

TWENTY-THIRD NORTHERN MARIANAS COMMONWEALTH
LEGISLATURE
IN THE HOUSE OF REPRESENTATIVES

Regular Session, 2023

H. B. 23-18

A BILL FOR AN ACT

To reduce the CNMI's growing litter problem and to conserve resources by accepting beverage containers for refund value and providing penalties.

**BE IT ENACTED BY THE 23RD NORTHERN MARIANAS
COMMONWEALTH LEGISLATURE:**

1 **Section 1. Findings and Purpose.** The Legislature acknowledges the need
2 to to address a growing litter problem along our beaches, highways and other public
3 places. The Legislature finds that beverage containers are the most common items
4 littering these areas, therefore finds it necessary to shift the costs of litter cleanup,
5 recycling, and waste disposal from government and taxpayers to producers and
6 consumers of beverage containers.

7 **Section 2. Short-Title.** Beverage Container Act of 2023.

8 **Section 3. Enactment.** Subject to codification by the CNMI Law Revision
9 Commission, the following provision is hereby enacted:

10 “§101. Definitions. As used in this Act:

- 1 (1) “Beverage” means beer, malt beverages, wine coolers, distilled spirit
2 coolers, carbonated soft drinks, sparkling water and all other non-
3 alcoholic beverages in liquid form and intended for human
4 consumption.
- 5 (2) “Beverage container” means the individual, separate, sealed glass,
6 metal or plastic bottle, can, jar or carton containing a beverage.
- 7 (3) “Bureau” means the Bureau of Environmental and Coastal Quality.
- 8 (4) “Consumer” means every person who purchases a beverage in a
9 beverage container for use or consumption.
- 10 (5) “Vendor” means every person in the CNMI who engages in the sale
11 of beverages in beverage containers to a consumer, or means a
12 redemption center certified under §108 of this Act.
- 13 (6) “Distributor” means every person who engages in the sale of
14 beverages in beverage containers to a vendor in the Commonwealth
15 including any manufacturer who engages in such sales.
- 16 (7) “In the Commonwealth” means within the Commonwealth of the
17 Northern Mariana Islands (CNMI).
- 18 (8) “Manufacturer” means every person bottling, canning or otherwise
19 filling beverage containers for sale to distributors or vendors.
- 20 (9) “Place of business of a vendor” means the location at which a vendor
21 sells or offers for sale beverages in beverage containers to consumers.

1 (10) "Use or consumption" includes the exercise of any right or power
2 over a beverage incident to the ownership thereof, other than the sale
3 or the keeping or retention of a beverage for the purposes of sale.

4 **§102. Refund Value.**

5 (1) Every beverage container sold or offered for sale in the CNMI shall
6 have a refund value of five cents.

7 (2) Every beverage container certified as provided in §106 of this Act,
8 sold or offered for sale in the CNMI, shall have a refund value of two cents.

9 **§103. Mandated Refunds.**

10 Except as provided in §104 of this Act:

11 (1) A vendor shall not refuse to accept from a consumer any empty
12 beverage containers of the kind, size and brand sold by the vendor, or refuse to
13 pay to the consumer the refund value of a beverage container as established by
14 Section 3 of this Act.

15 (2) A distributor shall not refuse to accept from a vendor any empty
16 beverage containers of the kind, size and brand sold by the distributor, or refuse to
17 pay the vendor the refund value of a beverage container as established by
18 subsection 102 of this Act.

1 **§104. Exceptions.**

2 (1) A vendor may refuse to accept from a consumer, and a distributor may
3 refuse to accept from a vendor any empty beverage container which does not state
4 thereon a refund value as established by subsection 102 of this Act.

5 (2) A vendor may refuse to accept and to pay the refund value of empty
6 beverage containers if there is a Bureau-approved redemption center within that
7 vendor's municipality under subsection 108 of this Act.

8 **§105. Refund Value Label.**

9 (1) Every beverage container sold or offered for sale in the CNMI by a
10 vendor shall clearly indicate by embossing or by a stamp, or by a label or other
11 method securely affixed to the beverage container, the refund value of the
12 container.

13 **§106. Container Certification.**

14 (1) To promote the use in the CNMI of reusable beverage containers of
15 uniform design, and to facilitate the return of containers to manufacturers for
16 reuse as a beverage container, the Bureau shall certify beverage containers
17 which satisfy the requirements of this section.

18 (2) A beverage container shall be certified if:

19 (a) It is reusable as a beverage container by more than one manufacturer in
20 the ordinary course of business; and

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

4 (3) A beverage container shall not be certified under this section if by
5 reason of its shape or design, or by reason of words or symbols permanently
6 inscribed thereon, whether by engraving, embossing, painting or other permanent
7 method, it is reusable as a beverage container in the ordinary course of business
8 only by a manufacturer of a beverage sold under a specific brand name.

9 **§107. Beverage Container Application.**

10 (1) Unless an application for certification under subsection 106 of this
11 Act is denied by the Bureau within 60 days after the filing of the application, the
12 beverage container shall be deemed certified.

13 (2) The bureau may review at any time certification of a beverage
14 container. If after such review, with written notice and hearing afforded to the
15 person who filed the application for certification under section 6 of this Act, the
16 bureau determines the container is no longer qualified for certification, it shall
17 withdraw certification.

18 (3) Withdrawal of certification shall be effective not less than 30 days
19 after written notice to the person who filed the application for certification under

1 subsection 106 of this Act and to the manufacturers referred to in subsection 102
2 of subsection 106 of this Act.

3 **§108. Redemption Center.**

4 (1) To facilitate the return of empty beverage containers and to serve
5 vendors of beverages, any person may establish a redemption center, subject to
6 the approval of the Bureau, at which consumers may return empty beverage
7 containers and receive payment of the refund value of such beverage containers.

8 (2) Application for approval of a redemption center shall be filed with the
9 Bureau. The application shall state the name and address of the person
10 responsible for the establishment and operation of the redemption center, the kind
11 and brand names of the beverage containers which will be accepted at the
12 redemption center and the names and addresses of the vendors to be served by the
13 redemption center. The application shall include such additional information as
14 the Bureau may require.

15 (3) The Bureau shall approve a redemption center if it finds the
16 redemption center will provide a convenient service to consumers for the return of
17 empty beverage containers. The order of the Bureau approving a redemption
18 center shall state the vendors to be served by the redemption center and the kind
19 and brand names of empty beverage containers which the redemption center must
20 accept. The order may contain such other provisions to insure the redemption

1 center will provide a convenient service to the public as the Bureau may
2 determine.

3 (4) The Bureau may review at any time the approval of a redemption
4 center. After written notice to the person responsible for the establishment and
5 operation of the redemption center, and to the vendors served by the redemption
6 center, the Bureau may, after hearing, withdraw approval of a redemption center
7 if the Bureau finds there has not been compliance with its order approving the
8 redemption center, or if the redemption center no longer provides a convenient
9 service to the public.

10 **§109. Penalties.**

11 (1) Any person who violates §102, §103 or §105 of this Act shall be
12 punished by a penalty of not more than 1 year imprisonment, a fine of not more
13 than \$1,000, or both.

14 (2) In addition to the penalty prescribed by §109, the Bureau may revoke
15 or suspend the license of any person who wilfully violates any provision of this
16 Act.

17 **§109. Appeal to Superior Court.**

18 All decisions made by the Bureau are final and may be appealed to the
19 CNMI Superior Court.”

1 **Section 4. Severability.** If any provisions of this Act or the application of
2 any such provision to any person or circumstance should be held invalid by a court
3 of competent jurisdiction, the remainder of this Act or the application of its
4 provisions to persons or circumstances other than those to which it is held invalid
5 shall not be affected thereby.

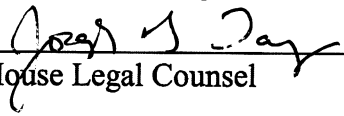
6 **Section 5. Savings Clause.** This Act and any repealer contained herein
7 shall not be construed as affecting any existing right acquired under contract or
8 acquired under statutes repealed or under any rule, regulation, or order adopted
9 under the statutes. Repealers contained in this Act shall not affect any proceeding
10 instituted under or pursuant to prior law. The enactment of the Act shall not have
11 the effect of terminating, or in any way modifying, any liability, civil or criminal,
12 which shall already be in existence on the date this Act becomes effective.

13 **Section 6. Effective Date.** This Act shall not become operative until
14 October 1, 2024 or 12 months after its approval by the Governor or it becoming
15 law without the Governor’s approval, whichever is later.

Prefiled: 2/22/2023

Date: 2/22/2023 Introduced by: 

Rep. Manny Gregory T. Castro

Reviewed for Legal Sufficiency by:

House Legal Counsel

