

**Michigan's Bottle Deposit Law: Overview and Expansion Proposals**  
By Elizabeth Raczkowski, Fiscal Analyst

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**Executive Summary**

- Michigan's container deposit law originated as a successful voter initiative in 1976.
- Container deposit programs are linked to higher recycling rates.
- Unclaimed deposits are primarily used to fund environmental remediation efforts.
- The percentage of containers returned for refunds has decreased over the last 10 years.
- Perceived problems with the law have inspired proposals for expansion and reform.

**Introduction**

Michigan is one of 10 states with a beverage container deposit program. Under Michigan's system, retailers who sell certain beverages in qualifying containers collect a 10-cent-per-unit deposit from customers at the time of sale. Customers who elect to recycle the empty containers at a designated return center are refunded for that deposit. The retailers then return the empty containers to distributors or manufacturers.<sup>1</sup> In return, the Department of Treasury remits to retailers the amount of the refunds they paid out to customers. When customers do not return their containers, a portion of the unredeemed deposits is returned to certain distributors while the remainder is retained by the State. The retained funds primarily support environmental clean-up and education.

This paper provides a brief overview of the structure of Michigan's container deposit program, trends in deposit rates, and recent proposals for expanding the program.

**Background: Container Deposit Laws**

Before modern mass production, beverage containers were reused in homes as they generally remained at the point of consumption. Take-away beverage containers were not yet common and drinking vessels were not made of deliberately disposable materials. Instead, containers often were retained to be used for storage or other purposes. Individual-serving containers were manufactured in the 18th century but became more common in the 19th century. In the United States, before the late 1800s, limited domestic glass production made the collection and reuse of glass bottles attractive, which sometimes resulted in merchants and manufacturers offering cash for containers' return.<sup>1</sup>

According to the University of Michigan's Ecology Center, as widespread manufacture and use of single-serve containers increased, so did the litter associated with these items. In the 1970s, increased public consciousness of environmental problems drew attention to the issue, as did growing concerns about energy consumption. The United States' first public program to encourage

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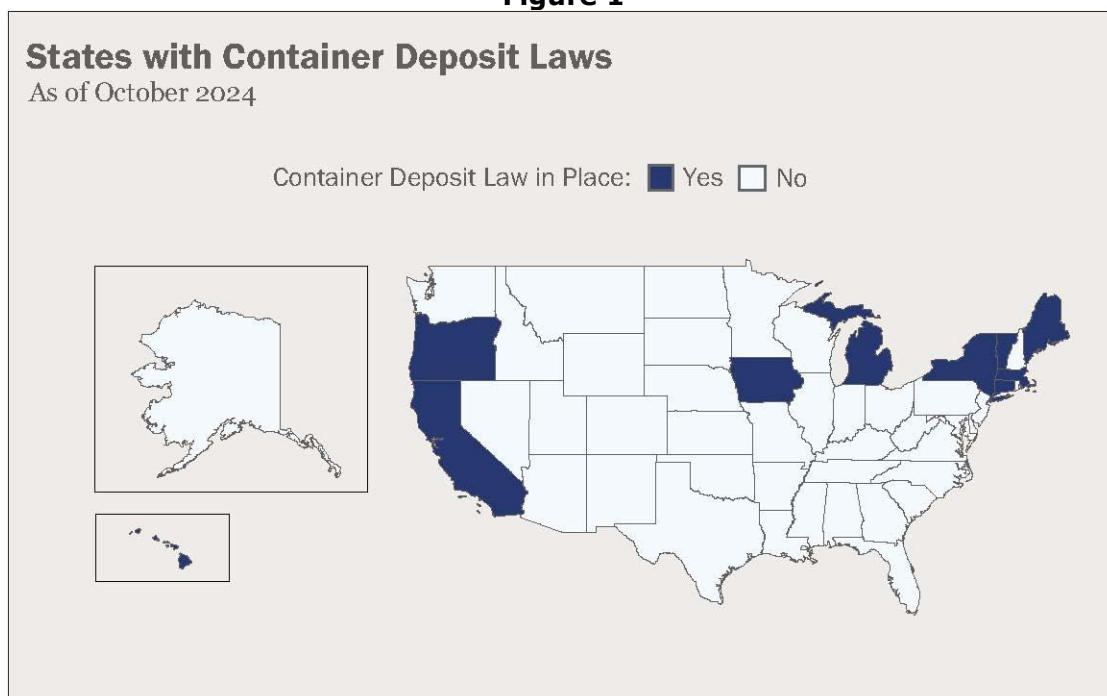
<sup>1</sup> Under the Initiated Law, a *distributor* is a person or entity who sells beverages in containers to a *dealer*, who offers the beverages for sale to consumers. A *manufacturer* is a person or entity who bottles or cans the beverages for sale. A *manufacturer* may or may not also be a *distributor* and *dealer*.

recycling through a refundable deposit on bottles and cans was created in Oregon in 1971.<sup>2</sup> Vermont created a program in 1972, followed by Michigan in 1976. Supporters of Michigan's program focused primarily on its potential to reduce litter rather than broader environmental concerns or reuse potential. However, some advocates argued for banning single-use aluminum and plastic containers altogether.<sup>2</sup> Concerns about pull-tab litter resulted in the inclusion of a provision that specified that no part of the container could be designed as detachable upon opening.<sup>3</sup>

As of October 2024, 10 states have container deposit programs. These programs vary in the types of beverage containers accepted, the deposit amount, and the funding and recycling structure. Michigan, Oregon, and Connecticut have 10-cent deposits on all eligible containers, while all other states, except California, have a five-cent deposit. In California, eligible beverage containers that are 24 fluid ounces or less have a five-cent deposit, while those 24 fluid ounces or larger have a 10-cent deposit.<sup>4</sup>

Figure 1 below shows the states that currently have a container deposit program.

**Figure 1**



Source: National Conference of State Legislatures.

### **Michigan's Deposit System**

Michigan's container deposit program was created by a public ballot initiative and became Initiated Law 1 of 1976. The law is commonly referred to as the "Bottle Bill"<sup>5</sup> and took effect in 1977.

<sup>2</sup> The Ecology Center, "Michigan Bottle Bill of 1976", The University of Michigan. Accessed 10-02-24.



Under current law, consumers pay a \$0.10 deposit for each qualifying beverage container they purchase in Michigan. Once the beverage is consumed, customers may return the empty container to a dealer—typically a grocery or convenience store—who accepts returns. Stores must accept the return of the beverage containers of a type that they sell, even if they did not sell that particular container to that particular customer. For example, if a store sells a 12-fluid-ounce can of a certain brand and flavor of beer, it must accept the return of cans of the same brand and type for deposit, even if the customer making the return did not purchase it from that store location. However, they must have purchased the can in Michigan; it is illegal to return cans purchased in other states for deposit.<sup>6</sup> Dealers must provide customers with a "convenient" means of making those returns, although this term is not defined in statute.

After refunding the customer, a retailer sends the returned containers to the beverage distributor, which similarly must accept any container it offers for sale. The distributor returns the total value of these containers to the retailer. If a distributor collects more deposits in a year than it refunds, they are referred to as an "overredeemer". An overredeemer may request a refund from the Department of Treasury, subject to certain conditions, while an underredeemer must pay the difference in collections and refunds to the Department. Distributors typically contract with other entities to collect and process the returned containers.<sup>7</sup>

The law requires distributors and manufacturers to file an annual report with the Department of Treasury. Although the program is administered by Treasury, the Michigan State Police is responsible for investigating violations and enforcing the law. The law contains other provisions specifying container size, hours of operation for return stations, and other aspects of the program.

The original enacted ballot initiative did not include any provisions regarding unredeemed deposits. Subsequent amendments to the law have created a system for the distribution of these funds and also created the overredeemer and underredeemer statuses described above.

#### *Unredeemed Deposits, State Funds, and Distributions*

In 2023, approximately 27% of eligible bottles and cans were never returned and their associated deposits went uncollected by customers. The value of the uncollected amount is the bottle deposit *escheat* (i.e., reverts to the State). The distribution of the escheat is described below.

Each year, the money paid by underredeemers, less any money paid to overredeemers, is deposited into the Bottle Deposit Fund, a revolving fund administered by the Department of Treasury. The Department must transfer \$1.0 million from the Bottle Deposit Fund to the Bottle Bill Enforcement Fund, also housed in the Department of Treasury, which is then distributed to the Department of State Police for enforcement and investigation. The remaining balance of the Bottle Deposit Fund is split: 75% is deposited into the Cleanup and Redevelopment Trust Fund, while 25% of the remaining funds are paid to dealers in proportion to the volume of containers handled. The Department must submit a report on these deposits and Treasury's disbursements to the Legislature by June 1 every year and the information must be available to the public.

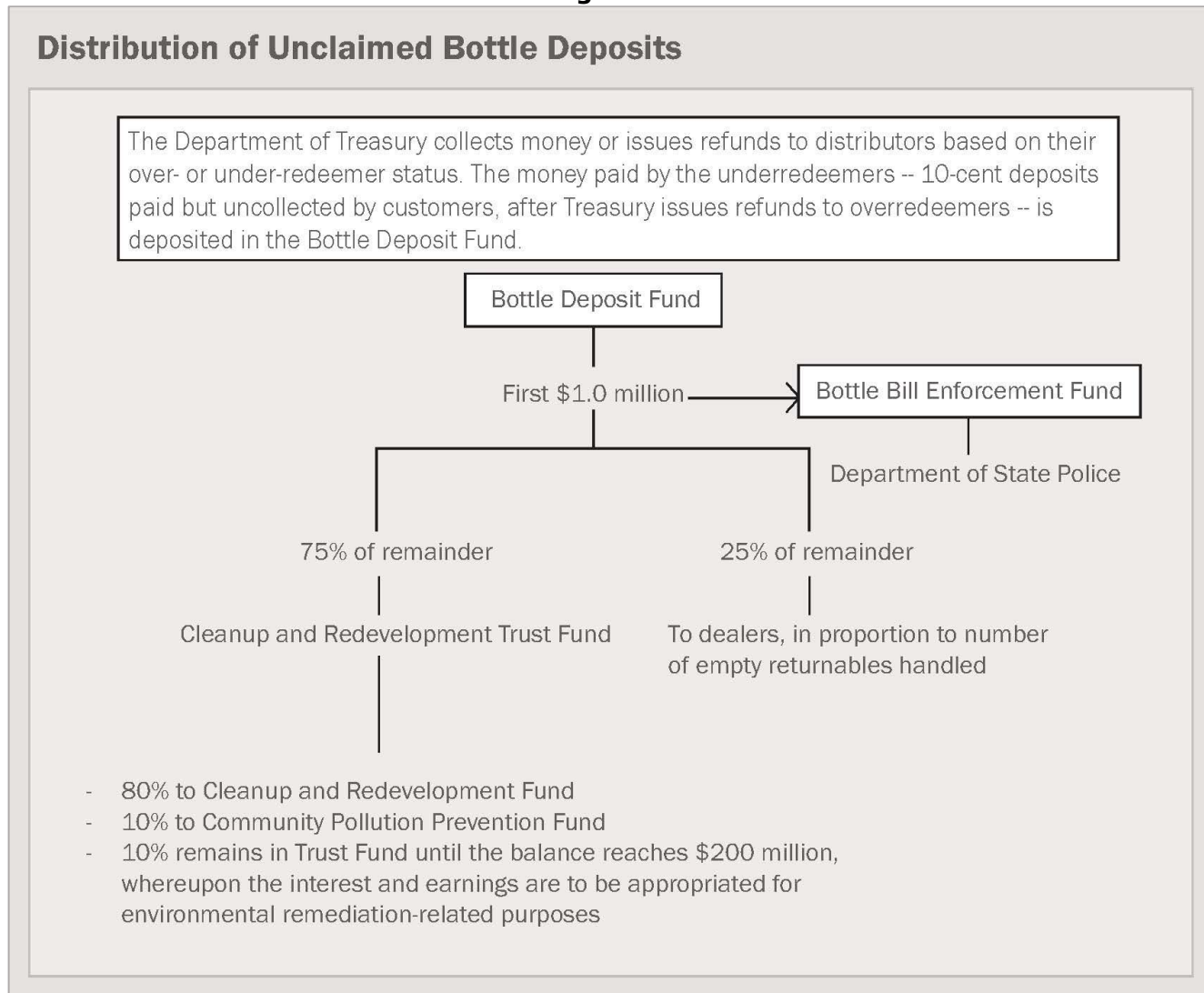
Money in the Cleanup and Redevelopment Trust Fund is used to clean environmentally contaminated sites in Michigan and for educational programming related to pollution and the environment. The Trust Fund was created by Public Act 384 of 1996. Eighty percent of the funds deposited into the Trust Fund from the Bottle Deposit Fund are then directed to the Cleanup and Redevelopment Fund while a further 10% is disbursed to the Community Pollution Prevention Fund.



The last 10% of the Trust Fund is retained until the Fund’s balance reaches \$200.0 million. At that time, only interest and earnings are to be spent upon appropriation for approved purposes described under the Natural Resources and Environmental Protection Act.

Figure 2 below provides a visual illustration of these distributions.

**Figure 2**



**Michigan's Recycling Rate and Deposit Totals**

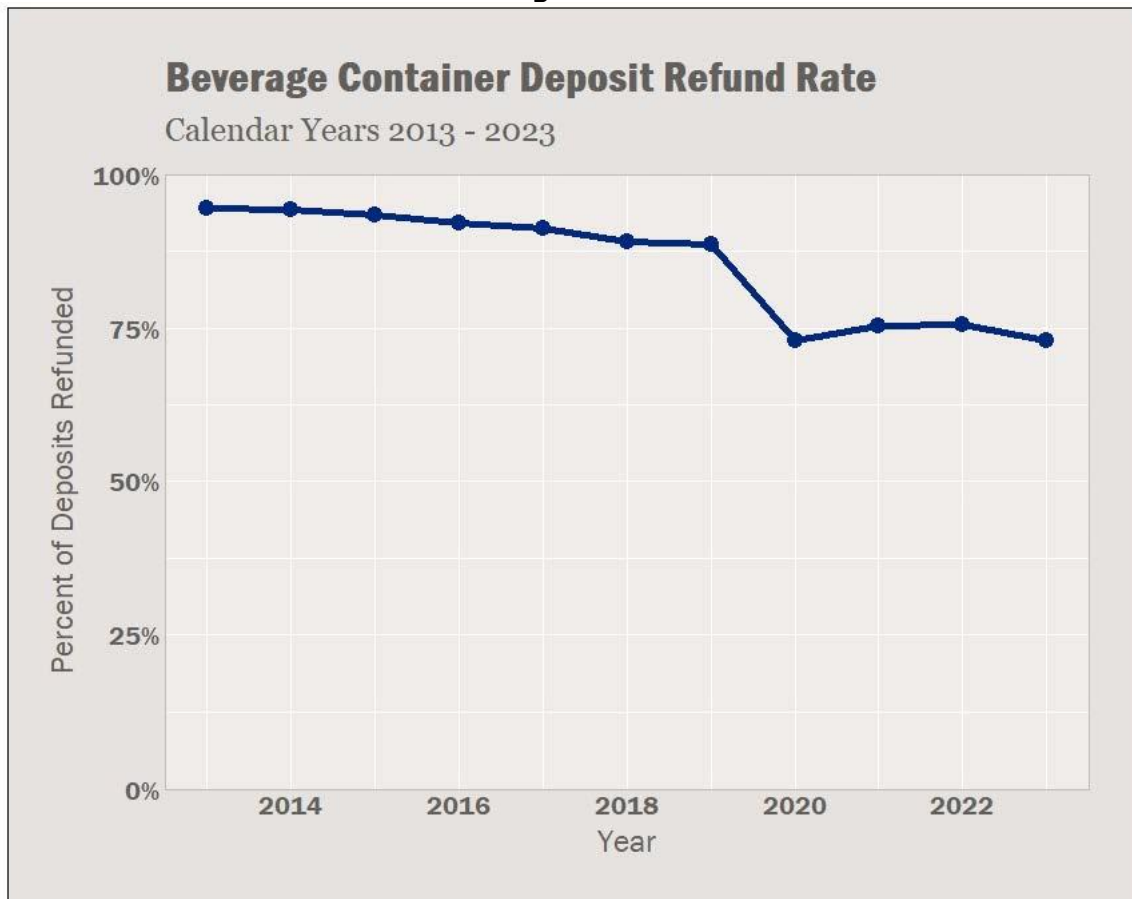
According to the Department of Environment, Great Lakes, and Energy, the overall recycling rate in Michigan has increased from 14.25% in 2014 to 23% in 2023.<sup>8</sup> However, the number of bottles and cans returned for deposit has fallen, particularly since the beginning of the COVID-19 pandemic.<sup>9</sup> The return of deposit beverage containers fell from nearly 89% to 73% over four years



from 2019 to 2023.<sup>10</sup> It is possible that some of these bottles and cans are being recycled through curbside recycling or other programs that do not involve a deposit refund. Regardless, the decrease indicates a behavioral change among consumers, although no comprehensive study has been undertaken to identify its causes. Most states with deposit programs, though not all, have seen similar stagnation or reductions in container redemptions.<sup>11</sup>

Figure 3 below illustrates deposits collected compared to total refunds distributed. Numbers greater than 100% are possible because of non-return of deposits collected in previous years. The graph illustrates that deposits were in a slight but gradual decline for several years before the onset of the pandemic in the United States in early 2020.

Figure 3.



Source: Michigan Department of Treasury.

### Concerns and Criticisms

This section summarizes some of the issues with the container deposit system that have recently been highlighted by major news publications and environmental advocacy groups in Michigan. These issues are similar to those discussed pertaining to container deposit programs in other states. Some have recently enacted changes to their laws, such as Connecticut, which increased its deposit from five cents to 10 cents in 2024.<sup>12</sup>



### *Exclusion of Popular Beverage Containers*

Whether a container requires a deposit depends in part on the beverage it contains. Two containers could be identical, but if one contains noncarbonated water, for example, it will require no deposit and may not be recycled for a refund under the Bottle Bill. Some criticism of the bottle deposit system in Michigan has focused on the exclusion of certain containers, primarily those of noncarbonated and nonmineral waters.<sup>13</sup>

According to the Container Recycling Institute, sales of plastic water bottles increased by 2,767% between 1997 and 2021.<sup>14</sup> Today, some environmental advocates point to the exclusion of certain popular drink containers, such as water bottles, sports drinks, and juices, as detrimental to participation levels and overall volumes for recycling.<sup>15</sup> They suggest that the exclusion of these containers has resulted in a decrease in deposit redemption rates, but it is not clear that the exclusion of other types of containers is linked to the decrease in redemption rates as shown in [Figure 3](#).

The following is a list showing the beverages allowed for deposit. Only "mixed wine drink" and "mixed spirit drink" were not included in the original law.<sup>16</sup>

- Soft drinks
- Soda water
- Carbonated natural or mineral water
- Nonalcoholic carbonated drinks
- Beer, ale, other malt drinks
- Mixed wine or mixed spirit drink

To be returnable, the container itself must adhere to certain standards, even if it contains a qualifying beverage. For example, it must hold less than one gallon and comprise airtight metal, glass, paper, or plastic, or some combination of those.

The Michigan Senate created a Michigan Beverage Container and Recycling Task Force in 2003 to review Michigan's recycling programs and policies. As part of the process, the Task Force held hearings to gather public feedback. In its final report, the Task Force concluded that there was support for expanding recycling to noncarbonated beverages, including water. Similarly, Senate Bill 790 of 2003 also proposed a Recycling Advisory Council to study and report on costs associated with possible new programs. Governor Jennifer Granholm vetoed this legislation, noting that the Task Force report was already extensive.<sup>17</sup> Additionally, the Task Force also had concluded that other areas of Michigan's recycling program needed to be strengthened before additional beverage containers could be added.

Six states collect a deposit on noncarbonated and differing kinds of nonmineral water. For example, Connecticut specifically accepts all bottled water and New York specifies that the water cannot contain sugar.<sup>18</sup> Among the states with a deposit on nonmineral and noncarbonated water, California, Hawaii, and Maine also accept all beverage containers other than those containing milk or dairy products. Maine also excludes unprocessed cider containers.

### *Practicality and Fairness to Retailers*

Retailers and reporters have drawn attention to physical barriers to efficient, safe collection in Michigan and other states, such as Oregon.<sup>19</sup> They have reported that customers bring dirty containers, including those with substances that may pose a health hazard for handlers or

contaminate the larger supply of returnables or nearby products in stores. Some returns can contain other objects or contaminants. Additionally, unclean or unsafe return environments can deter consumers.

In addition to health and safety hazards, handling and managing contaminated containers can cost additional time, funds, and resources, a cost largely borne by retailers. Other states, such as New York, pay retailers a handling fee for their role in the deposit process.

#### *Ease of Return*

Other factors mentioned that could be affecting return rates are retailers not accepting returns or having limited hours, particularly following the temporary halt to returns during the COVID-19 pandemic in 2020.<sup>20</sup> Customers have reported stores or their return machines rejecting products which are sold by that location.

As reported by MLive, some reform advocates have suggested "universal redemption" that would remove the requirement (wholly or in part) that customers must return a refundable container to a retailer that sells it. Under universal redemption, a retailer would refund a deposit for a consumer even if the product was sold only at another retailer. Overredeemers or underredeemers still would have their totals "balanced" by the Department of Treasury.

Other states, including Oregon, Maine, and New York, also have independent redemption centers, apart from retailers, that collect all or some deposits. This allows customers to return deposits without concern about which stores might accept which container, and could reduce the cost and time burden on retailers. The Recycling Task Force also suggested that these centers could be used in Michigan.<sup>21</sup>

#### *Value of Deposit*

According to the Bureau of Labor Statistics CPI Inflation Calculator, the 10-cent deposit included in the original Initiated Law 1 of 1976 has the same buying power as approximately 55 cents in 2024. Nevertheless, Michigan's deposit remains among the three highest in the country. As previously mentioned, Connecticut recently raised its deposit on certain containers from the long-time five cents to 10 cents, and also included new beverage containers under the law.<sup>22</sup> Connecticut showed an average redemption rate of 55.9% in the first two quarters the changes were in effect, compared to an average quarterly return rate of 43.8% the previous year.<sup>23</sup> However, it is difficult to determine the magnitude of the effect resulting from the deposit increase rather than the addition of new beverages and other enacted changes.

### **Most Recent Modification Proposals in Michigan**

The Bottle Bill has been amended several times since its enactment, beginning in the 1980s. Amendments require a three-fourths majority vote because of the law's origins as a voter-enacted initiative. Changes to the law have included specifying and altering the distribution of unredeemed deposits not detailed in the original enacted initiative. Also, this distribution has been revised several times. Other changes include additions and modifications to distributor-related processes, penalties, and continued amendments to escheat use.

This section focuses on several bills introduced in the 2023-2024 legislative session that would expand the program to either include additional types of containers or to increase the opportunities

for recycling deposit containers. These are not the only areas of the law targeted for reform in recent years.

Other successful legislation modifying other aspects of the program are noted in a Legislative Overview, "Michigan Bottle Bill", produced by the Michigan House Fiscal Agency.<sup>24</sup> However, these enacted changes focused on redeemer policies and criminal penalties for violations rather than any attempts at expansion or changes to the core details of the program. An example is Public Act 198 of 2022, which allows overredeemers to receive a refund from the Department of Treasury within 30 days of the end of a quarter, rather than carrying the amount of overredeemed deposits forward into future periods.

The three bills, House Bill (HB) 5421, HB 4904, and Senate Bill (SB) 453, would set defined hours for when businesses must accept returns and would expand the types of beverage containers that are returnable.

#### *HB 4904 and SB 453*

House Bill 4904 and SB 453 are identical bills. They would expand the deposit program to include additional beverage containers currently excluded from the deposit system, including noncarbonated water, wine, spirits, juice, spirits-based drinks, and plant-derived milk (all subject to volume and container type limits). Dairy milks would remain excluded under the bills.

Each bill also would establish that a dealer with a store less than 4,000 square feet would not have to accept containers with a refund value greater than \$10.00 per day from any individual. A distributor that purchases filled containers in another state to sell in Michigan as well as online dealers and manufacturers who sell their containers to stores in Michigan must originate a deposit. Both distributors and dealers also would be required to keep accurate records.

Under the bills, Treasury would have to distribute the unredeemed deposits as follows:

- Half a cent per empty returnable container redeemed deposited into the Bottle Handling Fund, also created in each of these bills. Eighty percent of the money in the Bottle Handling Fund created under this proposal would be distributed to dealers and the remaining 20% would be paid to distributors. Both distributions would have to be appropriated and would be based on the number of containers handled. The bills do not specify how this money is to be used, but the distribution suggests it would be used to compensate for the costs and difficulties of handling containers.
- After disbursement of the above half-cent per container, the Department of Attorney General would receive funding for investigations and enforcement as follows:
  - \$1.0 million if redemption rate were 95% or higher.
  - \$2.0 million if redemption rate were between 90 and 95%.
  - \$3.0 million if redemption rate were between 85 and 90%.
  - \$4.0 million if redemption rate were between 80 and 85%.
  - \$5.0 million if redemption rate were less than 80%.

Following the above distributions, \$25.0 million would be remitted to the Renew Michigan Fund (already existing) with the balance going to the Cleanup and Redevelopment Trust Fund. The funds in the Renew Michigan Fund are used for environmental cleanup and redevelopment. Finally, the bills would amend how revenue from the Cleanup and Redevelopment Trust Fund is distributed, including distributing a portion of its revenue received to the Renew Michigan Fund. Twenty-five

percent would be distributed to all municipalities on a per capita basis and a further 25% on a per capita basis to municipalities that achieve a recycling rate of 45%.

### *HB 5421*

House Bill 5421 would require that dealers accept returns at least during their hours of operation that take place between 8 AM and 11 PM. This would prevent dealers from having container returns on site but limiting customers' actual ability to return the containers and collect deposits. If a dealer did not typically operate during those hours, it would have to allow for the returns during the hours falling within the period it was open.

### **Conclusion**

The necessity of a three-fourths majority vote in favor of any changes to the Bottle Bill has made reforms more difficult than normal statute. However, substantial changes have been achieved in the past and changes of a more administrative nature have occurred recently. The shared trend in decreased returns among bottle deposit states, along with their historically higher recycling rates, suggest that the factors affecting the lowered rates are shared across states rather and not specific to Michigan.

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<sup>1</sup> Busch, Jane, "Second Time Around: A Look at Bottle Reus", *Historical Archaeology*, pp. 67-80, 1987.

<sup>2</sup> The Ecology Center, "Michigan Bottle Bill of 1976", The University of Michigan. Retrieved 9-19-24.

<sup>3</sup> MCL 445.571-576.

<sup>4</sup> "State Beverage Container Deposit Laws", National Conference of State Legislatures, 3-13-20. Retrieved on 9-19-24.

<sup>5</sup> MCL 445.571-576.

<sup>6</sup> MCL 445.574a.

<sup>7</sup> Gibbons, Lauren, "Michigan's bottle deposit law: will the 1970s bill ever change?", MLive, 11-9-21. Retrieved 10-3-24.

<sup>8</sup> "Michigan sets record-high recycling rate for third consecutive year", Michigan Department of Environment, Great Lakes, and Energy, 7-8-24. Retrieved 10-3-24.

<sup>9</sup> Livengood, Chad, "Michigan's bottle bill is a mess. Time for reform or repeal", *Crain's Detroit Business*, 4-25-21. Retrieved 09-19-24.

<sup>10</sup> "Bottle Deposits 2023 Update", Michigan Department of Treasury, May 2024.

<sup>11</sup> Heffernan, Marissa, "Data shows largely stagnant bottle return rates", *Plastics Recycling Update*, 8-30-23. Retrieved 10-3-24.

<sup>12</sup> Savitt, Michayla, "Mixed results after 3 months of CT's updated bottle redemption program", Connecticut Public Radio, 6-10-24. Retrieved 10-17-24.

<sup>13</sup> Livengood.

<sup>14</sup> "Beverage container recycling fast facts", Container Recycling Institute, July 2024. Retrieved 10-3-24.

<sup>15</sup> "Let's build a better bottle bill!", Michigan Environmental Council. Retrieved 10-3-24.

<sup>16</sup> Public and Local Acts, 1976.

<sup>17</sup> Michigan Senate, Journal of the Senate, 92<sup>nd</sup> Legislature, pp. 2547, 12-29-04.

<sup>18</sup> New York Department of Environmental Conservation, "Returnable Container Act (RCA)". Retrieved 10-3-24.

<sup>19</sup> Mehlhaf, Nina, "Bottle Drop centers mean more grocers dropping service", KGW8, 12-13-16; Graham, Lester, "Is it time to fix the bottle deposit law?", Michigan Public Radio, 12-20-22. Retrieved 10-7-24.

<sup>20</sup> Gibbons.

<sup>21</sup> Nielsen, Catherine R. and Jean-Cyril Walker, "Survey: State Bottle Deposit Laws", 11-1-03. Retrieved 10-7-24.

<sup>22</sup> Savitt.

<sup>23</sup> Connecticut Department of Revenue. "CT Bottle Bill Redemption Data", Aug. 2024. Retrieved 10-22-24.

<sup>24</sup> Stegbauer, Alex and Austin Scott, "Michigan Bottle Bill", Michigan House Fiscal Agency, *Legislative Overview*, March 2024.

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**Appendix.**

Original Text of Initiated Law 1 of 1976, MCL 445.571-576

Sec. 1. As used in this act:

(a) "Beverage" means a soft drink, soda water, carbonated natural or mineral water, or other nonalcoholic carbonated drink; beer, ale, or other malt drink of whatever alcoholic content.

(b) "Beverage container" means an airtight metal, glass, paper, or plastic container, or a container composed of a combination of these materials, which, at the time of sale, contains 1 gallon or less of a beverage.

(c) "Returnable container" means a beverage container upon which a deposit of at least 10 cents has been paid, or is required to be paid upon the removal of the container from the sale or consumption area, and for which a refund of at least 10 cents in cash is payable by every dealer or distributor in this state of that beverage in beverage containers, as further provided in section 2. A beverage container certified as provided in section 3 shall also be deemed a returnable container if the deposit is at least 5 cents, and the requirements of the preceding sentence are met in all other respects.

(d) "Nonreturnable container" means a beverage container upon which no deposit or a deposit of less than 10 cents has been paid, or is required to be paid upon the removal of container from the sale or consumption area, or for which no cash refund or a refund of less than 10 cents is payable by a dealer or distributor in this state of that beverage in beverage containers, as further provided in section 2. A beverage container certified as provided in section 3 shall not be deemed a nonreturnable beverage container if the deposit is at least 5 cents, and the requirements of the first sentence of subdivision (c) of this section are met in all other respects.

(e) "Person" means an individual, partnership, corporation, association, or other legal entity.

(f) "Dealer" means a person who sells or offers for sale to consumers within this state a beverage in a beverage container, including an operator of a vending machine containing a beverage in a beverage container.

(g) "Operator" of a vending machine means equally its owner, the person who refills it, and the owner or lessee of the property upon which it is located.

(h) "Distributor" means a person who sells beverages in beverage containers to a dealer within this state, and includes a manufacturer who engages in such sales.

(i) "Manufacturer" means a person who bottles, cans, or otherwise places beverages in beverage containers for sale to distributors, dealers, or consumers.

(j) "Within this state" means within the exterior limits of the state of Michigan, and includes the territory within these limits owned by or ceded to the United States of America.

(k) "Commission" means the Michigan liquor control commission.

(l) "Sale or consumption area" means the premises within the property of the dealer or of his lessor where the sale is made, within which beverages in returnable containers may be consumed without payment of a deposit, and, upon removing a beverage container from which, the customer is required by the dealer to pay the deposit.

Sec. 2. (1) A dealer shall not, within this state, sell, offer for sale, or give to consumers a nonreturnable container or a beverage in a nonreturnable container.

(2) A dealer who regularly sells beverage for consumption off his premises shall provide on his premises, or within 100 yards of the premises on which he sells or offers for sale a beverage in a returnable container, a convenient means whereby the containers of any kind, size, and brand sold or offered for sale by him may be returned by, and the deposit refunded in cash to, a person

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whether or not the person is the original customer of that dealer, and whether or not the container was sold by that dealer.

(3) Regional centers for redemption of returnable containers may be established in addition to, but not as substitutes for, means for refund of deposits in accordance with subsection (2).

(4) A dealer shall not refuse to accept from a person an empty returnable container of any kind, size, and brand sold by that dealer, nor refuse to pay to the person its full refund value in cash, except as provided in subsections (5) and (7).

(5) A dealer who does not require a deposit on a returnable container when the contents are consumed in the dealer's sale or consumption area shall not be required to pay a refund for accepting that empty container.

(6) A distributor shall not refuse to accept from a dealer an empty returnable container of any kind, size, and brand sold by that distributor, nor refuse to pay to the dealer its full refund value in cash, except as provided in subsection (7).

(7) Every beverage container sold or offered for sale by a dealer within this state shall clearly indicate by embossing or by a stamp, or by a label or other method securely affixed to the beverage container, the refund value of the container and the name of this state. A dealer or distributor may, but is not required to, refuse to accept from a person an empty returnable container which does not state thereon the refund value of the container and the name of this state.

(8) A dealer within this state shall not sell, offer for sale, or give to consumers a metal beverage container, any part of which becomes detached when opened.

Sec. 3. (1) To promote the use in this state of reusable beverage containers of uniform design, and to facilitate the return of containers to manufacturers for reuse as a beverage container, the commission shall certify beverage containers which satisfy the requirements of this section.

(2) A beverage container shall be certified if:

(a) It is reusable as a beverage container by more than 1 manufacturer in the ordinary course of business.

(b) More than 1 manufacturer will in the ordinary course of business accept the beverage container for reuse as a beverage container and pay the refund value of the container.

(3) The commission shall not certify more than 1 beverage container of a particular manufacturer in each size classification. The commission shall by rule establish appropriate size classifications in accordance with the purposes set forth in subsection (1), each of which shall include a size range of at least 3 liquid ounces.

(4) A beverage container shall not be certified under this section:

(a) If by reason of its shape or design, or by reason of words or symbols permanently inscribed thereon, whether by engraving, embossing, painting, or other permanent method, it is reusable as a beverage container in the ordinary course of business only by a manufacturer of a beverage sold under a specific brand name.

(b) If the commission finds that its use by more than 1 manufacturer is not of sufficient volume to promote the purposes set forth in subsection 1.

(5) Unless an application for certification under this section is denied by the commission within 60 days after the application is filed, the beverage container shall be deemed certified.

(6) The commission may at any time review certification of a beverage container. If, upon the review, after written notice and hearing afforded to the person who filed the original application for certification of the beverage container under this section, the commission determines that the beverage container is no longer qualified for certification, it shall withdraw certification. Withdrawal of certification shall be effective on a date specified by the commission, but not less than 30 days after written notice to the person who filed the original application for certification of the beverage container under this section, and to the manufacturer referred to in subsection (2).

**State Notes**  
TOPICS OF LEGISLATIVE INTEREST  
Fall 2024



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Sec. 4. A dealer, distributor, or manufacturer who violates this act shall be fined not less than \$100.00 nor more than \$1,000.00 and costs of prosecution. Every day a violation occurs is a separate offence.

Sec. 5. Act No. 142 of the Public Acts of 1971, being section 445.191 of the Compiled Laws of 1970, is repealed.

Sec. 6. This act shall take effect two years after it becomes law.