HOUSE DOCKET, NO. 3447 FILED ON: 1/18/2013

HOUSE . . . . . No. 2992

The Commonwealth of Massachusetts

PRESENTED BY:

Daniel B. Winslow

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act encouraging a clean environment in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Daniel B. Winslow	*9th Norfolk*

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HOUSE . . . . . No. 2992

By Mr. Winslow of Norfolk, a petition (accompanied by bill, House, No. 2992) of Daniel B. Winslow for legislation to include certain non-alcoholic carbonated and noncarbonated drinks in liquid form in the "bottle law", so-called. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

An Act encouraging a clean environment in Massachusetts.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 321 of chapter 94 of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after the words “carbonated soft drinks”, in line 4, the following words:-

“noncarbonated beverages including mineral water, flavored and unflavored water, vitamin water, and other water beverages, tea, sports drinks, isotonic drinks; and all other non-alcoholic carbonated and noncarbonated drinks in liquid form intended for human consumption, except milk and beverages that are primarily derived from dairy products, infant formula, and FDA-approved medicines.”

SECTION 2 - Paragraph 3 of said section 321 of said chapter 94, as so appearing, is hereby amended by striking out, in lines 11 and 12, the last sentence and inserting in place thereof the following sentence:-

This definition shall not include containers made of paper-based biodegradable material and aseptic multi-material packaging.

SECTION 3. Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of “Plastic bottle” the following definition:-

“Redemption center”, any business whose primary purpose is the redemption of beverage containers and is not ancillary to any other business,

SECTION 4. Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of “Reusable beverage container” the following definition:-

“Small dealer”, any person or business, including any operator of a vending machine, who engages in the sale of beverages in beverage containers to consumers in the commonwealth, whose operating premises are less than 4000 square feet.

SECTION 5. Section 323 of said chapter 94, as so appearing, is hereby amended by inserting before the first sentence of paragraph (e) the following sentence:-

The executive office of environmental affairs shall promulgate rules and regulations for the

26 licensure of redemption centers, and may set fees for the licensing of such redemption centers.
27 SECTION 6. Paragraph (c) of said section 323 of said chapter 94 of the General Laws, as so
28 appearing, is hereby amended by striking out the words “one cent” and inserting in place thereof
29 the words “three and one quarter cents” and by adding the following sentence:-
30 The handling fee shall be reviewed semi-annually by the secretary of the executive office of
31 energy and environmental affairs and may be increased to reflect increases in costs incurred by
32 redemption facilities.
33 SECTION 7. Paragraph (d) of said section 323 of said chapter 94, as so appearing, is hereby
34 amended by striking out the words “one cent” and inserting in place thereof the words “three and
35 one quarter cents” and by adding the following sentence:-
36 The handling fee shall be reviewed semi-annually by the secretary of the executive office of
37 energy and environmental affairs and may be increased to reflect increases in costs incurred by
38 redemption facilities.
39 SECTION 8. Said section 323 of said chapter 94, as so appearing, is hereby further amended
40 by inserting after the word “civil”, in line 73, the words “or administrative”.
41 SECTION 9. Said chapter 94 is hereby further amended by inserting after section 323E the
42 following section:-
43 Section 323F. There shall be established on the books of the commonwealth a separate fund to
44 be known as the Clean Environment Retailers Fund. Amounts to be deposited in said Fund shall
45 be used, subject to appropriation, solely for programs and projects to reimburse retailers for the
46 costs of lawful compliance with this chapter as determined by the executive office of
47 environmental affairs, provided that no more than twenty-five percent of unclaimed deposits
48 shall be collected in the Clean Environment Retailers Fund for that purpose. Administrative
49 penalties assessed against retailers shall be excluded from any costs of compliance.
50 SECTION 10: Notwithstanding any general or special law to the contrary, the secretary of the
51 executive office of energy and environmental affairs shall, within 30 days from the effective date
52 of this act, promulgate regulations providing small dealers as defined herein with the ability to
53 seek exemptions from accepting empty deposit containers. Said regulations shall consider at least
54 the health and safety of the public; the convenience for the public, including standards governing
55 distribution of centers by population or by distance or both, the size and storage capacity of the
56 dealer(s) to be served by the redemption center and the size and storage capacity of the
57 redemption center. The order approving a local redemption center license must state the dealers
58 to be served and the kinds, sizes and brand names of empty beverage containers that the center
59 accepts.
60 SECTION 11. Section 327 of said chapter 94 of the General Laws, as so appearing, is hereby
61 amended by inserting after the first paragraph the following paragraphs:—
62 The department of environmental protection may enforce the provisions of section 321;
63 paragraphs (a) through (f), inclusive, of section 322; paragraph (i) of section 323; section 323A;
64 section 323F; section 324 and section 325. Any bottler, distributor, redemption center, or dealer
65 who violates any of the foregoing provisions shall be subject to an administrative penalty for

66 each violation of not more than $1,000.
67 The department of revenue may enforce the provisions of paragraphs (g) and (h) of section 323
68 and sections 323B to 323E, inclusive. Any bottler, distributor, redemption center, or dealer who
69 violates any of the foregoing provisions shall be subject to an administrative penalty for each
70 violation of not more than $1,000.
71 SECTION 12. Said section 327 of said chapter 94 of the General Laws, as so appearing, is
72 hereby further amended by inserting after the word “civil”, in line 14, the words “or
73 administrative”.
74 SECTION 13. This act shall take effect on December 1, 2013.
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