

**ASSEMBLY, No. 1710**

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**STATE OF NEW JERSEY**

**218th LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblywoman LISA SWAIN**

**District 38 (Bergen and Passaic)**

**Co-Sponsored by:**

**Assemblywoman Muoio, Assemblymen Caputo, Gusciora and**

**Assemblywoman Pinkin**

**SYNOPSIS**

The “Smart Container Act.”

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**(Sponsorship Updated As Of: 8/26/2019)**

1    **AN ACT** concerning beverage containers, and supplementing Title  
2       13 of the Revised Statutes.

3

4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5 *of New Jersey:*

6

7       1. This act shall be known and may be cited as the "Smart  
8 Container Act."

9

10      2. The Legislature finds and declares that litter composed of  
11 discarded beverage bottles and cans is a growing problem of public  
12 concern and a direct threat to the health and safety of the citizens of  
13 this State; that discarded beverage bottles and cans create a hazard  
14 to vehicular traffic, a source of physical injury to pedestrians, farm  
15 animals and machinery, and an unsightly accumulation of litter  
16 which must be disposed of at increasing public expense; that  
17 beverage bottles and cans also create an unnecessary addition to the  
18 State's already costly and overburdened solid waste management  
19 system; that the indiscriminate disposal of such bottles and cans  
20 creates an impediment to the efficient operation of New Jersey's  
21 resource recovery incineration facilities; that the uninhibited discard  
22 of beverage containers constitutes a waste of both mineral and  
23 energy resources; and that requiring a deposit on all beverage  
24 bottles and cans, along with certain other facilitating measures, will  
25 provide a necessary incentive for the economically efficient and  
26 environmentally benign collection and recycling of such containers.

27      The Legislature therefore determines that it serves the public  
28 interest to provide that all beverage bottles and cans sold or offered  
29 for sale in this State have a refund value, and to provide for the  
30 convenient return and payment of the refund value of empty  
31 beverage containers.

32

33      3. As used in this act:

34       "Beverage" means all carbonated and noncarbonated drinks in  
35 liquid form intended for human consumption. "Beverage" shall not  
36 include:

37       (1) Milk and dairy derived products. "Milk" means whole milk,  
38 skim milk, low-fat milk, cream, cultured milk, yogurt, or any  
39 combination of those products. The term "dairy derived products"  
40 includes any product of which the single largest ingredient is milk,  
41 milk fat, cultured milk, or yogurt;

42       (2) Rice milk or soy milk;

43       (3) Infant formula;

44       (4) Alcoholic beverages. The term "alcoholic beverage" shall  
45 not include beer or other malt beverages, or wine products;

46       (5) A liquid that is a syrup, in a concentrated form, or typically  
47 added as a minor flavoring ingredient in food or drink, such as  
48 extracts, cooking additives, sauces, or condiments;

1 (6) A liquid that is ingested in very small quantities and that is  
2 consumed for medicinal purposes only;

3 (7) A liquid that is designed and consumed only as a nutritional  
4 supplement and not as a beverage;

5 (8) A product that is frozen at the time of sale;

6 (9) A product that is designed to be consumed in a frozen state;

7 (10) An instant drink powder; or

8 (11) Seafood, meat, vegetable broths, or soups.

9 "Beverage container" means the individual, separate, sealed  
10 glass, metal, aluminum, steel, or plastic bottle, can, or jar used for  
11 containing less than one gallon or 3.8 liters at the time of sale of a  
12 beverage intended for use or consumption in this State. A  
13 "beverage container" shall not include a refillable container.

14 "Commissioner" means the Commissioner of Environmental  
15 Protection.

16 "Department" means the Department of Environmental  
17 Protection.

18 "Director" means the Director of the Division of Taxation in the  
19 Department of the Treasury.

20 "Distributor" means any person who sells beverages in beverage  
21 containers to a retailer.

22 "Division" means the Division of Taxation in the Department of  
23 the Treasury.

24 "Malt beverage" means any beverage obtained by the alcoholic  
25 fermentation or infusion or decoction of barley, malt, hops, or other  
26 wholesome grain or cereal and water, including, but not limited to,  
27 ale, stout, or malt liquor.

28 "Redemption center" means a place or a business, and the owner  
29 or operator thereof, which accepts empty beverage containers for  
30 recycling and pays the refund value of beverage containers as  
31 approved by the department pursuant to the provisions of this act.

32 "Refillable container" means a rigid plastic container that the  
33 department determines is routinely returned to and refilled by the  
34 product manufacturer at least five times with the original product  
35 that is stored inside of the container.

36 "Retailer" means a person who engages in the sale within the  
37 State of beverages in beverage containers to a consumer at retail for  
38 off-premises use or consumption.

39 "Reverse vending machine" means an automated device that uses  
40 a laser scanner, microprocessor, or other technology to accurately  
41 recognize the universal product code to determine if a particular  
42 beverage container is redeemable and accumulates information  
43 regarding beverage containers redeemed, thereby enabling the  
44 device to accept beverage containers from redeemers and to issue  
45 scrip for their refund value.

46 "Smart container bar code" means a universal product code  
47 applied to a beverage container to identify the container as sold or  
48 offered for sale in this State.

1       “Universal product code” means a standard for encoding a set of  
2 lines and spaces that can be scanned and interpreted into numbers to  
3 identify a product. A “universal product code” may also mean any  
4 accepted industry barcode which replaces that code and that may be  
5 used to identify a product.

6  
7       4. a. Every beverage container sold or offered for sale in this  
8 State shall have a refund value when empty. Beverage containers  
9 with a minimum capacity of eight ounces, or its equivalent volume,  
10 and a maximum capacity of less than 24 ounces, or its equivalent  
11 volume, shall have a refund value of \$0.10 each. Beverage  
12 containers with a minimum capacity of 24 ounces, or its equivalent  
13 volume, and a maximum capacity of less than one gallon or 3.8  
14 liters, or its equivalent volume, shall have a refund value of \$0.20  
15 each.

16       b. Every beverage container sold or offered for sale in this  
17 State shall be clearly identified by a stamp, label, or other mark  
18 securely affixed to the beverage container, bearing the inscription  
19 "New Jersey" or "N.J." or “NJ” and indicating the refund value of  
20 the beverage container.

21       c. Every beverage container sold or offered for sale in this  
22 State shall be embossed with a smart container bar code.

23       d. A person shall not sell or offer for sale a beverage container  
24 in this State unless the deposit on the beverage container is or has  
25 been paid to the State Treasurer by a distributor and unless the  
26 beverage container has a refund value of not less than \$0.10 which  
27 is clearly indicated thereon as provided in this section.

28       e. Every redeemed empty beverage container shall be the  
29 property of the retailer or redemption center accepting the empty  
30 beverage container for redemption.

31  
32       5. a. Every distributor shall, within 30 days after the effective  
33 date of this section, register with the State Treasurer on forms  
34 prescribed by the director.

35       b. Every distributor shall, on or before the first day of the first  
36 full fiscal quarter following the effective date of this section, and  
37 quarterly thereafter, render a return under oath to the State  
38 Treasurer, on such forms as may be prescribed by the director,  
39 indicating the total number of full beverage containers to be sold or  
40 offered for sale in this State in the ensuing quarter, and at that time  
41 shall pay the initial deposit on each full beverage container in an  
42 amount equal to the refund value due thereon pursuant to section 4  
43 of this act.

44       c. The director shall deposit all revenues collected pursuant to  
45 this section in the Smart Container Fund established pursuant to  
46 section 7 of this act. The director may use up to one percent of all  
47 revenues collected to defray the costs of administration and  
48 collection of the deposit revenues.

1       d. The director may require the maintenance of such accounts,  
2 records, or documents relating to the sale of full beverage  
3 containers, by any distributor as the director may deem appropriate  
4 for the administration of this section. The director may make  
5 examinations, including the conduct of facility inspections during  
6 regular business hours, with respect to the accounts, records, or  
7 documents required to be maintained under this subsection. The  
8 accounts, records, and documents shall be preserved for a period of  
9 three years, except that the director may consent to their destruction  
10 within that period or may require that they be kept longer. The  
11 accounts, records, and documents may be kept within the meaning  
12 of this subsection when reproduced by any electronic, photographic,  
13 photostatic, microfilm, micro-card, miniature photographic, or other  
14 process which actually reproduces the original accounts, records, or  
15 documents.

16

17       6. a. Every retailer and redemption center shall, within 30 days  
18 after the effective date of this section, register with the State  
19 Treasurer on forms prescribed by the director.

20       b. Every retailer and redemption center shall, on or before the  
21 first day of the first full fiscal quarter following the effective date of  
22 this section, and monthly thereafter, render a return under oath to  
23 the State Treasurer, on such forms as may be prescribed by the  
24 director, indicating the total number of empty beverage containers  
25 redeemed during the previous month, the total amount paid for  
26 redeemed empty beverage containers, and the disposition of  
27 redeemed empty beverage containers. The director shall credit the  
28 proper amount to the retailer or redemption center upon receipt of  
29 written documentation of the total number of empty beverage  
30 containers redeemed and the actual amount paid for the redemption  
31 of those empty beverage containers, and at that time shall reimburse  
32 the retailer or redemption center the full amount therefor.

33       c. The director may require the maintenance of such accounts,  
34 records, or documents relating to the redemption of empty beverage  
35 containers, by any retailer or redemption center as the director may  
36 deem appropriate for the administration of this section. The  
37 director may make examinations, including the conduct of facility  
38 inspections during regular business hours, with respect to the  
39 accounts, records, or documents required to be maintained under  
40 this subsection. The accounts, records, and documents shall be  
41 preserved for a period of three years, except that the director may  
42 consent to their destruction within that period or may require that  
43 they be kept longer. The accounts, records, and documents may be  
44 kept within the meaning of this subsection when reproduced by any  
45 electronic, photographic, photostatic, microfilm, micro-card,  
46 miniature photographic, or other process which actually reproduces  
47 the original accounts, records, or documents.

1       7. a. The Smart Container Fund (hereinafter referred to as the  
2 "fund") is established as a nonlapsing, revolving fund. The fund  
3 shall be administered by the State Treasurer, and shall be credited  
4 with all revenues collected pursuant to section 5 of this act, and all  
5 interest or other investment income earned and received on the  
6 investment of moneys in the fund.

7       b. Moneys in the fund shall be allocated and used as follows:

8       (1) To reimburse retailers and redemption centers the full  
9 amount for the total number of empty beverage containers redeemed  
10 and the actual amount paid for the redemption of those empty  
11 beverage containers;

12       (2) To redistribute deposit revenues to retailers and redemption  
13 centers on a proportionate basis, in an amount equal to 25 percent  
14 of the aggregate dollar value of any unclaimed deposits retained by  
15 the State Treasurer, to defray handling costs; and

16       (3) To redistribute deposit revenues to the department, in an  
17 amount equal to 75 percent of the aggregate dollar value of any  
18 unclaimed deposits retained by the State Treasurer. Any amounts  
19 received by the department as unclaimed deposits, and all interest  
20 or other investment income earned and received on the investment  
21 of money in the fund, shall be deposited in the Healthy Schools and  
22 Community Lead Abatement Fund established pursuant to section 8  
23 of this act.

24       As used herein, "unclaimed deposits" shall mean any amounts in  
25 excess of the costs of redemption which have accrued to the fund on  
26 or after the 30th day after which a deposit has been initiated.

27       c. The State Treasurer shall report to the department, on or  
28 before the first day of the second full fiscal quarter following the  
29 effective date of this act, and quarterly thereafter, on the volume of  
30 beverage sales, empty beverage container redemptions, and  
31 unclaimed deposits.

32  
33       8. There is established in the Department of Environmental  
34 Protection a nonlapsing fund to be known as the "Healthy Schools  
35 and Community Lead Abatement Fund," hereinafter referred to as  
36 "the fund." The fund shall be credited with the deposit revenues  
37 redistributed by the State Treasurer to the department pursuant to  
38 paragraph (3) of subsection b. of section 7 of this act, with all  
39 interest or other investment income earned and received on the  
40 investment of moneys in the fund, and with any other monies that  
41 may be made available, or appropriated, to the department for the  
42 purposes of the fund. Money in the fund shall be used by the  
43 department, in consultation with the Department of Education, the  
44 Department of Community Affairs, and the Department of Health,  
45 solely for lead abatement in schools and communities, including:  
46 removal and replacement of water fountains, plumbing, and pipes  
47 that contain lead; stripping lead paint from schools and residential  
48 dwellings; and other lead abatement programs, as established by the

1 department in consultation with the Department of Education, the  
2 Department of Community Affairs, and the Department of Health.

3  
4 9. a. Every retailer shall, upon presentation of an empty  
5 beverage container, refund to the bearer the refund value of the  
6 beverage container. No retailer shall refuse to accept at the  
7 retailer's place of business an empty beverage container from a  
8 person, or refuse to pay to a person the refund value of an empty  
9 beverage container.

10 b. A retailer may limit the number of empty beverage  
11 containers to be accepted for redemption at the retailer's place of  
12 business to not less than 24 empty beverage containers per visit, per  
13 redeemer, per day.

14 c. Redemptions of refund value shall be in legal tender. The  
15 use or presence of a reverse vending machine shall not relieve a  
16 retailer of any obligations imposed pursuant to this section. If a  
17 retailer utilizes a reverse vending machine to redeem empty  
18 beverage containers, the retailer shall provide redemption of empty  
19 beverage containers when the reverse vending machine is full,  
20 broken, or under repair, or does not accept a type of beverage  
21 container sold by the retailer. On any day that the retail  
22 establishment is open for less than 24 hours, the retailer may restrict  
23 or refuse the payment of refund values during the first and last hour  
24 the retailer is open for business.

25 d. Every redeemed empty beverage container shall be the  
26 property of the retailer accepting the empty beverage containers for  
27 redemption. Every retailer shall ensure that all empty beverage  
28 containers redeemed at the facility are properly recycled.

29  
30 10. a. A retailer shall conspicuously post and maintain, at the  
31 point of sale, a legible sign informing customers of the refund value  
32 of empty beverage containers.

33 b. A retailer that does not sell or offer for sale in this State  
34 alcoholic beverages shall not be required to accept at the retailer's  
35 place of business from a redeemer any empty beverage containers  
36 used for containing beer or other malt beverages, or wine products.  
37 The retailer shall conspicuously post and maintain, at the point of  
38 sale, a legible sign informing customers of the exemption from the  
39 deposit and refund system established pursuant to this act.

40  
41 11. a. A person may apply to the department for approval to  
42 establish a redemption center, including a mobile redemption  
43 center, subject to applicable provisions of law and in accordance  
44 with the provisions of this act, at which consumers may return  
45 empty beverage containers and receive payment of the refund value  
46 of the beverage containers.

47 b. An application for approval to establish a redemption center  
48 shall include: the name and address of the person responsible for

1 the establishment and operation of the redemption center; the kind,  
2 size, and brand names of beverage containers which will be  
3 accepted at the redemption center; the addresses of the retailers to  
4 be served by the redemption center; and any additional information  
5 which the department may require.

6 c. The department shall approve an application to establish a  
7 redemption center if the department finds, in writing, that the  
8 redemption center will provide a convenient service to consumers  
9 for the return of empty beverage containers. The order of the  
10 department approving the establishment of a redemption center  
11 shall state: the retailers to be served by the redemption center; the  
12 kind, size, and brand names of empty beverage containers which the  
13 redemption center shall accept; and any other requirements which  
14 the department deems necessary to insure that the redemption center  
15 will provide a convenient service to the public.

16 d. The department may review at any time an approval of a  
17 redemption center. After affording written notice and hearing to the  
18 owner or operator of the redemption center, and to retailers served  
19 by the redemption center, the department may withdraw approval of  
20 the redemption center if the department finds, in writing, that the  
21 center has failed to comply with the conditions set forth in the order  
22 approving the center or if the redemption center no longer provides  
23 a convenient service to the public.

24 e. Every redeemed empty beverage container shall be the  
25 property of the owner or operator of the redemption center  
26 accepting the empty beverage containers for redemption. Every  
27 redemption center shall ensure that all empty beverage containers  
28 redeemed at the facility are properly recycled.

29

30 12. a. The commissioner shall adopt, pursuant to the provisions  
31 of the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-  
32 1 et seq.), any rules or regulations conditioning and controlling the  
33 sale and labeling of beverage containers which shall be designed to  
34 further the purposes of this act.

35 b. The director shall adopt, pursuant to the provisions of the  
36 "Administrative Procedure Act," any rules or regulations necessary  
37 to implement the provisions of this act.

38

39 13. a. The commissioner shall establish a public education  
40 program to disseminate information regarding implementation of  
41 this act. The information shall include, but need not be limited to,  
42 the procedures necessary to establish a redemption center as  
43 provided in section 11 of this act and information delineating the  
44 relevant rights and responsibilities of distributors, retailers, and  
45 redemption centers under the provisions of this act.

46 b. The department shall report to the Governor and, pursuant to  
47 section 2 of P.L.1991, c.164 (C.52:14-19.1), to the Legislature on



1 the success of the public education program in New Jersey not later  
2 than August 30 of each year.

3

4 14. a. There is established an advisory council, to be known as  
5 the "Smart Container Act Public Advisory Council." The advisory  
6 council shall consist of nine members, who shall be appointed by  
7 the Governor, with the advice and consent of the Senate.

8 b. The members of the advisory council shall include: one  
9 representative of an organization whose prime function is the  
10 enhancement of the environmental quality of the State; two  
11 distributors; two county or municipal recycling coordinators; two  
12 retailers; and two operators of redemption centers.

13 c. The advisory council shall organize as soon as practical after  
14 the appointment of its members. The members of the advisory  
15 council shall elect one of their number to serve as chairperson and  
16 the advisory council may elect an executive director who need not  
17 be a member of the advisory council.

18 d. The members of the advisory council shall receive no  
19 compensation for their services, but shall be allowed their actual  
20 and necessary expenses incurred in the performance of their duties.

21

22 15. a. The Smart Container Act Public Advisory Council is  
23 empowered to:

24 (1) Serve as a working forum for the exchange of views,  
25 concerns, ideas, information, and recommendations relating to  
26 implementation of this act;

27 (2) Request the attendance at any meeting of the advisory  
28 council of any personnel of the department or of other State  
29 agencies as may be necessary to provide information and otherwise  
30 assist the advisory council and request such information from the  
31 department or other State agencies as the advisory council may  
32 require in fulfilling its responsibility under this section;

33 (3) Monitor, review, and make recommendations concerning the  
34 objectives, methods, and strategies of the department and other  
35 State agencies in implementing and pursuing programs designed to  
36 meet the objectives of this act;

37 (4) Request and receive, upon reasonable notice, reports from  
38 the department and other State agencies concerning the  
39 implementation of the provisions of this act;

40 (5) Make recommendations to the Governor and the Legislature  
41 concerning the awarding of grants for lead abatement projects from  
42 the amounts deposited in the Healthy Schools and Community Lead  
43 Abatement Fund established pursuant to section 8 of this act; and

44 (6) Perform other activities or services as may be necessary to  
45 fulfill the purposes of this section.

46 b. The advisory council shall meet as frequently as it deems  
47 necessary, keep a record of its proceedings, and determine the rules  
48 of its own procedures. Five members of the advisory council shall

1 constitute a quorum for the transaction of any business of the  
2 advisory council.

3 c. Staff services, including recording of advisory council  
4 proceedings, shall be performed by personnel of the department, or  
5 such State agencies as the chairperson deems appropriate or  
6 desirable.

7 d. The department shall provide the advisory council with such  
8 facilities, assistance, and data as will enable the advisory council to  
9 carry out its powers and duties. All other State agencies shall, at  
10 the request of the chairperson, provide the advisory council with  
11 such facilities, assistance, and data as will enable the advisory  
12 council to carry out its powers and duties.

13

14 16. Any person who violates the provisions of this act or any  
15 rule or regulation adopted pursuant to this act shall be liable to a  
16 penalty of not more than \$500 per day to be collected in a civil  
17 action commenced by a local health authority, a county health  
18 department, the director, or the commissioner.

19 Each day during which the violation continues constitutes an  
20 additional, separate, and distinct offense. Any penalty imposed  
21 pursuant to this subsection may be collected, with costs, in a  
22 summary proceeding pursuant to the "Penalty Enforcement Law of  
23 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court  
24 and the municipal court shall have jurisdiction to enforce the  
25 provisions of the "Penalty Enforcement Law of 1999" in connection  
26 with this act. The department is authorized to compromise and  
27 settle a claim for a penalty under this act in an amount which the  
28 department deems appropriate and equitable under all of the  
29 circumstances.

30

31 17. Sections 4 through 11 and section 16 of this act shall take  
32 effect one year after the date of enactment of this act, and the  
33 remainder of this act shall take effect immediately.

34

35

#### 36 STATEMENT

37

38 This bill, entitled the "Smart Container Act," would require a 10-  
39 cent deposit on beverage containers with a capacity of between eight  
40 ounces and less than 24 ounces, and a 20-cent deposit on beverage  
41 containers with a capacity of between 24 ounces and less than one  
42 gallon. Under the bill, "beverage container" means an individual,  
43 separate, sealed glass, metal, aluminum, steel, or plastic bottle, can, or  
44 jar containing less than one gallon of a beverage, and does not include  
45 refillable containers. "Beverage" means any carbonated or  
46 noncarbonated drink in liquid form intended for human consumption,  
47 with certain exceptions specified in the bill. Juice, sports drinks,  
48 bottled water, soda, wine, and beer are examples of products that

1 would be subject to the deposit. All such beverage containers would  
2 be identified by a label and embossed with a smart container bar code,  
3 which would indicate that the container was sold in the State.

4 The bill would require each distributor of beverage containers to  
5 submit to the State Treasurer, quarterly, a return indicating the total  
6 number of containers to be sold in the State from that distributor in the  
7 ensuing quarter, and pay the initial deposit on each container. The  
8 Director of the Division of Taxation (“director”) would deposit all  
9 revenues into the “Smart Container Fund” established in the bill.  
10 Retailers of beverage containers would be required to accept empty  
11 beverage containers and refund to the bearer the refund value of the  
12 container. Retailers could limit the number of empty beverage  
13 containers they accept for redemption to 24 containers per visit, per  
14 redeemer, per day. Empty beverage containers could also be redeemed  
15 at redemption centers that may be established under the bill. Each  
16 retailer or redemption center would be required to submit to the State  
17 Treasurer, monthly, a return indicating the total number of empty  
18 beverage containers redeemed in the previous month, the total amount  
19 paid for redeemed containers, and the disposition of the containers.  
20 The director would then reimburse the retailer or redemption center for  
21 the amounts they paid for redemption of the empty beverage  
22 containers.

23 The bill would establish the “Smart Container Fund,” which would  
24 be credited with all of the revenues collected by the State Treasurer  
25 pursuant to the bill. Money in the fund would be used: (1) to  
26 reimburse retailers and redemption centers for the amounts they paid  
27 for the redemption of empty beverage containers; (2) to redistribute 25  
28 percent of the unclaimed deposits retained by the State Treasurer to  
29 retailers and redemption centers to defray handling costs; and (3) to  
30 redistribute 75 percent of the unclaimed deposits to the Department of  
31 Environmental Protection (“DEP”) for deposit into the “Healthy  
32 Schools and Community Lead Abatement Fund” established in the  
33 bill. Money in that fund would be used by the DEP, in consultation  
34 with the Department of Education, the Department of Community  
35 Affairs, and the Department of Health, for lead abatement in schools  
36 and communities, including: removal and replacement of water  
37 fountains, plumbing, and pipes that contain lead; stripping lead paint  
38 from schools and residential dwellings; and other lead abatement  
39 programs.

40 Under the bill, all distributors, retailers, and redemption centers  
41 would be required to register with the State Treasurer. A person could  
42 apply to the DEP for approval to establish a redemption center,  
43 including a mobile redemption center, where consumers may redeem  
44 the empty beverage containers. The bill specifies certain requirements  
45 for establishment of a redemption center, and authorizes the DEP to  
46 oversee redemption centers. Under the bill, every redeemed beverage  
47 container would be the property of the retailer or redemption center  
48 that receives the container. Retailers and redemption centers would

1 have to ensure that all of the containers collected are properly  
2 recycled. Further, retailers would be required to post and maintain  
3 signs at the point of sale informing consumers of the refund value of  
4 empty beverage containers. The bill would require the DEP to  
5 establish a public education program to disseminate information  
6 regarding implementation of the bill, and report to the Governor and  
7 the Legislature on the success of the public education program.

8 The bill would also establish the “Smart Container Act Public  
9 Advisory Council.” The council would consist of nine members  
10 appointed by the Governor with the advice and consent of the Senate,  
11 as follows: one representative of an environmental organization; two  
12 distributors; two county or municipal recycling coordinators; two  
13 retailers; and two operators of redemption centers. The council would,  
14 among other things, serve as a working forum for the exchange of  
15 ideas and information and recommendations relating to  
16 implementation of the bill. The council would also make  
17 recommendations to the Governor and the Legislature concerning the  
18 awarding of grants for lead abatement projects under the Healthy  
19 Schools and Community Lead Abatement Fund.

20 Finally, any person who violates the provisions of the bill would be  
21 subject to a fine of up to \$500 per day.