

AMENDED IN SENATE MARCH 30, 2022

SENATE BILL

No. 1013

Introduced by Senator Atkins

February 14, 2022

An act to amend ~~Section~~ *Sections 14504 and 14550* of the Public Resources Code, relating to ~~recycling~~; *recycling, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1013, as amended, Atkins. Beverage container recycling: reports: electronic ~~submittal~~; *submittal: wine and distilled spirits.*

Existing law, the California Beverage Container Recycling and Litter Reduction Act, *defines the term "beverage" to include certain types of products in liquid, ready-to-drink form and excludes, among other things, wine or wine from which alcohol has been removed in whole or in part, whether or not sparkling or carbonated. The act requires a distributor to pay a redemption payment for every beverage container sold or offered for sale in the state to the Department of Resources Recycling and Recovery. Existing law requires Recovery, and requires the department to deposit those amounts in the California Beverage Container Recycling Fund. The money in the fund is continuously appropriated to the department to pay refund values and administrative fees to processors, defined to mean persons certified by the department who purchase empty beverage containers from recycling centers and process the containers in a prescribed manner, to fund a reserve for contingencies and, after setting specified funds aside, for various purposes relating to beverage container recycling, litter cleanup and prevention, and education. The act requires processors and distributors of beverage containers to report specified information to the department,*

in the form and manner prescribed by the department. *A violation of the act is a crime.*

This bill would explicitly authorize the department to require the information *reported* to be submitted electronically. *The bill would revise the definition of beverage to include distilled spirits and wine or wine from which alcohol has been removed in whole or in part, whether or not sparkling or carbonated. Since the additional payments for the beverage containers that this bill would make subject to the act would be deposited in a continuously appropriated fund, the bill would make an appropriation. The bill would also impose a state-mandated local program by creating new crimes relating to the regulation of beverage containers.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: ~~majority~~^{2/3}. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 14504 of the Public Resources Code is
- 2 amended to read:
- 3 14504. (a) Except as provided in subdivision (b), “beverage”
- 4 means any of the following products if those products are in liquid,
- 5 ready-to-drink form, and are intended for human consumption:
- 6 (1) Beer and other malt beverages.
- 7 (2) Wine and distilled spirit coolers.
- 8 (3) Carbonated water, including soda and carbonated mineral
- 9 water.
- 10 (4) Noncarbonated water, including noncarbonated mineral
- 11 water.
- 12 (5) Carbonated soft drinks.
- 13 (6) Noncarbonated soft drinks and “sport” drinks.
- 14 (7) Except as provided in paragraph (4) of subdivision (b),
- 15 noncarbonated fruit drinks that contain any percentage of fruit
- 16 juice.
- 17 (8) Coffee and tea drinks.

1 (9) Carbonated fruit drinks.

2 (10) Vegetable juice in beverage containers of 16 ounces or
3 less.

4 (11) *Distilled spirits.*

5 (12) *Wine, or wine from which alcohol has been removed, in*
6 *whole or in part, whether or not sparkling or carbonated.*

7 (b) “Beverage” does not include any of the following:

8 (1) Any product sold in a container that is not an aluminum
9 beverage container, a glass container, a plastic beverage container,
10 or a bimetal container.

11 ~~(2) Wine, or wine from which alcohol has been removed, in~~
12 ~~whole or in part, whether or not sparkling or carbonated.~~

13 ~~(3)~~

14 (2) Milk, medical food, or infant formula.

15 ~~(4)~~

16 (3) One hundred percent fruit juice in containers that are 46
17 ounces or more in volume.

18 (c) For purposes of this section, the following definitions shall
19 apply:

20 (1) “Infant formula” means any liquid food described or sold
21 as an alternative for human milk for the feeding of infants.

22 (2) (A) “Medical food” means a food or beverage that is
23 formulated to be consumed, or administered enterally under the
24 supervision of a physician, and that is intended for specific dietary
25 management of diseases or health conditions for which distinctive
26 nutritional requirements, based on recognized scientific principles,
27 are established by medical evaluation.

28 (B) A “medical food” is a specially formulated and processed
29 product, for the partial or exclusive feeding of a patient by means
30 of oral intake or enteral feeding by tube, and is not a naturally
31 occurring foodstuff used in its natural state.

32 (C) “Medical food” includes any product that meets the
33 definition of “medical food” in the ~~federal~~ *Federal Food, Drug,*
34 *and Cosmetic Act (21 U.S.C. Sec. ~~360ee(b)(3). 360ee(b)(3)).~~*

35 (3) “Noncarbonated soft drink” means a nonalcoholic,
36 noncarbonated naturally or artificially flavored water containing
37 sugar or sweetener or trace amounts of various elements from both
38 natural and synthetic sources.

1 SECTION 1.

2 SEC. 2. Section 14550 of the Public Resources Code is
3 amended to read:

4 14550. (a) (1) Every processor shall report to the department
5 for each month the amount of empty beverage containers, by
6 material type and weight of container or material, excluding
7 refillable beverage containers, received from recycling centers and
8 curbside programs for recycling, and the scrap value paid for glass,
9 PET, and bimetal containers and any beverage container that is
10 assessed a processing fee. Every processor shall also report to the
11 department for each month the amount of other postfilled
12 aluminum, glass, and plastic food and drink packaging materials
13 sold filled to consumers in this state and returned for recycling.
14 These reports shall be submitted within 10 days after each month,
15 in the form and manner that the department may prescribe, which
16 may include electronic submittal.

17 (2) The department shall treat all information reported pursuant
18 to this section by a processor as commercial or financial
19 information subject to the procedures established pursuant to
20 Section 14554.

21 (b) Every distributor who sells or offers for sale in this state
22 beverages in aluminum beverage containers, nonaluminum metal
23 beverage containers, glass beverage containers, plastic beverage
24 containers, or other beverage containers, including refillable
25 beverage containers of these types, shall report to the department
26 for each month the number of beverages sold in these beverage
27 containers in this state that are labeled pursuant to Section 14561,
28 by material type and size and weight of container or any other
29 method as the department may prescribe. These reports shall be
30 submitted by the day when payment is due, consistent with the
31 applicable payment schedule specified in subdivision (a) of Section
32 14574, in the form and manner that the department may prescribe,
33 which may include electronic submittal.

34 (c) Every distributor who sells or offers for sale in this state
35 beverages in refillable beverage containers and who pays a refund
36 value to distributors, dealers, or consumers who return these
37 containers for refilling, shall report to the department for each
38 month the number of these beverage containers returned empty to
39 be refilled, by material type and size of container or any other
40 method that the department may prescribe. These reports shall be

1 submitted by the day when payment is due, consistent with the
2 schedule specified in subdivision (a) of Section 14574, in the form
3 and manner that the department may prescribe, which may include
4 electronic submittal.

5 (d) Notwithstanding subdivision (b), a distributor who elects to
6 make an annual payment pursuant to subdivision (b) of Section
7 14574 may, upon the approval of the department, submit the reports
8 required by this section annually to the department. The reports
9 shall accompany the annual payment submitted pursuant to Section
10 14574.

11 *SEC. 3. No reimbursement is required by this act pursuant to*
12 *Section 6 of Article XIII B of the California Constitution because*
13 *the only costs that may be incurred by a local agency or school*
14 *district will be incurred because this act creates a new crime or*
15 *infraction, eliminates a crime or infraction, or changes the penalty*
16 *for a crime or infraction, within the meaning of Section 17556 of*
17 *the Government Code, or changes the definition of a crime within*
18 *the meaning of Section 6 of Article XIII B of the California*
19 *Constitution.*