**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3901**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. J.E. Smith

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Introduced in the House on April 9, 2013

Currently residing in the House Committee on **Judiciary**

Summary: Recycling of beer and wine beverage containers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/9/2013 House Introduced and read first time ([House Journal‑page 49](file:///h:\HJ%20Archive\2013\04-09-13.docx))

4/9/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 49](file:///h:\HJ%20Archive\2013\04-09-13.docx))

**VERSIONS OF THIS BILL**

[4/9/2013](file:///p:\pprever\2013-14\3901_20130409.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 61‑2‑85 SO AS TO PROVIDE THAT A HOLDER OF A PERMIT THAT ALLOWS ON‑PREMISES CONSUMPTION OF BEER, WINE, OR ALCOHOLIC LIQUORS SHALL RECYCLE EACH RECYCLABLE BEVERAGE CONTAINER SOLD ON THE PREMISES IN ACCORDANCE WITH A MODEL RECYCLING PROGRAM DEVELOPED BY THE DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL; AND TO AMEND SECTION 61‑2‑90, RELATING TO APPLICATIONS FOR LICENSES AND PERMITS FROM THE DEPARTMENT OF REVENUE, SO AS TO REQUIRE AN APPLICANT FOR A PERMIT FOR ON‑SITE CONSUMPTION OF ALCOHOL TO PROVIDE CERTIFICATION OF THE EXISTENCE OF A RECYCLING PLAN OR A BASIS FOR EXEMPTION FROM THE REQUIREMENT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Chapter 2, Title 61 of the 1976 Code is amended by adding:

“Section 61‑2‑85. (A) For purposes of this section:

(1) ‘Financially feasible recycling program’ means a recycling program pursuant to this section that does not increase a permit holder’s total annual cost for managing its solid waste by any amount whatsoever over the permit holder’s total annual costs without such a recycling program.

(2) ‘Permit holder’ means a holder of a permit or license issued by the Department of Revenue that authorizes on‑premises consumption of beer, wine, or alcoholic liquor by the drink.

(3) ‘Financially feasible means of glass collection’ means the existence of a commercial or governmental financially feasible recycling program that allows a permit holder to contract for on-site pickup of glass or provides a glass container recycling drop‑off location that is easily available to a permit holder.

(4) ‘Recycling plan’ means a permit holder’s plan for recycling that addresses the separation, storage, collection, and recycling of recyclable beverage containers, and their packaging, for alcoholic beverages sold on the premises by the permit holder including, but not limited to, aluminum, plastic, and glass containers, and cardboard used to package, ship, or deliver the beverage containers.

(B)(1) The Department of Health and Environmental Control shall develop and publish information on its website to assist permit applicants and permit holders in evaluating recycling options and preparing recycling plans. Information must include:

(a) identification of the recyclable materials that may be recycled including, but not limited to, glass bottles, plastic bottles, aluminum cans, and packing materials;

(b) information on locating a recycling service including, but not limited to, existing solid waste haulers, local government solid waste departments, and commercial recyclers;

(c) information on the logistics of collecting and disposing of recyclable materials including, but not limited to, external storage, internal storage, and self‑hauling to drop‑off centers;

(d) information on the sources and kinds of recycling storage units;

(e) information on types of employee education programs, such as basic training on recycling;

(f) information on strategies that permit holders may use to reduce or control costs; and

(g) a model recycling plan to provide guidance to permit holders.

(2) A permit holder may request assistance from state or local environmental organizations in evaluating recycling options or preparing a recycling plan.

(C) A permit holder shall certify, as part of the permitting process with the Department of Revenue, that a site‑specific recycling plan for the collection and recycling of recyclable beverage containers, including their packaging, for alcoholic beverages sold on the premises by the permit holder, has been prepared or that the permit holder is exempt pursuant to subsection (D). Documentation must be made available upon request by the Department of Revenue. Each site‑specific recycling plan must use as guidance the model recycling plan developed by the Department of Health and Environmental Control pursuant to subsection (B).

(D) A permit holder is exempt from the requirement to:

(1) recycle glass containers if a financially feasible recycling program for glass containers is not available to the permit holder; and

(2) prepare or implement a site‑specific recycling plan if a financially feasible recycling program is not available to the permit holder, and the permit holder has documentation to support the exemption.

The documentation may be in the form of a price quote for a recycling program.

(E) For purposes of this section, communications and documents that are required to be transmitted in writing also may be transmitted by electronic transmission, if both the sender and receiver agree to electronic transmission.

(F) Failure of a permit holder to comply with the provisions of this section is not grounds for denial, revocation, or nonrenewal of a permit authorized pursuant to Title 61.

(G) No fees or fines may be assessed against permit holders to enforce this section.”

SECTION 2. Section 61‑2‑90 of the 1976 Code is amended to read:

“Section 61‑2‑90. (A) A person desiring a license or permit under this title ~~must~~ shall file with the department an application in writing on forms provided by the department containing a statement under oath setting forth:

(1) the name, address, date of birth, race, and nationality of the person applying for the license or permit;

(2) the exact location where the business is proposed to be operated;

(3) a description of the type of business to be operated;

(4) whether the applicant or an owner of the business has been involved in the sale of alcoholic liquors, beer, or wine in this or another state, and whether ~~he~~ the applicant or owner has had a license or permit suspended or revoked;

(5) whether the applicant has been a legal resident of this State for at least thirty days before the date of application and has maintained his principal place of abode in the State for at least thirty days before the date of application; and

(6) other information required by the department to determine if the application meets all statutory requirements for the license or permit and to determine the true owners of the business seeking the license or permit.

(B) A person applying for or renewing a permit or license to allow on‑premises consumption of beer, wine, or alcoholic liquor by the drink shall include in the application or renewal a written certification, pursuant to Section 61‑2‑85, that there is a site‑specific recycling plan for the location listed on the permit application or renewal or that the applicant is exempt from the requirement to have such a plan pursuant to Section 61‑2‑85 (D).”

SECTION 3. This act takes effect one year after approval by the Governor, except that the provisions of SECTION 1 directing the Department of Health and Environmental Control to prepare and publish information on its website about recycling options, including a model recycling plan, takes effect upon approval by the Governor.

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