

SENATE BILL NO. 310—SENATORS SCHEIBLE, PARKS,
OHRENSCHALL, BROOKS; SPEARMAN AND WOODHOUSE

MARCH 18, 2019

JOINT SPONSORS: ASSEMBLYMEN MCCURDY,
PETERS; AND NGUYEN

Referred to Committee on Natural Resources

SUMMARY—Authorizes the creation of pilot programs for
recycling beverage containers. (BDR 40-752)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to programs for recycling; authorizing the creation
of pilot programs for recycling that include the payment
of deposits and refunds on certain beverage containers
sold in this State; and providing other matters properly
relating thereto.

Legislative Counsel's Digest:

Section 17.25 of this bill authorizes the Director of the State Department of
Conservation and Natural Resources to establish a pilot program for requiring
deposits to be paid and then refunded on certain recyclable beverage containers
sold in this State. **Section 17.5** of this bill authorizes the governing body of a city or
the board of county commissioners of a county to establish a pilot program for
requiring deposits to be paid and then refunded on certain recyclable beverage
containers sold in the city or county, as applicable.

Section 16 of this bill creates the Beverage Container Recycling Fund and
requires the money in the Fund to be used for recycling and recycling promotion
and education programs.

Section 18.5 of this bill requires the Director to submit a report to the Governor
and the Director of the Legislative Counsel Bureau for transmittal to the 81st
Session of the Legislature regarding any pilot programs for recycling established
pursuant to the provisions of this bill.



* S B 3 1 0 R 1 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 444A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 to 17.5,
3 inclusive, of this act.

4 **Sec. 2.** *As used in sections 2 to 17.5, inclusive, of this act, the*
5 *words and terms described in sections 3 to 10, inclusive, of this act*
6 *have the meanings ascribed to them in those sections.*

7 **Sec. 3.** *“Beverage” means beer and other malt beverages,*
8 *bottled water, mineral water, soda water, bottled or canned tea,*
9 *bottled or canned energy drinks, flavored water and any other*
10 *carbonated or noncarbonated drinks intended for human*
11 *consumption. The term does not include milk or wine.*

12 **Sec. 4.** *“Beverage container” means any sealable bottle, can,*
13 *jar or carton that is primarily composed of glass, metal or plastic*
14 *or any combination thereof and is produced for the purpose of*
15 *containing a beverage for a single use.*

16 **Sec. 5.** *“Consumer” means a person who purchases a*
17 *beverage in a beverage container for use or consumption with no*
18 *intent to resell the beverage.*

19 **Sec. 6.** *“Dealer” means a person who engages in the sale of*
20 *beverages in beverage containers. The term includes the operator*
21 *of a vending machine that sells beverages.*

22 **Sec. 7.** (Deleted by amendment.)

23 **Sec. 8.** (Deleted by amendment.)

24 **Sec. 9.** (Deleted by amendment.)

25 **Sec. 10.** *“Redemption center” means a facility that is*
26 *certified by the Director of the State Department of Conservation*
27 *and Natural Resources pursuant to the regulations adopted*
28 *pursuant to section 17.25 of this act to accept beverage containers*
29 *from consumers.*

30 **Sec. 11.** (Deleted by amendment.)

31 **Sec. 12.** (Deleted by amendment.)

32 **Sec. 13.** (Deleted by amendment.)

33 **Sec. 14.** (Deleted by amendment.)

34 **Sec. 15.** (Deleted by amendment.)

35 **Sec. 16.** *1. The Beverage Container Recycling Fund is*
36 *hereby created in the State Treasury as a special revenue fund.*

37 *2. All money received by a dealer pursuant to subsection 1 of*
38 *section 17.25 of this act must be deposited in the State Treasury*
39 *for credit to the Fund.*

40 *3. The Fund is a continuing fund without reversion. The*
41 *money in the Fund must be invested as the money in other state*
42 *funds is invested. The interest and income earned on the money in*



1 *the Fund, after deducting any applicable charges, must be credited*
2 *to the Fund. Claims against the Fund must be paid as other claims*
3 *against the State are paid.*

4 *4. The Director of the Department of Taxation shall*
5 *administer the Fund. The money in the Fund, after deducting any*
6 *costs incurred by the Department of Taxation or the State*
7 *Department of Conservation and Natural Resources in*
8 *administering the provisions of sections 2 to 17.5, inclusive, of this*
9 *act, must be used solely for recycling programs and programs*
10 *promoting recycling and education concerning recycling.*

11 *5. The Director of the Department of Taxation, in*
12 *cooperation with the Director of the State Department of*
13 *Conservation and Natural Resources, may adopt any regulations*
14 *necessary to carry out the provisions of this section.*

15 **Sec. 17.** (Deleted by amendment.)

16 **Sec. 17.25.** *1. The Director of the State Department of*
17 *Conservation and Natural Resources may;*

18 *(a) Establish a pilot program for recycling that requires a*
19 *dealer to collect and remit a deposit for each beverage sold in a*
20 *recyclable beverage container in this State and offers a refund*
21 *equal to the deposit amount to any consumer that returns the*
22 *beverage container to a redemption center for recycling.*

23 *(b) Enter into an agreement with the governing body of a city*
24 *or the board of county commissioners of a county for the*
25 *governing body or board, as applicable, to establish a pilot*
26 *program for recycling that requires a dealer to collect and remit a*
27 *deposit for each beverage sold in a recyclable beverage container*
28 *in the city or county, as applicable, and offers a refund equal to*
29 *the deposit amount to any consumer that returns the beverage*
30 *container to a redemption center for recycling.*

31 *(c) Apply for and accept any gift, donation, bequest, grant or*
32 *other source of money to carry out the provisions of sections 2 to*
33 *17.5, inclusive, of this act. Any money so received must be*
34 *deposited in the State Treasury for credit to the Beverage*
35 *Container Recycling Fund created by section 16 of this act.*

36 *(d) Adopt regulations to carry out any pilot program created*
37 *pursuant to this section, including, without limitation, regulations:*

38 *(1) Establishing the deposit amount for a beverage*
39 *container;*

40 *(2) Providing for the certification of redemption centers;*
41 *and*

42 *(3) Setting forth the types of beverage containers included*
43 *in the program.*



2. *The Director shall exempt beverage containers sold or provided by a resort hotel, as defined in NRS 463.01865, from any pilot program established pursuant to this section.*

Sec. 17.5. *1. The governing body of a city or the board of county commissioners of a county may establish by ordinance a pilot program for recycling that requires a dealer to collect and remit a deposit for each beverage sold in a recyclable beverage container in the city or county, as applicable, and offers a refund equal to the deposit amount to any consumer that returns the beverage container to a redemption center for recycling.*

2. A governing body that has established a pilot program pursuant to subsection 1 shall exempt beverage containers sold or provided by a resort hotel, as defined in NRS 463.01865, from the program.

3. Any deposits collected from a dealer as part of a pilot program established pursuant to subsection 1 must be accounted for separately in the city or county fund, as applicable.

Sec. 18. (Deleted by amendment.)

Sec. 18.5. On or before January 31, 2021, the Director of the State Department of Conservation and Natural Resources shall submit a report to the Governor and the Director of the Legislative Counsel Bureau for transmittal to the 81st Session of the Legislature regarding the pilot programs for recycling, if any, established pursuant to section 17.25 or 17.5 of this act. The report must include, without limitation:

1. The number of beverage containers returned for a refund;

2. The number of beverage containers returned for a refund as a percentage of the total number of beverage containers sold in the jurisdiction; and

3. Recommendations for legislation, if any.

Sec. 19. This act becomes effective:

1. Upon passage and approval for the purpose of adopting regulations and performing any other preparatory administrative tasks that are necessary to carry out the provisions of this act; and

2. On July 1, 2019, for all other purposes.

