.

12 (3) (a) BEFORE APPROVING A REDEMPTION CENTER, THE
13 DEPARTMENT SHALL SOLICIT PUBLIC FEEDBACK AND HOLD AT LEAST ONE
14 PUBLIC HEARING AT WHICH MEMBERS OF THE PUBLIC MAY COMMENT
15 REGARDING THE PROPOSED REDEMPTION CENTER. THE DEPARTMENT
16 SHALL APPROVE A REDEMPTION CENTER IF IT FINDS THAT:

17 (I) THE REDEMPTION CENTER WILL PROVIDE A CONVENIENT
18 SERVICE TO PERSONS FOR THE RETURN OF EMPTY BEVERAGE CONTAINERS;
19 AND

20 (II) THE CONSTRUCTION AND OPERATION OF THE REDEMPTION
21 CENTER WILL COMPLY WITH LOCAL BUILDING CODES AND SAFETY CODES.

22 (b) AN ORDER OF THE DEPARTMENT APPROVING A REDEMPTION
23 CENTER MUST STATE:

24 (I) THE LOCATION OF THE CONVENIENCE ZONES SPECIFIED BY THE
25 DEPARTMENT PURSUANT TO SECTION 25-17-511 (1);

26 (II) THE DEALERS WITHIN THE CONVENIENCE ZONES TO BE SERVED
27 BY THE REDEMPTION CENTER;

1 (III) THE DEALERS WITHIN THE CONVENIENCE ZONES NOT TO BE
2 SERVED BY, OR NOT PARTICIPATING IN, THE REDEMPTION CENTER;

3 (IV) THE SERVICES TO BE PROVIDED BY THE REDEMPTION CENTER
4 AND THE EQUIVALENT SERVICES REQUIRED TO BE PROVIDED PURSUANT TO
5 SECTION 25-17-511 (6) BY A DEALER THAT DOES NOT PARTICIPATE IN, AND
6 IS NOT SERVED BY, THE REDEMPTION CENTER;

7 (V) THE KIND OF EMPTY BEVERAGE CONTAINERS THAT THE
8 REDEMPTION CENTER MUST ACCEPT; AND

9 (VI) SUCH OTHER PROVISIONS AS THE DEPARTMENT MAY INCLUDE
10 TO ENSURE THE REDEMPTION CENTER PROVIDES A CONVENIENT SERVICE
11 TO THE PUBLIC.

12 (4) (a) NO LATER THAN FIVE DAYS AFTER APPROVING A
13 REDEMPTION CENTER PURSUANT TO SUBSECTION (3) OF THIS SECTION, THE
14 DEPARTMENT SHALL PROVIDE WRITTEN NOTICE TO EACH DEALER THAT IS
15 IDENTIFIED IN THE ORDER APPROVING THE REDEMPTION CENTER AS A
16 DEALER WITHIN THE CONVENIENCE ZONES THAT IS NOT TO BE SERVED BY,
17 OR THAT IS NOT PARTICIPATING IN, THE REDEMPTION CENTER.

18 (b) THE NOTICE REQUIRED PURSUANT TO SUBSECTION (4)(a) OF
19 THIS SECTION MUST INCLUDE:

20 (I) ALL INFORMATION REQUIRED TO BE IN THE ORDER APPROVING
21 THE REDEMPTION CENTER PURSUANT TO SUBSECTION (3) OF THIS SECTION;
22 AND

23 (II) NOTICE OF THE PROVISIONS OF SECTION 25-17-511 THAT ARE
24 APPLICABLE TO THE DEALER RECEIVING THE NOTICE.

25 (5) THE DEPARTMENT MAY REVIEW ITS APPROVAL OF A
26 REDEMPTION CENTER AT ANY TIME. AFTER PROVIDING WRITTEN NOTICE TO
27 THE PERSON RESPONSIBLE FOR THE ESTABLISHMENT AND OPERATION OF

1 THE REDEMPTION CENTER AND TO THE DEALERS SERVED BY THE
2 REDEMPTION CENTER, THE DEPARTMENT MAY, AFTER A HEARING,
3 WITHDRAW APPROVAL OF A REDEMPTION CENTER IF THE DEPARTMENT
4 FINDS THAT:

5 (a) THE REDEMPTION CENTER HAS NOT COMPLIED WITH THE ORDER
6 APPROVING THE REDEMPTION CENTER; OR

7 (b) THE REDEMPTION CENTER NO LONGER PROVIDES A
8 CONVENIENT SERVICE TO THE PUBLIC.

9 **25-17-510. Redemption centers - rules.** (1) PURSUANT TO
10 SECTION 25-17-509, ON OR BEFORE JULY 1, 2021, THE DEPARTMENT:

11 (a) SHALL APPROVE ONE REDEMPTION CENTER IN A CITY HAVING
12 A POPULATION OF FEWER THAN THREE HUNDRED THOUSAND PERSONS, TO
13 BE OPERATED BY A DISTRIBUTOR COOPERATIVE SERVING A MAJORITY OF
14 THE DEALERS IN THIS STATE; AND

15 (b) MAY APPROVE ONE OR MORE ADDITIONAL REDEMPTION
16 CENTERS.

17 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 5, A
18 REDEMPTION CENTER:

19 (a) SHALL NOT REFUSE TO ACCEPT AND TO PAY THE REFUND VALUE
20 OF UP TO THREE HUNDRED FIFTY INDIVIDUAL EMPTY BEVERAGE
21 CONTAINERS THAT ARE RETURNED BY ANY ONE PERSON DURING ONE DAY;

22 (b) SHALL PROVIDE HAND COUNTING OF UP TO FIFTY INDIVIDUAL
23 EMPTY BEVERAGE CONTAINERS RETURNED BY ANY ONE PERSON DURING
24 ONE DAY FOR THEIR REFUND VALUE; AND

25 (c) MAY PROVIDE DROP-OFF SERVICE FOR AT LEAST ONE HUNDRED
26 TWENTY-FIVE INDIVIDUAL EMPTY BEVERAGE CONTAINERS RETURNED BY
27 ANY ONE PERSON DURING ONE DAY FOR THEIR REFUND VALUE, AND MAY

1 PROVIDE AN ACCOUNTING MECHANISM BY WHICH THE PERSON MAY
2 REDEEM THE REFUND VALUE OF THE BEVERAGE CONTAINERS AT A LATER
3 DATE.

4 (3) THE DEPARTMENT MAY ADOPT RULES AS NECESSARY TO
5 IMPLEMENT AND ADMINISTER THIS SECTION AND SECTION 25-17-511.

6 **25-17-511. Convenience zones - refusals within convenience**
7 **zones.** (1) FOR EACH REDEMPTION CENTER, THE DEPARTMENT SHALL
8 SPECIFY UP TO TWO CONVENIENCE ZONES. THE FIRST CONVENIENCE ZONE
9 IS THE SECTOR WITHIN A RADIUS OF NOT MORE THAN TWO MILES AROUND
10 THE REDEMPTION CENTER. THE SECOND CONVENIENCE ZONE, IF ANY, IS
11 THE SECTOR BEGINNING AT THE BORDER OF THE FIRST CONVENIENCE ZONE
12 AND CONTINUING TO A RADIUS OF NOT MORE THAN THREE AND ONE-HALF
13 MILES AROUND THE REDEMPTION CENTER. TO THE GREATEST EXTENT
14 PRACTICABLE, THE DEPARTMENT SHALL BASE THE CONVENIENCE ZONES
15 UPON THE PROPOSALS SUBMITTED AS PART OF THE APPLICATION FOR
16 APPROVAL OF THE REDEMPTION CENTER PURSUANT TO SECTION 25-17-509.

17 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION,
18 SUBSECTIONS (3) TO (7) OF THIS SECTION DO NOT APPLY TO ANY DEALER
19 FOR WHICH THE DRIVING DISTANCE FROM THE PLACE OF BUSINESS OF THE
20 DEALER TO THE REDEMPTION CENTER, CALCULATED USING THE SHORTEST
21 ROUTE, IS MORE THAN TWO TIMES THE RADIUS SPECIFIED FOR THE SECOND
22 CONVENIENCE ZONE OR, IF ONLY ONE CONVENIENCE ZONE IS SPECIFIED BY
23 THE DEPARTMENT, TWO TIMES THE RADIUS SPECIFIED FOR THAT
24 CONVENIENCE ZONE.

25 (3) ALL DEALERS THAT DO BUSINESS WITHIN THE FIRST
26 CONVENIENCE ZONE OF A REDEMPTION CENTER AND THAT OCCUPY A
27 SPACE OF FIVE THOUSAND OR MORE SQUARE FEET IN A SINGLE AREA MAY

1 PARTICIPATE IN, BE SERVED BY, AND BE CHARGED THE COST OF
2 PARTICIPATION IN THE REDEMPTION CENTER, AND, IF SUCH A DEALER
3 PARTICIPATES IN, IS SERVED BY, AND PAYS THE COST OF PARTICIPATION IN
4 THE REDEMPTION CENTER, THE DEALER MAY, NOTWITHSTANDING ANY
5 OTHER PROVISION OF THIS PART 5, REFUSE TO ACCEPT AND TO PAY THE
6 REFUND VALUE OF EMPTY BEVERAGE CONTAINERS.

7 (4) ALL DEALERS THAT DO BUSINESS WITHIN THE SECOND
8 CONVENIENCE ZONE OF A REDEMPTION CENTER AND THAT OCCUPY A
9 SPACE OF FIVE THOUSAND OR MORE SQUARE FEET IN A SINGLE AREA MAY
10 PARTICIPATE IN, BE SERVED BY, AND BE CHARGED THE COST OF
11 PARTICIPATION IN THE REDEMPTION CENTER, AND, IF SUCH A DEALER
12 PARTICIPATES IN, IS SERVED BY, AND PAYS THE COST OF PARTICIPATION IN
13 THE REDEMPTION CENTER, THE DEALER MAY, NOTWITHSTANDING ANY
14 OTHER PROVISION OF THIS PART 5, REFUSE TO ACCEPT AND TO PAY THE
15 REFUND VALUE OF ANY EMPTY BEVERAGE CONTAINERS IN EXCESS OF
16 TWENTY-FOUR BEVERAGE CONTAINERS THAT ARE RETURNED BY ANY ONE
17 PERSON DURING ONE DAY.

18 (5) ALL DEALERS THAT DO BUSINESS WITHIN A FIRST OR SECOND
19 CONVENIENCE ZONE OF A REDEMPTION CENTER AND THAT OCCUPY A
20 SPACE OF FEWER THAN FIVE THOUSAND SQUARE FEET IN A SINGLE AREA
21 MAY, NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 5, REFUSE
22 TO ACCEPT AND TO PAY THE REFUND VALUE OF ANY EMPTY BEVERAGE
23 CONTAINERS IN EXCESS OF TWENTY-FOUR BEVERAGE CONTAINERS THAT
24 ARE RETURNED BY ANY ONE PERSON DURING ONE DAY.

25 (6) (a) EXCEPT AS DESCRIBED IN SUBSECTION (6)(c) OF THIS
26 SECTION, ANY DEALER THAT DOES BUSINESS IN A FIRST OR SECOND
27 CONVENIENCE ZONE OF A REDEMPTION CENTER, OCCUPIES A SPACE OF FIVE

1 THOUSAND OR MORE SQUARE FEET IN A SINGLE AREA, AND DOES NOT
2 PARTICIPATE IN, AND IS NOT SERVED BY, THE REDEMPTION CENTER:

3 (I) SHALL NOT REFUSE TO ACCEPT AND TO PAY THE REFUND VALUE
4 OF UP TO THREE HUNDRED FIFTY INDIVIDUAL EMPTY BEVERAGE
5 CONTAINERS THAT ARE RETURNED BY ANY ONE PERSON DURING ONE DAY;
6 AND

7 (II) SHALL, BEGINNING ON THE DATE THAT THE REDEMPTION
8 CENTER BEGINS ACCEPTING BEVERAGE CONTAINERS, PROVIDE SERVICES
9 EQUIVALENT TO THOSE PROVIDED BY THE REDEMPTION CENTER PURSUANT
10 TO SECTION 25-17-510 (2), INCLUDING HAND COUNTING AND DROP-OFF
11 SERVICE.

12 (b) EXCEPT AS DESCRIBED IN SUBSECTION (6)(c) OF THIS SECTION,
13 IN ADDITION TO COMPLYING WITH THE REQUIREMENTS SPECIFIED IN
14 SUBSECTION (6)(a) OF THIS SECTION, A DEALER DESCRIBED IN SUBSECTION
15 (6)(a) OF THIS SECTION SHALL:

16 (I) POST IN EACH AREA WHERE BEVERAGE CONTAINERS ARE
17 RECEIVED A CLEARLY VISIBLE AND LEGIBLE SIGN THAT CONTAINS THE LIST
18 OF SERVICES THAT MUST BE PROVIDED BY THE DEALER PURSUANT TO THIS
19 PART 5; AND

20 (II) PROVIDE THE GREATER OF THE FOLLOWING:

21 (A) TWO AUTOMATED REVERSE VENDING MACHINES THAT ARE
22 CAPABLE OF PROCESSING GLASS, METAL, AND PLASTIC BEVERAGE
23 CONTAINERS; OR

24 (B) ONE AUTOMATED REVERSE VENDING MACHINE THAT IS
25 CAPABLE OF PROCESSING GLASS, METAL, AND PLASTIC BEVERAGE
26 CONTAINERS FOR EACH FIVE HUNDRED THOUSAND BEVERAGE CONTAINERS
27 SOLD BY THE DEALER IN THE PREVIOUS CALENDAR YEAR.

1 (c) (I) SUBSECTIONS (6)(a) AND (6)(b) OF THIS SECTION DO NOT
2 APPLY TO A DEALER DESCRIBED IN SUBSECTION (6)(a) OF THIS SECTION IF
3 THE DEALER SOLD FEWER THAN ONE HUNDRED THOUSAND BEVERAGE
4 CONTAINERS IN THE PREVIOUS CALENDAR YEAR. TO BE ELIGIBLE FOR THE
5 EXEMPTION UNDER THIS SUBSECTION (6)(c), A DEALER DESCRIBED IN
6 SUBSECTION (6)(a) OF THIS SECTION MUST REPORT TO THE DEPARTMENT
7 THE NUMBER OF BEVERAGE CONTAINERS SOLD BY THE DEALER IN THE
8 PREVIOUS CALENDAR YEAR.

9 (II) EXCEPT AS PROVIDED IN SUBSECTION (7) OF THIS SECTION, THE
10 REPORT REQUIRED PURSUANT TO THIS SUBSECTION (6)(c) MUST BE
11 SUBMITTED BY A DEALER NO LATER THAN SIXTY DAYS AFTER ISSUANCE OF
12 THE NOTICE REQUIRED PURSUANT TO SECTION 25-17-509 (4) AND NO
13 LATER THAN JANUARY 1 OF EACH CALENDAR YEAR FOLLOWING THE YEAR
14 THAT THE NOTICE WAS ISSUED AND FOR WHICH THE DEALER INTENDS TO
15 CLAIM THE EXEMPTION.

16 (d) THE DEPARTMENT SHALL ENSURE COMPLIANCE WITH THIS
17 SUBSECTION (6) BY A DEALER DESCRIBED IN SUBSECTION (6)(a) OF THIS
18 SECTION THAT IS NOT EXEMPT PURSUANT TO SUBSECTION (6)(c) OF THIS
19 SECTION.

20 (7) A DEALER THAT PLANS TO BEGIN DOING BUSINESS IN A
21 CONVENIENCE ZONE AFTER THE DATE THAT THE REDEMPTION CENTER
22 ASSOCIATED WITH THE CONVENIENCE ZONE BEGINS ACCEPTING BEVERAGE
23 CONTAINERS SHALL, NOT LESS THAN SIXTY DAYS BEFORE THE DATE THAT
24 THE DEALER BEGINS DOING BUSINESS:

25 (a) NOTIFY THE DEPARTMENT AS TO WHETHER THE DEALER WILL
26 PARTICIPATE IN, BE SERVED BY, AND PAY THE COST OF PARTICIPATION IN
27 THE REDEMPTION CENTER; AND

1 (b) IF THE DEALER WILL NOT PARTICIPATE IN THE REDEMPTION
2 CENTER AND WILL CLAIM AN EXEMPTION UNDER SUBSECTION (6)(c) OF
3 THIS SECTION, PROVIDE TO THE DEPARTMENT DOCUMENTATION OF
4 COMPLIANCE WITH THE REQUIREMENTS FOR NONPARTICIPATING DEALERS
5 PURSUANT TO THIS SECTION AND AN ESTIMATE OF THE NUMBER OF
6 BEVERAGE CONTAINERS THAT THE DEALER EXPECTS TO SELL DURING THE
7 FIRST CALENDAR YEAR THAT THE DEALER DOES BUSINESS IN THE
8 CONVENIENCE ZONE.

9 (8) NOT MORE THAN SIXTY DAYS AFTER ISSUANCE OF NOTICE FROM
10 THE DEPARTMENT PURSUANT TO SECTION 25-17-509 (4), A DEALER SHALL
11 PROVIDE THE DEPARTMENT WRITTEN DOCUMENTATION CONFIRMING THE
12 DEALER'S COMPLIANCE WITH EACH OF THE REQUIREMENTS OF THIS
13 SECTION THAT ARE APPLICABLE TO THE DEALER RECEIVING NOTICE.

14 **25-17-512. Inspection authority.** INSPECTORS AND
15 INVESTIGATORS EMPLOYED BY THE DEPARTMENT MAY INSPECT ANY SPACE
16 OCCUPIED BY A DEALER FOR COMPLIANCE WITH SECTION 25-17-511.

17 **25-17-513. Repeal of part.** THIS PART 5 IS REPEALED, EFFECTIVE
18 SEPTEMBER 1, 2030. PRIOR TO ITS REPEAL, THE STATE'S RECYCLING OF
19 BEVERAGE CONTAINERS IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH
20 SECTION 24-34-104.

21 **SECTION 3.** In Colorado Revised Statutes, 24-34-104, **add**
22 (31)(a)(V) as follows:

23 **24-34-104. General assembly review of regulatory agencies**
24 **and functions for repeal, continuation, or reestablishment - legislative**
25 **declaration - repeal.** (31) (a) The following agencies, functions, or both,
26 are scheduled for repeal on September 1, 2030:

27 (V) THE STATEWIDE RECYCLING OF BEVERAGE CONTAINERS, AS

1 DESCRIBED IN PART 5 OF ARTICLE 17 OF TITLE 25.

2 **SECTION 4. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 5, 2020, if adjournment sine die is on May 6, 2020); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2020 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.