

SENATE No. 2156

The Commonwealth of Massachusetts

PRESENTED BY:

Susan L. Moran

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 relative to recycling nips.

PETITION OF:

NAME:

Susan L. Moran

DISTRICT/ADDRESS:

Plymouth and Barnstable

SENATE No. 2156

By Ms. Moran, a petition (accompanied by bill, Senate, No. 2156) of Susan L. Moran for legislation relative to recycling nips. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

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

An Act relative to recycling nips.

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, as appearing in the 2020 Official Edition,
2 is hereby amended in section 321 by striking the definitions of “Beverage” and “Beverage
3 Container”, inclusive, 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 and/or non-carbonated fruit juice made by producers
7 who sell less than 100,000 units a year, any drug regulated under the Federal Food, Drug, and
8 Cosmetic Act (21 U.S.C. 301 et seq.), infant formula, or a meal replacement liquid.

9 “Beverage Container”, any prepackaged container made of any material, including glass,
10 plastic, metal, or multi-material, the volume of which is not more than 102 ounces. This
11 definition shall not include beverage container packaging that is a carton, a pouch, or aseptic
12 packaging.

13 SECTION 2. Said chapter 94, as so appearing, is hereby further amended in section 321
14 by adding, after the definition of “Label”, the following definition:-

15 “Nip”, a 50 milliliter disposable beverage container usually sold containing an alcoholic
16 beverage.

17 SECTION 3. Said chapter 94, as so appearing, is hereby further amended in section 322
18 by inserting, after the word “cents”, the following words:- “provided, however, that a nip, as
19 defined in section 321 of this chapter, shall have a refund value of 10 cents.”

20 SECTION 4. Said chapter 94, as so appearing, is hereby further amended in section 323,
21 in paragraph (b), by inserting after “returned.”, the following sentence:- “A redemption center or
22 reverse vending machine is not obligated to count containers or to pay a cash refund at the time
23 the beverage container is returned as long as the amount of the refund value due is placed into an
24 account to be held for the benefit of the consumer and funded in a manner that allows the
25 consumer to obtain deposits due within 2 business days of the time of the return.”

26 SECTION 5. Said chapter 94, as so appearing, is hereby further amended in section 325,
27 paragraph (b), by striking out the words “not less than five cents is available on each beverage
28 container purchased and where and from whom that refund may be obtained” and inserting in
29 place thereof the following words:- “10 cents on nips and 5 cents for all other beverage
30 containers is available and where and from whom those refunds may be obtained”.

31 SECTION 6. Said chapter 94, as so appearing, is hereby further amended in section 326,
32 in the first paragraph, by inserting after “sections” the following:- “and shall review handling
33 fees within one year of the effective date of this act, and every four years thereafter.”

SECTION 7. This Act shall take effect one year from its date of passage.