SENATE DOCKET, NO. 1920 FILED ON: 1/18/2019

SENATE . . . . . No. 1939

The Commonwealth of Massachusetts

PRESENTED BY:

Cynthia Stone 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 adoption of the accompanying bill:

An Act to increase container recycling in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
Cynthia Stone Creem	*First Middlesex and Norfolk*	
Mike Connolly	*26th Middlesex*	*1/28/2019*
Sal N. DiDomenico	*Middlesex and Suffolk*	*1/31/2019*
James K. Hawkins	*2nd Bristol*	*2/7/2019*
Denise Provost	*27th Middlesex*	*5/30/2019*

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SENATE . . . . . No. 1939

By Ms. Creem, a petition (accompanied by bill, Senate, No. 1939) of Cynthia Stone Creem, Mike Connolly, Sal N. DiDomenico and James K. Hawkins for legislation to increase container recycling in the Commonwealth. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *1832* OF 2017-2018.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-First General Court
(2019-2020)

An Act to increase container 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:

SECTION 1. Chapter 94 of the General Laws, as appearing in the 2016 Official Edition, is hereby amended in section 321 by striking lines 5 through 9, inclusive, and inserting in place thereof the following definition:-

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

SECTION 2. Said section 321 of chapter 94, as appearing in the 2016 Official Edition, is hereby further amended by inserting after the definition of “Distributor” the following definition:-

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

SECTION 3. Said section 321 of chapter 94, as appearing in the 2016 Official Edition, is hereby further amended by inserting after the definition of “Label” the following definition:-

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

SECTION 4. Said section 321 of chapter 94, as appearing in the 2016 Official Edition, is hereby further amended by inserting after the definition of “Plastic bottle” the following definition:-

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

SECTION 5.Chapter 94 of the General Laws is hereby amended by inserting after section 326 the following new section:-

Section 326A.(a) The secretary shall establish, not later than the first day of January, 2021, a process for determining the diversion rate and the redemption rate. The secretary may establish any guidelines or regulations necessary or expedient to determine these rates.

(b) Not later than the final day of December, 2021, the secretary of environmental affairs shall determine the diversion rate and the redemption rate for calendar year 2020. In each subsequent year, the secretary shall determine the diversion rate and redemption rate for the foregoing year.

(c) If, by December 2025, the mean diversion rate for any two year period is found by the secretary to be equal to or greater than the mean redemption rate in the corresponding two year period, then this section shall be repealed.

SECTION 6. Section 1 of this act shall take effect on July 1, 2026 provided, however, that if the secretary has determined the redemption rate and diversion rate to have equalized under subsection (c) of section 326A of chapter 94, then section 1 will not go into effect.

SECTION 7. The remainder of this act shall take effect on December 31, 2020.