

**HOUSE . . . . . No. 3394**

**The Commonwealth of Massachusetts**

PRESENTED BY:

*Marjorie C. Decker*

*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 increase recycling in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>
<i>Robert M. Koczera</i>	<i>11th Bristol</i>
<i>Carmine L. Gentile</i>	<i>13th Middlesex</i>
<i>Jay R. Kaufman</i>	<i>15th Middlesex</i>
<i>Ruth B. Balsler</i>	<i>12th Middlesex</i>
<i>Jennifer E. Benson</i>	<i>37th Middlesex</i>
<i>Mike Connolly</i>	<i>26th Middlesex</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>
<i>Carlos González</i>	<i>10th Hampden</i>
<i>Jonathan Hecht</i>	<i>29th Middlesex</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>
<i>Rady Mom</i>	<i>18th Middlesex</i>
<i>Frank A. Moran</i>	<i>17th Essex</i>
<i>Denise Provost</i>	<i>27th Middlesex</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>

*José F. Tosado*  
*Chris Walsh*

*9th Hampden*  
*6th Middlesex*

---

**HOUSE . . . . . No. 3394**

---

By Ms. Decker of Cambridge, a petition (accompanied by bill, House, No. 3394) of Marjorie C. Decker and others relative to the diversion rate and the redemption rate of certain beverage containers. Telecommunications, Utilities and Energy.

---

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninetieth General Court  
(2017-2018)**  
\_\_\_\_\_

An Act to increase recycling in the Commonwealth.

*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. Chapter 94 of the General Laws is hereby amended in section 321 by  
2 striking lines 4 through 7, inclusive, and inserting in place thereof the following:-

3 "Beverage", soda water or similar carbonated soft drinks, noncarbonated non-alcoholic  
4 beverages in liquid form intended for human consumption, mineral water, beer, and other malt  
5 beverages. This definition excludes beverages that are primarily derived from dairy products,  
6 infant formula, united states food and drug administration-approved medicines, wine, and  
7 alcoholic beverages other than beer and malt beverages as defined in chapter one hundred and  
8 thirty-eight.

9 SECTION 2. Said section 321 is hereby further amended by striking lines 24 and 25, and  
10 inserting in place thereof the following:-

11 “Diversion rate”, the percent rate of empty non-deposit containers which are separated  
12 from the waste stream and are intended to be reused or recycled, as determined by the executive  
13 office of environmental affairs.

14 “Label”, a molded imprint or raised symbol on or near the bottom of a plastic product.

15 “Non-deposit container”, any sealable bottle, can, jar or carton not subject to Section 322  
16 which is primarily composed of glass, metal, plastic or any combination of those materials and is  
17 produced for the purpose of containing any liquid intended for human consumption, excluding  
18 dairy products, infant formula, united states food and drug administration-approved medicines,  
19 wine and alcoholic beverages other than beer and malt beverages as defined in chapter one  
20 hundred and thirty-eight.;

21 and is hereby further amended in line 31, by inserting at the end thereof the following:-

22 “Redemption rate”, the per cent rate of beverage containers that are redeemed for their  
23 deposits, as determined by the executive office of environmental affairs.

24 SECTION 3. Chapter 94 of the General Laws is hereby amended by inserting after section  
25 326 the following new section:-

26 Section 326A.(a) The secretary shall establish, not later than the first day of January,  
27 2019, a process for determining the diversion rate and the redemption rate. The secretary may  
28 establish any guidelines or regulations necessary or expedient to determine these rates.

29 (b) Not later than the final day of December, 2019, the secretary of environmental affairs  
30 shall determine the diversion rate and the redemption rate for calendar year 2018. In each

31 subsequent year, the secretary shall determine the diversion rate and redemption rate for the  
32 foregoing year.

33 (c) If, by December 31, 2023, the mean diversion rate for any two year period is found by  
34 the secretary to be equal to or greater than the mean redemption rate in the corresponding two  
35 year period, then this section shall be repealed.

36 SECTION 4. Section 1 of this act shall take effect on July 1, 2024; provided, however,  
37 that if the secretary has determined the redemption rate and diversion rate to have equalized  
38 under subsection (c) of section 326A of chapter 94, then Section 1 will not go into effect.

39 SECTION 5. The remainder of this act shall take effect on December 31, 2017.