B. SECTION BY SECTION ANALYSIS

PART I: DEFINITIONS.

§ 101. The Task Force recommendation refers to "soft drinks." The definition of "beverage" here sharpens this term without expanding or limiting its scope to insure that persons affected by the regulation have adequate notice of its coverage. This definition is similar to § 1(i) in the Oregon Law (see IIEQ Document No. TF-1, p. 46.) It does not cover orange juice, fruit juices, or liquor. Liquor containers are regulated to some extent by federal law.

§ 102. Beverage containers are defined in detail to insure adequate notice of the scope of the regulation.

§ 103. The proposed regulation applies only to the transaction between the ultimate consumer and the person from whom he purchases beverages in beverage containers. The definition of consumer, and the co-ordinate definition in § 106 of "use or consumption," focus the regulation on the retail level of trade, as specified in the Task Force recommendation.

§ 104. The definition of "dealer" parallels the definition of "consumer," focusing on the retail level of trade. The dealer will usually be a retail store, such as a grocery, drug or package goods store. However, the definition of "dealer" is broad enough to include any seller with respect to those of his sales which are made to customers fitting the § 103 definition of a "consumer." Thus, it includes sellers who do not normally sell to consumers; but only with respect to transactions with consumers.

§ 105. The definition of "person" is the definition in § 3(i) of the Environmental Protection Act of 1970.

§ 106. The definition of "use or consumption" relates to the definition of "consumer" in § 103.