

**SENATE . . . . . No. 1650**

The Commonwealth of Massachusetts

PRESENTED BY:

*Cynthia S. Creem*

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 updating the bottle bill .

PETITION OF:

| NAME:                      | DISTRICT/ADDRESS:   |
|----------------------------|---|
| <i>Cynthia S. Creem</i>    | <input type="checkbox"/> [District]<br><input type="checkbox"/> |
| <i>Alice K. Wolf</i>       | <i>25th Middlesex</i>   |
| <i>Denise Andrews</i>      | <i>2nd Franklin</i>   |
| <i>Cory Atkins</i>         | <i>14th Middlesex</i>   |
| <i>Jennifer E. Benson</i>  | <i>37th Middlesex</i>   |
| <i>Sonia Chang-Diaz</i>    | <input type="checkbox"/> [District]<br><input type="checkbox"/> |
| <i>Katherine M. Clark</i>  | <i>Middlesex and Essex</i>                                      |
| <i>Thomas P. Conroy</i>    | <i>13th Middlesex</i>   |
| <i>Edward F. Copping</i>   | <i>10th Suffolk</i>   |
| <i>Sal N. DiDomenico</i>   | <i>Middlesex, Suffolk, and Essex</i>                            |
| <i>Kenneth J. Donnelly</i> | <input type="checkbox"/> [District]<br><input type="checkbox"/> |
| <i>Carolyn C. Dykema</i>   | <i>8th Middlesex</i>  |

|                               |   |
|-------------------------------|---|
| <i>Lori A. Ehrlich</i>        | <i>8th Essex</i>  |
| <i>James B. Eldridge</i>      | <input type="checkbox"/> [District]<br><input type="checkbox"/> |
| <i>Susan C. Fargo</i>         | <input type="checkbox"/> [District]<br><input type="checkbox"/> |
| <i>Gloria L. Fox</i>          | <i>7th Suffolk</i>  |
| <i>Sean Garballey</i>         | <i>23rd Middlesex</i>   |
| <i>Kate Hogan</i>             | <i>3rd Middlesex</i>  |
| <i>Patricia D. Jehlen</i>     | <input type="checkbox"/> [District]<br><input type="checkbox"/> |
| <i>Jay R. Kaufman</i>         | <i>15th Middlesex</i>   |
| <i>John F. Keenan</i>         | <input type="checkbox"/> [District]<br><input type="checkbox"/> |
| <i>Thomas P. Kennedy</i>      | <input type="checkbox"/> [District]<br><input type="checkbox"/> |
| <i>Kay Khan</i>               | <i>11th Middlesex</i>   |
| <i>Peter V. Kocot</i>         | <i>1st Hampshire</i>  |
| <i>Paul W. Mark</i>           | <i>2nd Berkshire</i>  |
| <i>Rhonda Nyman</i>           | <i>5th Plymouth</i>   |
| <i>Shaunna O'Connell</i>      | <i>3rd Bristol</i>  |
| <i>Alice Hanlon Peisch</i>    | <i>14th Norfolk</i>   |
| <i>Anthony W. Petruccelli</i> | <input type="checkbox"/> [District]<br><input type="checkbox"/> |
| <i>Richard J. Ross</i>        | <i>Norfolk, Bristol, and Middlesex</i>                          |
| <i>Tom Sannicandro</i>        | <i>7th Middlesex</i>  |
| <i>John W. Scibak</i>         | <i>2nd Hampshire</i>  |
| <i>Frank I. Smizik</i>        | <i>15th Norfolk</i>   |
| <i>Karen E. Spilka</i>        | <input type="checkbox"/> [District]<br><input type="checkbox"/> |
| <i>Ellen Story</i>            | <i>3rd Hampshire</i>  |
| <i>Benjamin Swan</i>          | <i>11th Hampden</i>   |
| <i>James E. Timilty</i>       |   |

[District]

*Cleon H. Turner*

*1st Barnstable*

*Chris Walsh*

*6th Middlesex*

*Martha M. Walz*

*8th Suffolk*

*Daniel A. Wolf*

[District]

*Thomas M. Menino, Mayor*

*Boston City Hall*

*1 City Hall Square, Suite 500*

*Boston, MA 02201-2013*

**SENATE . . . . . No. 1650**

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By Ms. Creem, a petition (accompanied by bill, Senate, No. 1650) of Cynthia S. Creem, Alice K. Wolf, Denise Andrews, Cory Atkins and other members of the General Court for legislation to update the bottle bill . Telecommunications, Utilities and Energy.

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The Commonwealth of Massachusetts

An Act updating the bottle bill .

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

1                   SECTION 1. Section 321 of chapter 94 of the General Laws, as appearing in  
2 the 2008 Official Edition, is hereby amended by inserting after the words "carbonated soft  
3 drinks", in line 4, the following words:- "noncarbonated beverages including mineral water,  
4 flavored and unflavored water, vitamin water, and other water beverages, tea, sports drinks,  
5 isotonic drinks; and all other non-alcoholic carbonated and noncarbonated drinks in liquid form  
6 intended for human consumption, except milk and beverages that are primarily derived from  
7 dairy products, infant formula, and FDA-approved medicines."

8                   SECTION 2. Paragraph 3 of said section 321 of said chapter 94, as so  
9 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the  
10 following sentence:- This definition shall not include containers made of paper-based  
11 biodegradable material and aseptic multi-material packaging.

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

14                   "Redemption center", any business whose primary purpose is the redemption of  
15 beverage containers and is not ancillary to any other business,

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

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

22 SECTION 5. Section 323 of said chapter 94, as so appearing, is hereby  
23 amended by inserting before the first sentence of paragraph (e) the following sentence:- The  
24 executive office of environmental affairs shall promulgate rules and regulations for the licensure  
25 of redemption centers, and may set fees for the licensing of such redemption centers.

26 SECTION 6. Paragraph (c) of said section 323 of said chapter 94 of the  
27 General Laws, as so appearing, is hereby amended by striking out the words "one cent" and  
28 inserting in place thereof the words "three and one quarter cents" and by adding the following  
29 sentence:- The handling fee shall be reviewed semi-annually by the secretary of the executive  
30 office of energy and environmental affairs and adjustments made to reflect increases in costs  
31 incurred by redemption facilities.

32 SECTION 7. Paragraph (d) of said section 323 of said chapter 94, as so  
33 appearing, is hereby amended by striking out the words "one cent" and inserting in place thereof  
34 the words "three and one quarter cents" and by adding the following sentence:-

35 The handling fee shall be reviewed semi-annually by the secretary of the executive office  
36 of energy and environmental affairs and adjustments made to reflect increases in costs incurred  
37 by redemption facilities.

38 SECTION 8. Said section 323 of said chapter 94, as so appearing, is hereby  
39 further amended by inserting after the word "civil", in line 73, the words "or administrative".

40 SECTION 9. Said chapter 94 is hereby further amended by inserting after  
41 section 323E the following section:-

42 Section 323F. (a) There shall be established on the books of the  
43 Commonwealth a separate fund to be known as the Clean Environment Fund. Amounts to be  
44 deposited in said Fund shall be used, subject to appropriation, solely for programs and projects  
45 supporting the proper management of solid waste, water resource protection, parkland, urban  
46 forestry, air quality and climate protection; provided, however, that no funds shall be used for  
47 costs associated with incineration.

48 (b) Not less than fifty percent of amounts deposited in the Fund shall be used  
49 for recycling, composting and solid waste source reduction projects and programs.

50 (c) Not less than an additional twenty percent of amounts deposited in the Fund  
51 shall be used for recycling and other solid waste projects and programs.

52 (d) Not more than thirty percent of amounts deposited in the fund shall be used  
53 for other environmental programs consistent with the purposes of the ""bottle bill", so-called.

54 SECTION 10: Notwithstanding any general or special law to the contrary, the  
55 secretary of the executive office of energy and environmental affairs shall, on or before January

56 1, 2012, promulgate regulations providing small dealers as defined herein with the ability to seek  
57 exemptions from accepting empty deposit containers. Said regulations shall consider at least the  
58 health and safety of the public; the convenience for the public, including standards governing  
59 distribution of centers by population or by distance or both, the size and storage capacity of the  
60 dealer(s) to be served by the redemption center and the size and storage capacity of the  
61 redemption center. The order approving a local redemption center license must state the dealers  
62 to be served and the kinds, sizes and brand names of empty beverage containers that the center  
63 accepts.

64 SECTION 11. Section 327 of said chapter 94 of the General Laws, as so  
65 appearing, is hereby amended by inserting after the first paragraph the following paragraphs:-

66 The department of environmental protection may enforce the provisions of  
67 section 321; paragraphs (a) through (f), inclusive, of section 322; paragraph (i) of section 323;  
68 section 323A; section 323F; section 324 and section 325. Any bottler, distributor, redemption  
69 center, or dealer who violates any of the foregoing provisions shall be subject to an  
70 administrative penalty for each violation of not more than \$1,000.

71 The department of revenue may enforce the provisions of paragraphs (g) and  
72 (h) of section 323 and sections 323B to 323E, inclusive. Any bottler, distributor, redemption  
73 center, or dealer who violates any of the foregoing provisions shall be subject to an  
74 administrative penalty for each violation of not more than \$1,000.

75 SECTION 12. Said section 327 of said chapter 94 of the General Laws, as so  
76 appearing, is hereby further amended by inserting after the word "civil", in line 14, the words "or  
77 administrative".

78 SECTION 13. This act shall take effect on December 1, 2012.