

# MICHIGAN BOTTLE DEPOSIT LAW

## FREQUENTLY ASKED QUESTIONS

### What are the bottle return rates of beverage containers in Michigan?

Michigan does not collect statistics regarding beverage container return rates. Information is collected by the State of Michigan Treasury regarding the amount of deposits collected and refunded by distributors (see below). These numbers do not account for the impact of beverage containers purchased in another state or country and returned illegally for a deposit here in Michigan.

<b>Bottle Deposit Information (in millions)</b>			
<b>Year</b>	<b>Total Deposits Collected</b>	<b>Total Refunds</b>	<b>Percent Refunded</b>
1990	\$294.4	\$289.0	98.2%
1991	364.1	354.6	97.4%
1992	361.7	363.2	100.4%
1993	369.2	362.1	98.1%
1994	383.0	380.0	99.2%
1995	391.9	387.1	98.8%
1996	403.6	394.2	97.7%
1997	412.9	401.5	97.2%
1998	457.8	443.2	96.8%
1999	429.0	407.0	94.9%
2000	418.9	395.4	94.4%
2001	441.9	424.4	96.0%
2002	443.9	425.8	95.9%
2003	434.3	422.7	97.3%
2004	428.4	417.8	97.5%
2005	427.6	415.4	97.1%
2006	415.8	399.5	96.1%
2007	409.5	402.2	98.2%
2008	420.7	407.6	96.9%
2009	415.7	398.6	95.9%
2010	414.9	398.6	96.1%
2011	410.2	393.5	95.9%
2012	370.8	351.1	94.7%
2013	368.3	348.0	94.5%
2014	367.3	345.9	94.2%
2015	377.7	352.8	93.4%
2016	379.1	349.5	92.2%
2017	386.2	352.4	91.2%

## **Which State of Michigan Department administers the Michigan Bottle Deposit Law?**

The Michigan Department of Treasury (Treasury) administers the collection and distribution of unredeemed deposits under the Bottle Deposit Law. For additional information not found within this Frequently Asked Questions document, please contact the Miscellaneous Taxes and Fees Unit at 517-636-0515.

## **Where can I view a copy of the Michigan Bottle Deposit Law?**

The Michigan Beverage Containers Initiated Law of 1976, commonly known as the Bottle Bill or Bottle Deposit Law, Michigan Compiled Laws (MCL) Sections 445.571 through 445.576 (Michigan Bottle Deposit Law), can be found at: [http://www.legislature.mi.gov/\(S\(5qpix23b3x5sniasjq2lk45\)\)/mileg.aspx?page=getObject&objec tName=mcl-Initiated-Law-1-of-1976](http://www.legislature.mi.gov/(S(5qpix23b3x5sniasjq2lk45))/mileg.aspx?page=getObject&objec tName=mcl-Initiated-Law-1-of-1976). At this Internet site, you will find the most up-to-date requirements for bottlers, retailers, and consumers.

## **How is the Michigan Bottle Deposit Law escheat used?**

The Michigan Bottle Deposit Law escheat (unclaimed deposits that revert to the state) is collected by Treasury. Seventy-five percent of the money is deposited into the Cleanup and Redevelopment Trust Fund (Trust Fund), created in 1996 PA 384, and 25 percent is returned to the retailers. Of the 75 percent deposited in the Trust Fund, 80 percent is deposited into the Cleanup and Redevelopment Fund, 10 percent is deposited into the Community Pollution Prevention Fund, and 10 percent remains in the Trust Fund. The Trust Fund continues to collect the 10 percent per year until a maximum of \$200 million is met. The Community Pollution Prevention Fund is used for programs to educate the general public and businesses that use or handle hazardous materials on pollution prevention methods, technologies, and processes, with an emphasis on the direct reduction of toxic material releases or disposal, at the source. The Cleanup and Redevelopment Fund is used to clean up specific sites of contamination in Michigan. For more information on how the Michigan Bottle Deposit Law escheat is used, please contact Ms. Anastasia Lundy, Michigan Department of Environmental Quality, at 517-614-1907.

## **What do I do if a retailer will not accept beverage containers, which they sell, for deposit?**

First, contact the store manager about the situation. If the store still will not accept containers that are clean, clearly labeled as deposit containers, and sold by the retailer, contact the Michigan Department of Attorney General's, Consumer Protection Division at: [https://www.michigan.gov/ag/0,4534,7-359-82915\\_82919\\_86407---,00.html](https://www.michigan.gov/ag/0,4534,7-359-82915_82919_86407---,00.html) to file a complaint or call 1-877-765-8388.

## **Can the containers be crushed and returned to a retailer?**

Most beverage containers in Michigan are labeled with a bar code that a reverse vending machine reads to determine if the container is returnable. The containers should not be crushed so that the bar code can be read to ensure the product was purchased in Michigan. However, retailers are required to accept crushed containers if they are clean, sold by the retailer, and can be identified as a Michigan returnable beverage container. Returning non-crushed containers will be easier for you and the retailer.

## **How many containers per day can be returned to a retailer?**

A dealer may accept, but is not required to accept, from a person, empty returnable containers for a refund in excess of \$25 on any given day. In other words, the Michigan Bottle Deposit Law allows up to \$25 in refunds to be given per person per day per retailer. If the retailer chooses, he/she may accept additional amounts. However, a retailer may not refuse to accept fewer than \$25 in returns from a person.

### **Do the bottles and cans need to be clean to be returned for deposit?**

The Michigan Bottle Deposit Law states in MCL Section 445.572(4) that "...a dealer shall accept from a person an empty returnable container of any kind, size, and brand sold or offered for sale by that dealer and pay to that person its full refund value in cash." The definition of an empty returnable container is found in MCL Section 445.571(c): "Empty returnable container" means a beverage container that contains nothing except the residue of its original contents. To reduce odors and nuisance problems from pests, return them dry and do not use the container for other materials.

### **Which containers require a deposit or may be redeemed for a deposit?**

Only "beverage containers" require a deposit and may be redeemed. The law states under MCL Section 445.571(b) that 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; or a mixed wine drink or a mixed spirit drink."

### **Can I bring beverage containers from other states or countries to Michigan to redeem for deposit?**

No. Bringing beverage containers from out of state on which no deposit was paid in Michigan for the purpose of collecting a deposit on the containers is illegal. Each fraudulently returned container reduces the amount of escheat money going into the Community Pollution Prevention Fund, the Cleanup and Redevelopment Fund, and the Trust Fund. Penalties for fraudulently redeeming beverage containers can be found in MCL Section 445.574a(2) which can be read here:

<http://legislature.mi.gov/doc.aspx?mcl-445-574a>.

### **How much fraud is occurring in Michigan by people fraudulently returning beverage containers from out of state?**

The amount of fraud occurring is not currently known. As stated above, each container fraudulently returned in Michigan reduces the amount of money for community pollution prevention projects or cleanup and redevelopment of polluted sites. If you plan to bring in containers from out of state because you are concerned that containers may not be recycled, please deposit them in a recycling drop-off location in the state where you purchased them.

### **What laws have been enacted to help prevent fraud?**

The Beverage Container Redemption Antifraud Act, Act 388 of 2008, was enacted to prevent deposit law fraud. Details can be read here:

<http://legislature.mi.gov/doc.aspx?mcl-Act-388-of-2008>.

Also, the Reverse Vending Machine Antifraud Act, Act 387 of 2008 can be read here <http://legislature.mi.gov/doc.aspx?mcl-445-651-new>. However, the reverse vending machine legislation previously enacted through Public Acts [386](#), [387](#), [388](#), and [389](#) of 2008 have been deemed unconstitutional by Federal District Court. As a result, the Michigan Department of Treasury no longer has any statutory authority or obligation to administer these former public acts.

### **Can I throw beverage containers in the garbage?**

No. A law passed in 2004 (PA 34 of 2004) prohibits beverage containers, as defined in Deposit Law, from being disposed of in a landfill. Beverage containers may be placed in recycling bins, taken to a recycling center, or redeemed for deposit.

### **Where can I find information about proper labeling of beverage containers?**

MCL Section 445.572(7) states: "Each beverage container sold or offered for sale by a dealer within this state shall clearly indicate by embossing or by a stamp, a label, or other method securely affixed to the beverage container, the refund value of the container and the name of this state." For more information, contact Mr. Kenneth Wozniak, Michigan Liquor Control Commission, at 517-322-5900 or 517-322-1140.

### **Are the containers recycled after they are returned to the retailer by the consumer?**

Beverage containers are prohibited from disposal. They are recycled.

### **Where can I find information regarding bottlers', wholesalers', and retailers' financial obligations regarding the Michigan Bottle Deposit Law?**

For information regarding redeemed deposit reporting; the mandatory Michigan Unredeemed Beverage Container Deposit Report, Form 2666; the voluntary Request for Bottle Deposit Fund Reimbursement (for Retailers and Dealers), Form 2196; and other vendor issues surrounding the Michigan Bottle Deposit Law, please contact Mr. Alberto Martin, Treasury, at 517-636-4456.

### **Does Michigan tax the unclaimed deposits retained by the distributors?**

The Michigan Bottle Deposit Law requires an annual report be filed with Treasury by distributors and manufacturers who originate deposits (most manufacturers do not). They report the dollar value of deposits originated as well as the dollar value of refunds made. Based on this and any previously available credits, they are determined to be an "under redeemer" or an "over redeemer." The under redeemer would owe the state the value of the under redemption. There is not a tax as distributors/manufacturers do not have "unclaimed deposits."

### **How does the Michigan Bottle Deposit Law compare to other states?**

Michigan is one of 10 states with a beverage container deposit law. You can find information about other states' bottle bills at: <http://www.container-recycling.org>.