

SENATE No. 2104

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 expand the Bottle Bill.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Cynthia Stone Creem</i>	<i>Norfolk and Middlesex</i>	
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/30/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/7/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/13/2023</i>
<i>John F. Keenan</i>	<i>Norfolk and Plymouth</i>	<i>2/14/2023</i>
<i>Jason M. Lewis</i>	<i>Fifth Middlesex</i>	<i>4/12/2023</i>
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>6/8/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>6/26/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>6/27/2023</i>
<i>Cindy F. Friedman</i>	<i>Fourth Middlesex</i>	<i>7/5/2023</i>
<i>Joan B. Lovely</i>	<i>Second Essex</i>	<i>7/20/2023</i>
<i>Patricia D. Jehlen</i>	<i>Second Middlesex</i>	<i>11/16/2023</i>
<i>Brendan P. Crighton</i>	<i>Third Essex</i>	<i>11/30/2023</i>
<i>Walter F. Timilty</i>	<i>Norfolk, Plymouth and Bristol</i>	<i>1/22/2024</i>

SENATE No. 2104

By Ms. Creem, a petition (accompanied by bill, Senate, No. 2104) of Cynthia Stone Creem, Sal N. DiDomenico, Jack Patrick Lewis, Joanne M. Comerford and others for legislation to expand the Bottle Bill. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2149 OF 2021-2022.]

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Third General Court
(2023-2024)

An Act to expand 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. Section 321 of Chapter 94 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by striking out the definitions of “Beverage” and “Beverage
3 container” and inserting in place thereof the following definitions:-

4 "Beverage", any drinkable liquid intended for human oral consumption. This definition
5 shall not include nutritive drinks including milk (as defined in FDA 21 CFR 131.110), milk
6 substitutes, non-alcoholic fermented drinks or non-carbonated fruit juice made by producers who
7 sell less than 100,000 units a year, any drug regulated under the Federal Food, Drug, and
8 Cosmetic Act

9 (21 U.S.C. 301 et seq.), infant formula, or a meal replacement liquid.

“Beverage container”, any prepackaged container made of any material, including glass, plastic, metal, or multi-material, the volume of which is not more than 2.5 liters for noncarbonated beverage containers and not more than 3 liters for carbonated beverage containers. This definition shall not include beverage container packaging that is a carton, a pouch, or aseptic packaging.

SECTION 2. Section 322 of said chapter 94 is hereby amended by striking out the word “five” and inserting in place thereof the following figure:- 10

SECTION 3. Section 323 of said chapter 94 is hereby amended, in paragraph (b), by inserting after “returned” the following:- “; provided that this subsection shall not apply to a dealer whose place of business is less than 2,000 square feet. A redemption center or reverse vending machine must pay the refund value at the time the beverage container is returned unless an account system is in place and the customer requests that the amount of the refund value due is placed into an account to be held for the benefit of the consumer and funded in a manner that allows the consumer to obtain deposits due within 2 business days of the time of the return”

SECTION 4. Said section 323 of said chapter 94 is hereby further amended, in subsection (c), by striking out the word “one” and inserting in place thereof the following figure:- 2.75

SECTION 5. Said section 323 of said chapter 94 is hereby further amended, in subsection (e), by striking out the word “one” and inserting in place thereof the following figure:- 3.75

SECTION 6. Section 325 of said Chapter 94 is hereby amended, in subsection (b), by striking out the word “five” and inserting in place thereof the following figure:- 10

SECTION 7. Section 326 of said Chapter 94 is hereby amended, in line 7, by inserting after the word “sections” the following:- “. The secretary shall review handling fees at least every 3 years. In reviewing handling fees, the secretary shall consider whether there is a sufficient number of points of redemption across the commonwealth and whether a higher handling fee would increase the number of points of redemption. The secretary shall review the refund value of beverage containers at least every 3 years. In reviewing the refund value of beverage containers, the secretary shall consider whether a higher refund value would increase the redemption and recycling rate and whether the following redemption and recycling targets have been met: (1) by December 31, 2025, at least 65 percent of all beverage containers are redeemed and recycled; (2) by December 31, 2027, 75 percent of all beverage containers are redeemed and recycled; (3) by December 31, 2029, 85 percent of all beverage containers are redeemed and recycled; and (4) by December 31, 2031, 95 percent of all beverage containers are redeemed and recycled. The secretary shall also consider the redemption and recycling rates of subcategories of beverage containers and may increase the refund value of specific subcategories of beverage containers if necessary to increase their rate of redemption and recycling to the prior-listed target levels”

SECTION 8. Said chapter 94 is hereby amended by inserting after section 323E the following section:-

Section 323F. There shall be established on the books of the commonwealth a separate fund to be known as the Clean Environment Fund. Amounts deposited in said fund shall be used, subject to appropriation, solely for programs and projects in the management of solid waste and for environmental protection; provided, however, that no funds shall be used for costs associated with incineration.

SECTION 9. This act shall take effect on December 31, 2023.