

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Michelle L. Ciccolo

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 update the bottle bill.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>1/15/2025</i>

HOUSE No.

[Pin Slip]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act to update 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 “Plastic Bottle” and inserting in place thereof the following definitions:

4 “Beverage container”, any prepackaged container designed to hold a beverage that is
5 made of any material, including glass, plastic, metal, or multi-material, the volume of which is
6 not less than 50 milliliters and not more than 2.5 liters for noncarbonated beverage containers
7 and not more than 3 liters for carbonated beverage containers. This definition shall not include
8 beverage container packaging that is a carton, a pouch, or aseptic packaging.

9 “Department”, the Massachusetts Department of Environmental Protection.

10 “Plastic bottle”, a plastic container that has a neck that is smaller than the body of the
11 container, accepts a screwtype, snap cap or other closure and has a capacity not less than 50
12 milliliters and not more than 3 liters.

13 “Recycle”, the series of activities by which a covered product is: (i) collected, sorted, and
14 processed; (ii) converted into raw materials with minimal loss of material quality; and (iii) used
15 in the production of a new beverage container or other product of comparable value to a
16 beverage container.

17 “Return and refill system”, a system within the beverage container deposit return system
18 under this Act by which glass beverage containers are collected for reuse, and refilled.

19 “Reuseable beverage container”, any beverage container so constructed and designed
20 that it is structurally capable of being refilled and resold by a bottler at least fifty times after its
21 initial use as part of a washing system that meets Commonwealth food and safety standards.

22 “Universal product code” or “UPC”, a standard for encoding a set of lines and spaces that
23 can be scanned and interpreted into numbers to identify a product; or any industry accepted
24 barcode used for product identification purposes in a manner similar to a UPC, including but not
25 limited to, a European Article Number.

26 SECTION 2. Section 322 of said chapter 94 is hereby amended, by striking out the word
27 “five” and inserting in place thereof the following figure: ten. The following sentence shall also
28 be added: "Beginning three years after the start date and every three years thereafter, the
29 Department shall evaluate whether the redemption targets set in section 326 have been met for a
30 given calendar year 90 days after the end of that calendar year. If the redemption targets in
31 section 326 have not been met, the Department shall increase the minimum refund value by an
32 additional five cents within 180 days."

33 SECTION 3. Section 323 of said chapter 94 is hereby amended, in paragraph (b), by
34 striking after “any empty beverage container of the type,” the following: “size and brand sold by

35 the dealer within the past sixty days” and inserting “sold by the dealer, provided that the
36 beverage container is made of the same type of material as beverage containers otherwise sold by
37 the dealer”; and inserting after “returned” the following: “provided that this subsection shall not
38 apply to a dealer whose place of business is less than 2,000 square feet. A redemption center or
39 dealer shall pay the refund value at the time the beverage container is returned; and provided
40 further, that, at the request of a consumer, a redemption center or dealer may repay deposits
41 through an account system in which the amount of refund value is placed into an account to be
42 held for the benefit of the consumer and such account is funded in a manner that allows the
43 customer to obtain deposits due within 2 business days of the time of return.”

44 SECTION 4. Said section 323 of said chapter 94 is hereby further amended, in paragraph
45 (c) striking after “handling fee” the following: “of at least one cent per container”; and inserting
46 thereafter the following: “The department shall set handling fee amounts for dealers and
47 redemption centers that for dealers covers the cost of operating the infrastructure necessary to
48 collect, sort, store, and transport the empty beverage containers to be recycled or refilled. The
49 handling fee for dealers shall be no less than 3.25 cents per container and for redemption centers
50 no less than 4 cents if a redemption center delivers containers to a distributor or processing
51 facility. The department shall monitor and track the location of points of redemption throughout
52 the commonwealth. Beginning two years after the Start Date, the department shall increase the
53 handling fee by 1 cent if: (i) costs to collect, sort, store and transport beverage containers has
54 substantially changes such that it has significantly impacted the ability for dealers and
55 redemption centers to offer clean, safe and convenient redemption services both across the
56 commonwealth as determined by the Executive Office of Energy and Environmental Affairs.”

57 SECTION 5. Said section 323 of said chapter 94 is hereby further amended, in paragraph
58 (e), by striking out the word “of at least one cent per container.” Said section 323 is further
59 amended by adding, after paragraph (i), the following paragraph: “(j) On and after January 1,
60 2026, each beverage container sold or offered for sale in this state that has a refund value
61 pursuant to subsection (a) of this section, shall include a Universal Product Code and barcode.
62 Each deposit initiator shall provide such Universal Product Code and barcode, with packaging
63 information, to the reverse vending machine system administrators and other system operators,
64 not less than thirty days prior to placement of any such beverage container on the market.”

65 SECTION 6. Section 325 of said Chapter 94 is hereby amended, in paragraph (b), by
66 striking out the word “five” and inserting in place thereof the following figure: 10 and the
67 language “beginning January 1, 2026, as established by the department under section 322 of this
68 chapter.”

69 SECTION 7. Section 326 of said Chapter 94 is hereby amended, in line 7, by inserting
70 after the word “sections” the following: “The secretary shall review handling fees as described in
71 Section 323. In reviewing the refund value, the following redemption and recycling rates shall be
72 met: “(1) by April 1, 2027, at least 65 percent of all beverage containers shall be redeemed and
73 recycled; (2) by April 1, 2030, at least 75 percent of all beverage containers shall be redeemed
74 and recycled; (3) by April 1, 2033, at least 85 percent of all beverage containers shall be
75 redeemed and recycled; and (4) by April 1, 2036 and every three years thereafter, at least 95
76 percent of all beverage containers shall be redeemed and recycled.” and inserting thereafter the
77 following: “The Department shall require each producer of beverage containers to establish a
78 Return and Refill System so that: (1) 5 years after the start date, 25 per cent of beverage

79 containers are returned and refilled; (2) 15 years after the start date, 50 per cent of beverage
80 containers are returned and refilled.”

81 SECTION 8. Section 323D of said chapter 94, as so appearing, is hereby further amended
82 by striking out the third sentence and inserting in place thereof the following sentence:- “The
83 first \$70 million in such amounts collected by the commissioner of revenue each fiscal year shall
84 be deposited in the General Fund and additional amounts collected by the commissioner of
85 revenue each fiscal year shall be deposited in the Clean Environment Fund established pursuant
86 to section 323G.”

87 SECTION 9. Said chapter 94 of the General Laws, as so appearing, is hereby amended by
88 inserting after section 323E the following section:-

89 Section 323G. (a) There shall be established on the books of the commonwealth a
90 separate fund to be known as the Clean Environment Fund. Amounts deposited in said fund shall
91 be used, subject to appropriation, solely for programs and projects in the management of solid
92 waste, environmental protection, and climate change mitigation; provided, however, that no
93 funds shall be used for costs associated with incineration. (b) Not less than forty percent of
94 amounts deposited in the Fund shall be used for recycling, composting and solid waste source
95 reduction projects and programs, including reuse and refill. (c) Not less than an additional ten
96 percent of amounts deposited in the Fund shall be used for recycling and other solid waste
97 projects and programs. (d) Not more than fifty percent of amounts deposited in the fund shall be
98 used for other environmental programs consistent with the purposes of the “bottle bill” so-called
99 including department administration and enforcement, including the provision of clean water and
100 sewer and improvements to storm water management.

101 SECTION 10 Said chapter 94 is hereby amended by inserting after section 323E the
102 following section:

103 “Section 323F. There shall be established on the books of the commonwealth a separate
104 fund to be known as the Clean Environment Fund. Amounts deposited in said fund shall be used,
105 subject to appropriation, solely for programs and projects in the management of solid waste and
106 for environmental protection, including, but not limited to: (i) reimbursing the department for all
107 costs incurred in administering, monitoring, and enforcing the beverage container deposit
108 system; (ii) grants or loans to redemption centers, dealers, or distributors for infrastructure and
109 improvements related to the beverage container deposit return program; (iii) infrastructure
110 related to reusable beverage container return and refill systems; and (iv) improvements to
111 drinking water, storm water, and wastewater systems; provided, however, that no funds shall be
112 used for costs associated with incineration.”

113 SECTION 11. Section 327 of Chapter 94 is hereby amended by striking “Any bottler,
114 distributor, redemption center or dealer who violates any provisions of section three hundred and
115 twenty-one to three hundred and twenty-six, inclusive, shall be subject to a civil penalty for each
116 violation of not more than one thousand dollars” and inserting instead, “Any person, distributors,
117 or dealers who violate the requirements of this act shall be subject to a fine for each violation and
118 for each day the violation occurs in the amount of not more than \$10,000. Apart from any actions
119 undertaken by the attorney general and district attorneys, the Department may bring a civil action
120 to enjoin the sale, distribution, or importation into the United States of a beverage sold in a
121 beverage container in violation of this act. Any citizen of the Commonwealth may likewise bring
122 an action in court against any person, distributor, or the Department to enforce this subtitle, by
123 which they may recoup damages, attorney’s fees and other costs associated with bringing the

124 suit, and civil penalties that the distributor is required to pay as fines." Section 327 of Chapter 94
125 is further amended by inserting the following: "A distributor of a beverage container sold in the
126 state shall annually report to the Department: (1) The total amount of beverage containers sold,
127 offered for sale, or distributed into the state during the prior calendar year; (2) The amount of
128 single-use beverage containers sold, offered for sale, or distributed into the state during the prior
129 calendar year; (3) The amount of reusable beverage containers sold, offered for sale, or
130 distributed into the state during the prior calendar year; (4) A breakdown of the material type of
131 all beverage containers sold, offered for sale, or distributed into the state during the prior
132 calendar; and (5) Information regarding the quantity and final destination of redeemed beverage
133 containers during the prior calendar year. Any manufacturer of a beverage container sold in the
134 state shall include on the label of each beverage container: (1) A standardized description of the
135 applicable refund value in such a manner that it is clearly visible; and (2) A UPC barcode to
136 identify and validate participation in the program."

137 SECTION 12. This act shall take effect on December 31, 2025.