

HOUSE No. 3077

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act relative to the expansion of 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. (A) Chapter 94 of the General Laws, as so appearing, is hereby amended by
2 striking out sections 321 and 322 and inserting in place thereof the following two sections:-

3 Section 321. In sections 321 to 327, inclusive, the following definitions shall, unless the
4 context clearly requires otherwise, have the following meaning:

5 "Beverage", noncarbonated water including flavored water, fruit and vegetable juices and
6 drinks, coffee and tea drinks, sport drinks, soda water or similar carbonated soft drinks, mineral
7 water, beer and other malt beverages, and other alcoholic beverages as defined in chapter 138,
8 but shall not include dairy products.

9 "Beverage container", any sealable bottle, can, jar, or carton which is primarily composed
10 of glass, metal, plastic or any combination of those materials and is produced for the purpose of
11 containing a beverage. This definition shall not include containers made of biodegradable
12 material or less than 2.5 ounces. This definition shall include containers of two gallon capacity or
13 less for carbonated beverages, malt beverages and alcoholic beverages as defined by chapter one

14 hundred and thirty eight and less than one gallon for noncarbonated water including flavored
15 water, fruit and vegetable drinks, coffee and tea drinks, and sport drinks.

16 "Bottler", any person filling beverage containers for sale to distributors or dealers,
17 including dealers who bottle or sell their own brand of beverage.

18 "Consumer", any person who purchases a beverage in a beverage container for use or
19 consumption with no intent to resell such beverage.

20 "Dealer", any person, including any operator of a vending machine, who engages in the
21 sale of beverages in beverage containers to consumers in the commonwealth.

22 "Distributor", any person who engages in the sale of beverages in beverage containers to
23 dealers in the commonwealth including any bottler who engages in such sales.

24 "Label", a molded imprint or raised symbol on or near the bottom of a plastic product.

25 "Plastic", any material made of polymeric organic compounds and additives that can be shaped
26 by flow.

27 "Plastic bottle", a plastic container that has a neck that is smaller than the body of the
28 container, accepts a screw type, snap cap or other closure and has a capacity of sixteen fluid
29 ounces or more, but less than five gallons.

30 "Rigid plastic container", any formed or molded container, other than a bottle, intended
31 for single use, composed predominantly of plastic resin and having a relatively inflexible finite
32 shape or form with a capacity of eight ounces or more but less than five gallons.

33 "Reusable beverage container", any beverage container so constructed and designed that
34 it is structurally capable of being refilled and resold by a bottler at least ten times after its initial
35 use.

36 Section 322. Every beverage container sold or offered for sale in the commonwealth shall
37 have a refund value of not less than five cents, except alcoholic beverages as defined by chapter
38 138 in beverage containers greater than one pint, shall have a refund value of 15 cents. The
39 provisions of this section shall not apply to such containers sold by a distributor for use by a
40 common carrier in the conduct of interstate passenger service.

41 (B) Section 323 of chapter 94 as so appearing is hereby amended by inserting after
42 paragraph (i) the following two paragraphs:-

43 (j) The handling fee will be increased from the current 2.25 cents to at least 3 cents per
44 unit delivered to distributors, and from 2.25 cents to at least 2.5 cents per unit picked up by
45 distributors. Distributors will be reimbursed by the Commonwealth \$0.004 cents for every unit
46 redeemed. If distributors elect to pick up containers from redemption centers, they will need to
47 pick up containers at the redemption center no less frequently than once per week, unless the
48 redemption center agrees to a less frequent pickup schedule.

49 (k) The Executive Office of Environmental Affairs will convene a multi-stakeholder
50 committee to evaluate the potential for illegal redemption of deposit containers (sold out of state
51 with no deposit collected), and identify strategies to deter illegal redemption including more
52 stringent enforcement and higher penalties. The Executive Office of Environmental Affairs will
53 promulgate regulations within six months of the bills passage to implement new strategies to
54 reduce illegal redemption.