

# HOUSE . . . . . No. 2992

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## 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 adoption of the accompanying bill:

An Act encouraging a clean environment in Massachusetts.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Daniel B. Winslow</i>	<i>9th Norfolk</i>	<i>1/18/2013</i>

# HOUSE . . . . . No. 2992

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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.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand Thirteen  
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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:*

1           SECTION 1. Section 321 of chapter 94 of the General Laws, as appearing in the 2010  
2 Official Edition, is hereby amended by inserting after the words “carbonated soft drinks”, in line  
3 4, the following words:-

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

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

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

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

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

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

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

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

26 The executive office of environmental affairs shall promulgate rules and regulations for  
27 the licensure of redemption centers, and may set fees for the licensing of such redemption  
28 centers.

29 SECTION 6. Paragraph (c) of said section 323 of said chapter 94 of the General Laws, as  
30 so appearing, is hereby amended by striking out the words “one cent” and inserting in place  
31 thereof the words “three and one quarter cents” and by adding the following sentence:-

32 The handling fee shall be reviewed semi-annually by the secretary of the executive office  
33 of energy and environmental affairs and may be increased to reflect increases in costs incurred  
34 by redemption facilities.

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

38 The handling fee shall be reviewed semi-annually by the secretary of the executive office  
39 of energy and environmental affairs and may be increased to reflect increases in costs incurred  
40 by redemption facilities.

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

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

45 Section 323F. There shall be established on the books of the commonwealth a separate  
46 fund to be known as the Clean Environment Retailers Fund. Amounts to be deposited in said  
47 Fund shall be used, subject to appropriation, solely for programs and projects to reimburse  
48 retailers for the costs of lawful compliance with this chapter as determined by the executive  
49 office of environmental affairs, provided that no more than twenty-five percent of unclaimed  
50 deposits shall be collected in the Clean Environment Retailers Fund for that purpose.

Administrative penalties assessed against retailers shall be excluded from any costs of compliance.

SECTION 10: Notwithstanding any general or special law to the contrary, the secretary of the executive office of energy and environmental affairs shall, within 30 days from the effective date of this act, promulgate regulations providing small dealers as defined herein with the ability to seek exemptions from accepting empty deposit containers. Said regulations shall consider at least the health and safety of the public; the convenience for the public, including standards governing distribution of centers by population or by distance or both, the size and storage capacity of the dealer(s) to be served by the redemption center and the size and storage capacity of the redemption center. The order approving a local redemption center license must state the dealers to be served and the kinds, sizes and brand names of empty beverage containers that the center accepts.

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

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

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

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

SECTION 13. This act shall take effect on December 1, 2013.