

SENATE No.

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:

Cynthia Stone Creem

DISTRICT/ADDRESS:

Norfolk and Middlesex

SENATE No.

[Pin Slip]

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 2104 OF 2023-2024.]

The Commonwealth of Massachusetts

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

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 so appearing, is hereby
2 amended by striking out the words “three hundred and twenty-one to three hundred and twenty-
3 seven” and inserting in place thereof the following words:- “321 to 327A”

4 SECTION 2. Said section 321 of said chapter 94 is hereby further amended by striking
5 out the definitions of “Beverage” and “Beverage container” and inserting in place thereof the
6 following 3 definitions:-

7 “Bag-drop program”, a beverage container recycling program implemented by a
8 redemption center or dealer that meets the requirements of rules adopted by the secretary of
9 energy and environmental affairs and that allows a person to drop off beverage containers subject
10 to the requirements of sections 321 through 327A in a bag or other receptacle at one or more
11 identified locations and to have the corresponding refund value placed into an account to be held

12 for the benefit of the person in a manner that allows the person to obtain the refund or a refund
13 receipt within 3 calendar days following the drop-off.

14 “Beverage”, any drinkable liquid intended for human oral consumption; provided,
15 however, that “beverage” shall not include: (i) a drug regulated under the Federal Food, Drug,
16 and Cosmetic Act of 1938, 21 U.S.C. 301 et seq; (ii) infant formula; (iii) a meal replacement
17 liquid; or (iv) products for which the first ingredient is derived from animal milk.

18 “Beverage container”, an individual, separate, sealed glass, metal, plastic or multi-
19 material bottle, can or jar designed to hold not more than 3.79 liters; provided, however, that
20 “beverage container” shall not include any container: (i) of not more than 150 milliliters that
21 contains no alcohol content; (ii) that is a carton or pouch; and (iii) that is aseptic.

22 SECTION 3. Said section 321 of said chapter 94 is hereby further amended by inserting
23 after the definition of “Consumer” the following definition:-

24 “Contracted agent”, a person acting for, or on behalf of, a registered deposit initiator to
25 collect, process or administer payments of deposits and handling fees on empty beverage
26 containers accepted from redemption centers and dealers.

27 SECTION 4. Said section 321 of said chapter 94 is hereby further amended by inserting
28 after the definition of “Dealer” the following 2 definitions:-

29 “Department”, the department of environmental protection.

30 “Deposit initiator”, the first dealer, distributor, retailer or other party to collect the deposit
31 on a beverage container sold to any person within the commonwealth.

32 SECTION 5. Said section 321 of said chapter 94 is hereby further amended by inserting
33 after the definition of “Plastic bottle” the following 3 definitions:-

34 “Recycle”, the series of activities by which a covered product is: (i) collected, sorted and
35 processed; (ii) converted into a raw material with minimal loss of material quality; and (iii) used
36 in the production of a new product, including the original product; provided, however, that
37 “recycle” shall not include any method of sorting, processing or aggregating materials from solid
38 waste that substantially degrades the original material quality, such that the aggregated material
39 is no longer usable for its initial purposes or for a substantially similar product.

40 “Reusable beverage container”, any beverage container designed and constructed to be
41 structurally capable of being refilled and resold by a bottle not less than 50 times after its initial
42 use as part of a washing system that meets the health and safety standards of the commonwealth.

43 “Reverse vending machine” a mechanical device that accepts used beverage containers
44 from consumers and provides a means of refunding the refund value for such beverage container
45 to the user of such device.

46 SECTION 6. Section 322 of said chapter 94 is hereby amended by striking out, in line 2,
47 the word “five” and inserting in place thereof the following figure:- “10”

48 SECTION 7. Section 323 of said chapter 94 is hereby amended by inserting after the
49 word “returned”, in line 8, the following words:- “; provided, however, that this subsection shall
50 not apply to a dealer whose place of business is not more than 2,000 square feet; provided
51 further, that a redemption center or dealer shall pay the refund value at the time the beverage
52 container is returned unless the consumer returns the beverage container through a bag-drop
53 program.”

54 SECTION 8. Said section 323 of said chapter 94 is hereby further amended by striking
55 out, in line 13, the words “at least one” and inserting in place there of the following words:- “not
56 less than 3.25”

57 SECTION 9. Said section 323 of said chapter 94 is hereby further amended by striking
58 out, in line 37, the words “at least one” and inserting in place thereof the following words:- “not
59 less than 4”

60 SECTION 10. Section 323D of said chapter 94 is hereby amended by striking out the
61 third sentence and inserting in place thereof the following sentence:-

62 “The first \$70 million in such amounts collected by the commissioner of revenue each
63 fiscal year shall be deposited in the General Fund and additional amounts collected by the
64 commissioner of revenue each fiscal year shall be deposited in the Clean Environment Fund
65 established pursuant to section 323F.”

66 SECTION 11. Said chapter 94 is hereby amended by inserting after section 323E the
67 following section:-

68 “Section 323F. There shall be established on the books of the commonwealth a separate
69 fund to be known as the Clean Environment Fund. Amounts deposited in said fund shall be used,
70 subject to appropriation, solely for programs and projects in the management of solid waste and
71 for environmental protection, including, but not limited to: (i) reimbursing the department for all
72 costs incurred in administering, monitoring, and enforcing the beverage container deposit
73 system; (ii) grants or loans to redemption centers, dealers, or distributors for infrastructure and
74 improvements related to the beverage container deposit return program; (iii) infrastructure
75 related to reusable beverage container return and refill systems; and (iv) improvements to

76 drinking water, stormwater, and wastewater systems; provided, however, that no funds shall be
77 used for costs associated with incineration.”

78 SECTION 12. Section 325 of said chapter 94 is hereby amended by inserting after the
79 word “container”, in line 6, the following words:- “and a universal product code barcode to
80 identify and validate participation in the redemption program”

81 SECTION 13. Said section 325 of said chapter 94 is hereby amended by striking out, in
82 line 22, the word “five” and inserting in place thereof the following figure:- “10”

83 SECTION 14. Said section 325 of said chapter 94 is hereby further amended by adding
84 the following subsection:-

85 “(c) Each deposit initiator shall provide such universal product code barcode, with
86 packaging information, to reverse vending machine system administrators and contracted agents
87 not less than 30 days prior to placement of any such beverage container on the market.”

88 SECTION 15. Section 326 of said chapter 94 is hereby amended by inserting after the
89 first paragraph the following paragraph:-

90 “The secretary of energy and environmental affairs shall review handling fees not less
91 frequently than every 3 years. In reviewing handling fees, the secretary shall consider whether
92 there are enough points of redemption across the commonwealth and whether a higher handling
93 fee would increase the number of points of redemption. The secretary shall review the refund
94 value of beverage containers not less frequently than every 3 years. In reviewing the refund value
95 of beverage containers, the secretary shall consider whether a higher refund value would increase
96 the redemption rate and whether the following redemption targets have been met: (1) by

97 December 31, 2027, 65 percent of beverage containers are redeemed; (2) by December 31, 2028,
98 75 percent of beverage containers are redeemed; (3) by December 31, 2030, 85 percent of
99 beverage containers are redeemed; and (4) by December 31, 2033, 95 percent of beverage
100 containers are redeemed. The secretary shall also consider the redemption rates of subcategories
101 of beverage containers and may increase the refund value of specific subcategories of beverage
102 containers if necessary to increase their rates of redemption to the prior-listed target levels.”

103 SECTION 16. Said chapter 94 is hereby further amended by inserting after section 327
104 the following section:-

105 Section 327A. (a) Annually, not later than June 1, the department shall publish a report
106 containing information, including, but not limited to, the statewide redemption rate for the
107 preceding calendar year, calculated as the number of beverage containers redeemed for deposit
108 divided by the number of beverage containers sold; provided, however, that the commissioner of
109 revenue shall make the data necessary to compile this information available to the department.

110 (b) Annually, not later than February 1 and as determined by the commissioner of
111 revenue, each deposit initiator shall provide to the department a report that includes the: (i)
112 locations where its redeemed containers were delivered for processing and recycling; (ii) number
113 of its redeemed containers processed and recycled at each location; and (iii) number of beverage
114 containers it sold.

115 Annually, not later than June 1, the department shall report the information provided
116 pursuant to this subsection to the joint committee on telecommunications, utilities and energy
117 and the joint committee on environment and natural resources.

118 (c) A dealer shall post a conspicuous sign, at the point of sale, that states: “STATE LAW
119 REQUIRES US TO REDEEM EMPTY RETURNABLE BEVERAGE CONTAINERS OF THE
120 TYPE, SIZE AND BRAND SOLD BY US WITHIN THE PAST 60 DAYS. TO REPORT
121 REFUSAL OF REDEMPTION, CONTACT THE MASSACHUSETTS DEPARTMENT OF
122 ENVIRONMENTAL PROTECTION AT 617-556-1054 or [mass.gov/orgs/massachusetts-](http://mass.gov/orgs/massachusetts-department-of-environmental-protection)
123 [department-of-environmental-protection](http://mass.gov/orgs/massachusetts-department-of-environmental-protection).” The posted sign may also include the toll-free
124 telephone number as established by the department of environmental protection; provided,
125 however, that the sign shall be not less than 8 inches by 10 inches in size and have lettering a
126 minimum of 1/4 inch high and of a color which contrasts with the background. The department
127 shall maintain a website and toll-free telephone number for a “bottle bill hotline” that shall be
128 available from 9:00 a.m. to 5:00 p.m. each business day to receive reports of violations.

129 (d) The department shall, through its own communications and by engaging deposit
130 initiators and dealers, educate consumers regarding the redemption value for beverage containers
131 and how and where they can redeem containers for deposit money.

132 SECTION 17. The department of environmental protection shall conduct a study of the
133 opportunities for an expanded reusable beverage container return and refill system in the
134 commonwealth pursuant to which beverage containers would be collected for reuse, washed and
135 refilled. For the purposes of this section, “reusable beverage container” shall have the same
136 meaning as in section 321 of chapter 94 of the General Laws. Not later than December 31, 2026,
137 the department shall publish for public comment a draft of the study required under this section
138 and shall submit the final study to the clerks of the senate and the house of representatives not
139 later than May 1, 2027; provided, however, that the final study shall also be published on the
140 department’s website.