

**SENATE . . . . . No. 1598**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

***Robert L. Hedlund***

*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 to Improve Recycling.**

PETITION OF:

NAME:

*Robert L. Hedlund*

DISTRICT/ADDRESS:

*Plymouth and Norfolk*

**SENATE . . . . . No. 1598**

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By Mr. Hedlund, a petition (accompanied by bill, Senate, No. 1598) of Robert L. Hedlund for legislation to Improve Recycling. Telecommunications, Utilities and Energy.

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Thirteen**  
\_\_\_\_\_

An Act to Improve Recycling.

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

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

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

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

16           SECTION 4. Said section 321 of said chapter 94, as so appearing, is hereby further  
17 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 machine,  
20 who engages in the sale of beverages in beverage containers to consumers in the commonwealth,  
21 whose operating premises are less than 4000 square feet.

22 SECTION 5. Section 323 of said chapter 94, as so appearing, is hereby amended by  
23 inserting before the first sentence of paragraph (e) the following sentence:- The executive office  
24 of environmental affairs shall promulgate rules and regulations for the licensure of redemption  
25 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 General Laws, as  
27 so appearing, is hereby amended by striking out the words "one cent" and inserting in place  
28 thereof the words "three and one quarter cents" and by adding the following sentence:- The  
29 handling fee shall be reviewed semi-annually by the secretary of the executive office of energy  
30 and environmental affairs and adjustments made to reflect increases in costs incurred by  
31 redemption facilities.

32 SECTION 7. Paragraph (d) of said section 323 of said chapter 94, as so appearing, is  
33 hereby amended by striking out the words "one cent" and inserting in place thereof the words  
34 "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 further  
39 amended by inserting after the word "civil", in line 73, the words "or administrative".

40 SECTION 9: Notwithstanding any general or special law to the contrary, the secretary of  
41 the executive office of energy and environmental affairs shall, on or before January 1, 2013,  
42 promulgate regulations providing small dealers as defined herein with the ability to seek  
43 exemptions from accepting empty deposit containers. Said regulations shall consider at least the  
44 health and safety of the public; the convenience for the public, including standards governing  
45 distribution of centers by population or by distance or both, the size and storage capacity of the  
46 dealer(s) to be served by the redemption center and the size and storage capacity of the  
47 redemption center. The order approving a local redemption center license must state the dealers  
48 to be served and the kinds, sizes and brand names of empty beverage containers that the center  
49 accepts.

50 SECTION 10. Section 327 of said chapter 94 of the General Laws, as so appearing, is  
51 hereby amended by inserting after the first paragraph the following paragraphs:-

52 The department of environmental protection may enforce the provisions of section 321;  
53 paragraphs (a) through (f), inclusive, of section 322; paragraph (i) of section 323; section 323A;

54 section 323F; section 324 and section 325. Any bottler, distributor, redemption center, or dealer  
55 who violates any of the foregoing provisions shall be subject to an administrative penalty for  
56 each violation of not more than \$1,000.

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

61 SECTION 11. Said section 327 of said chapter 94 of the General Laws, as so appearing,  
62 is hereby further amended by inserting after the word "civil", in line 14, the words "or  
63 administrative".

64 SECTION 12. This act shall take effect on January 15, 2013.