

§3102. Definitions**(CONTAINS TEXT WITH VARYING EFFECTIVE DATES)**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2015, c. 166, §14 (NEW).]

1. Beverage. "Beverage" means beer, ale or other drink produced by fermenting malt, spirits, wine, hard cider, wine coolers, soda or noncarbonated water and all nonalcoholic carbonated or noncarbonated drinks in liquid form and intended for internal human consumption, except for unflavored rice milk, unflavored soymilk, milk and dairy-derived products. [PL 2015, c. 166, §14 (NEW).]

1-A. Account-based bulk processing program. "Account-based bulk processing program" means a beverage container recycling program implemented by a redemption center or pick-up agent that meets the requirements of rules adopted by the department, is approved by the department, consolidates beverage containers subject to the requirements of this chapter through bulk sorting, collects data regarding each container sorted, provides electronic data reports specifying the number of containers sorted by universal product code along with information regarding the container brand, redemption location and container material type to support an accounting of deposits, fees and material weight and prepares the sorted containers for sale to recyclers. An account-based bulk processing program may include a bag drop program as a program component. [PL 2023, c. 482, §2 (NEW).]

1-B. Bag-drop program. "Bag-drop program" means a beverage container recycling program implemented by a redemption center that meets the requirements of rules adopted by the department and that allows a person to drop off beverage containers subject to the requirements of this chapter in a bag or other receptacle at one or more identified locations and to have the corresponding refund placed into an account to be held for the benefit of the person in a manner that allows the person to obtain the refund or a refund receipt within 10 calendar days following the drop-off. A bag-drop program may be implemented as part of or in conjunction with an account-based bulk processing program. [PL 2023, c. 482, §3 (NEW).]

2. Beverage container. "Beverage container" means a bottle, can, jar or other container made of glass, metal or plastic that has been sealed by a manufacturer and at the time of sale contains 4 liters or less of a beverage. "Beverage container" does not include a container composed, in whole or in part, of aluminum and plastic or aluminum and paper in combination as long as the aluminum content represents 10% or less of the unfilled container weight, the container materials represent 5% or less of the total weight of the container and its contents and the container is filled with a nonalcoholic beverage. "Beverage container" does not include a container composed of cardboard in combination with a plastic liner. [PL 2017, c. 10, §1 (AMD).]

3. Commingling agreement. "Commingling agreement" means an agreement between 2 or more initiators of deposit allowing the beverage containers for which they have initiated deposits to be commingled by dealers and redemption centers, as described in section 3107. [PL 2015, c. 166, §14 (NEW).]

3-A. Commingling cooperative or cooperative. "Commingling cooperative" or "cooperative" means the entity established pursuant to section 3107, subsection 3-B to manage the collection of all beverage containers subject to the requirements of this chapter under a single commingling program. [PL 2023, c. 482, §4 (NEW).]

3-B. Commingling group. "Commingling group" means a group of initiators of deposit that have entered into a commingling agreement approved by the department in accordance with section 3107, subsection 1-A or 1-B. "Commingling group" includes the State, through the Department of

Administrative and Financial Services, Bureau of Alcoholic Beverages and Lottery Operations, which, pursuant to section 3107, is deemed to be managing returned containers for which the State has initiated deposits in a commingling program pursuant to a qualified commingling agreement, but does not include the commingling cooperative.

[PL 2023, c. 482, §5 (NEW).]

4. Commissioner. "Commissioner" means the Commissioner of Environmental Protection.

[PL 2015, c. 166, §14 (NEW).]

5. Consumer. "Consumer" means an individual who purchases a beverage in a beverage container for use or consumption.

[PL 2015, c. 166, §14 (NEW).]

6. Dealer. "Dealer" means a person who sells, offers to sell or engages in the sale of beverages in beverage containers to a consumer, including, but not limited to, an operator of a vending machine containing beverages in beverage containers.

[PL 2015, c. 166, §14 (NEW).]

7. Department. "Department" means the Department of Environmental Protection.

[PL 2015, c. 166, §14 (NEW).]

8. Distributor. "Distributor" means a person who engages in the sale of beverages in beverage containers to a dealer in this State and includes a manufacturer who engages in such sales.

[PL 2015, c. 166, §14 (NEW).]

9. Hard cider. "Hard cider" means a beverage produced by fermentation of the juice of fruit, including, but not limited to, flavored, sparkling or carbonated cider that contains not less than 1/2 of 1% alcohol by volume and not more than 8.5% alcohol by volume.

[PL 2017, c. 137, Pt. A, §14 (AMD).]

10. In this State. "In this State" or "in the State" means within the exterior limits of the State and includes all territory within these limits owned by or ceded to the United States of America.

[PL 2015, c. 166, §14 (NEW).]

11. Initiator of deposit or initiator. "Initiator of deposit" or "initiator" means a manufacturer, distributor or other person who initiates a deposit on a beverage container under section 3103.

[PL 2015, c. 166, §14 (NEW).]

12. Local redemption center.

[PL 2019, c. 526, §3 (RP).]

13. Manufacturer. "Manufacturer" means a person that:

A. Sells or offers for sale a beverage in the State under the manufacturer's brand or label; [PL 2019, c. 526, §4 (NEW).]

B. Licenses another person to sell or offer for sale a beverage in the State under the manufacturer's brand or label; [PL 2019, c. 526, §4 (NEW).]

C. Imports into the United States for sale or offering for sale in the State a beverage that is manufactured outside of the United States by another person without a presence in the United States; or [PL 2019, c. 526, §4 (NEW).]

D. Is an out-of-state wholesaler of liquor that holds a certificate of approval issued pursuant to Title 28-A. [PL 2019, c. 526, §4 (NEW).]

[PL 2019, c. 526, §4 (AMD).]

14. Nonrefillable. "Nonrefillable" means a beverage container that, after being used by a consumer, is not to be reused as a beverage container by a manufacturer.

[PL 2015, c. 166, §14 (NEW).]

15. Operator of a vending machine. "Operator of a vending machine" means an owner of a vending machine, the person who refills it or the owner or lessee of the property upon which it is located.

[PL 2015, c. 166, §14 (NEW).]

16. Person. "Person" means an individual, partnership, corporation or other legal entity.

[PL 2015, c. 166, §14 (NEW).]

16-A. (TEXT EFFECTIVE UNTIL 10/15/24) Pick-up agent. "Pick-up agent" means an initiator of deposit, a distributor or a contracted agent of an initiator of deposit or a distributor that receives redeemed beverage containers from a redemption center and transports those containers for recycling.

[PL 2019, c. 526, §5 (NEW).]

16-A. (TEXT EFFECTIVE 10/15/24) Pick-up agent. "Pick-up agent" means a contracted agent of an initiator of deposit, a distributor, a commingling group or the commingling cooperative that receives redeemed beverage containers from a redemption center, except for beverage containers redeemed through an account-based bulk processing program, and transports those containers for recycling.

[PL 2023, c. 482, §6 (AMD); PL 2023, c. 482, §43 (AFF).]

17. Premises. "Premises" means the property of the dealer or the dealer's lessor on which a sale is made.

[PL 2015, c. 166, §14 (NEW).]

17-A. Proprietary information. "Proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available.

[PL 2019, c. 526, §5 (NEW).]

17-B. Recycling. "Recycling" or "recycle" means a series of activities by which material that has reached the end of its current use is processed into material for use in the production of new products.

[PL 2019, c. 526, §5 (NEW).]

17-C. Redemption center. "Redemption center" means a place of business that deals in acceptance of empty returnable beverage containers from either consumers or from dealers, or both, and that is licensed under section 3113.

[PL 2019, c. 526, §5 (NEW).]

18. Refillable. "Refillable" means a beverage container that, after being used by a consumer, is to be reused as a beverage container at least 5 times by a manufacturer.

[PL 2015, c. 166, §14 (NEW).]

19. Reverse vending machine. "Reverse vending machine" means an automated device that meets the requirements of rules adopted by the department and that uses a laser scanner or optical sensor and microprocessor to accurately recognize the universal product code on each beverage container and to accumulate information regarding containers redeemed, enabling the reverse vending machine to accept containers from redeemers and to issue script for the containers' refund value. "Reverse vending machine" does not include a hand scanner or other similar device.

[PL 2023, c. 482, §7 (AMD).]

20. Rice milk. "Rice milk" means any liquid intended for internal human consumption of which the primary protein source is rice protein derived from partially milled brown rice.

[PL 2015, c. 166, §14 (NEW).]

21. Spirits. "Spirits" has the same meaning as in Title 28-A, section 2, subsection 31.

[PL 2015, c. 166, §14 (NEW).]

22. Unflavored soymilk. "Unflavored soymilk" means any liquid containing no additional flavoring ingredients and intended for internal human consumption, the primary protein source of which is soy protein derived from whole soybeans, isolated soy protein, soy protein concentrate, soy flour, spray-dried tofu or spray-dried soymilk.

[PL 2015, c. 166, §14 (NEW).]

23. Use or consumption. "Use or consumption" means the exercise of any right or power over a beverage incident to the ownership thereof, other than the sale, storage or retention for the purpose of sale of a beverage.

[PL 2015, c. 166, §14 (NEW).]

24. Wine. "Wine" has the same meaning as in Title 28-A, section 2, subsection 36, except that, for the purposes of this chapter, "wine" does not include wine coolers.

[PL 2015, c. 166, §14 (NEW).]

25. Wine cooler. "Wine cooler" means a beverage of less than 8% alcohol content by volume consisting of wine and:

A. Plain, sparkling or carbonated water; and [PL 2015, c. 166, §14 (NEW).]

B. Any one or more of the following:

- (1) Fruit juices;
- (2) Fruit adjuncts;
- (3) Artificial or natural flavors or flavorings;
- (4) Preservatives;
- (5) Coloring; or

(6) Any other natural or artificial blending material. [PL 2015, c. 166, §14 (NEW).]

[PL 2015, c. 166, §14 (NEW).]

SECTION HISTORY

PL 2015, c. 166, §14 (NEW). PL 2017, c. 10, §1 (AMD). PL 2017, c. 137, Pt. A, §14 (AMD). PL 2019, c. 526, §§3-5 (AMD). PL 2023, c. 482, §§2-7 (AMD). PL 2023, c. 482, §43 (AFF).

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