HOUSE No. 890

The Commonwealth of Massachusetts

PRESENTED BY:

Alice K. Wolf

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 updating the bottle bill.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice K. Wolf	25th Middlesex
Cynthia S. Creem	
Frank I. Smizik	15th Norfolk
Jonathan Hecht	29th Middlesex
Lori A. Ehrlich	8th Essex
Edward F. Coppinger	10th Suffolk
Carl M. Sciortino, Jr.	34th Middlesex
Jennifer E. Benson	37th Middlesex
William Smitty Pignatelli	4th Berkshire
Timothy R. Madden	Barnstable, Dukes and Nantucket
Cory Atkins	14th Middlesex
Sarah K. Peake	4th Barnstable
Cheryl A. Coakley-Rivera	10th Hampden
Jason M. Lewis	31st Middlesex
William N. Brownsberger	
Thomas P. Conroy	13th Middlesex
Carolyn C. Dykema	8th Middlesex
Cleon H. Turner	1st Barnstable

David Paul Linsky	5th Middlesex
Denise Provost	27th Middlesex
Jay R. Kaufman	15th Middlesex
William M. Straus	10th Bristol
Gloria L. Fox	7th Suffolk
Tom Sannicandro	7th Middlesex
Robert M. Koczera	11th Bristol
Harriett L. Stanley	2nd Essex
Kay Khan	11th Middlesex
Theodore C. Speliotis	13th Essex
John W. Scibak	2nd Hampshire
Sean Garballey	23rd Middlesex
Stephen Kulik	1st Franklin
Martha M. Walz	8th Suffolk
Ruth B. Balser	12th Middlesex
Paul Brodeur	32nd Middlesex
Geraldine M. Creedon	11th Plymouth
Elizabeth A. Malia	11th Suffolk
Peter V. Kocot	1st Hampshire
Christine E. Canavan	10th Plymouth
Michael F. Rush	Suffolk and Norfolk
Thomas P. Kennedy	
Jeffrey Sánchez	15th Suffolk
Daniel B. Winslow	9th Norfolk
Patricia D. Jehlen	
Alice Hanlon Peisch	14th Norfolk
Thomas J. Calter	12th Plymouth
Timothy J. Toomey, Jr.	26th Middlesex
James B. Eldridge	
Denise Andrews	2nd Franklin
Kate Hogan	3rd Middlesex
Walter F. Timilty	7th Norfolk
Christopher N. Speranzo	3rd Berkshire
Carlo Basile	1st Suffolk
Thomas M. Stanley	9th Middlesex
Byron Rushing	9th Suffolk
John V. Fernandes	10th Worcester
Gailanne M. Cariddi	1st Berkshire
James J. O'Day	14th Worcester

Denise C. Garlick	13th Norfolk
Ellen Story	3rd Hampshire
Geraldo Alicea	6th Worcester
Chris Walsh	6th Middlesex
Brian M. Ashe	2nd Hampden
Stephen Stat Smith	28th Middlesex
Carlos Henriquez	5th Suffolk
Paul McMurtry	11th Norfolk
Mayor Thomas M. Menino	One City Hall Square, Suite 500
	□ <i>Boston, MA 02201-2013</i>

HOUSE No. 890

By Ms. Wolf of Cambridge, a petition (accompanied by bill, House, No. 890) of Alice K. Wolf and others relative to further regulating recycling rates and expanding the bottle bill, so-called. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION SEE HOUSE, NO. *3515* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act updating 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:

- SECTION 1. Section 321 of chapter 94 of the General Laws, as appearing in the 2008
- 2 Official Edition, is hereby amended by inserting after the words "carbonated soft drinks", in line
- 3 4, the following words:-
- 4 "noncarbonated beverages including mineral water, flavored and unflavored water,
- 5 vitamin water, and other water beverages, tea, sports drinks, isotonic drinks; and all other non-
- 6 alcoholic carbonated and noncarbonated drinks in liquid form intended for human consumption,
- 7 except milk and beverages that are primarily derived from dairy products, infant formula, and
- 8 FDA-approved medicines."

- 9 SECTION 2 Paragraph 3 of said section 321 of said chapter 94, as so appearing, is 10 hereby amended by striking out the last sentence and inserting in place thereof the following 11 sentence:-
- This definition shall not include containers made of paper-based biodegradable material and aseptic multi-material packaging.
- SECTION 3. Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of "Plastic bottle" the following definition:-
- "Redemption center", any business whose primary purpose is the redemption ofbeverage containers and is not ancillary to any other business,
- SECTION 4. Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of "Reusable beverage container" the following definition:-
- "Small dealer", any person or business, including any operator of a vending machine, who engages in the sale of beverages in beverage containers to consumers in the commonwealth, whose operating premises are less than 4000 square feet.
- SECTION 5. Section 323 of said chapter 94, as so appearing, is hereby amended by inserting before the first sentence of paragraph (e) the following sentence:-
- The executive office of environmental affairs shall promulgate rules and regulations for the licensure of redemption centers, and may set fees for the licensing of such redemption centers.

- SECTION 6. Paragraph (c) of said section 323 of said chapter 94 of the General Laws, as so appearing, is hereby amended by striking out the words "one cent" and inserting in place thereof the words "three and one quarter cents" and by adding the following sentence:-
- The handling fee shall be reviewed semi-annually by the secretary of the executive office of energy and environmental affairs and adjustments made to reflect increases in costs incurred by redemption facilities.
- SECTION 7. Paragraph (d) of said section 323 of said chapter 94, as so appearing, is hereby amended by striking out the words "one cent" and inserting in place thereof the words "three and one quarter cents" and by adding the following sentence:-
- The handling fee shall be reviewed semi-annually by the secretary of the executive office of energy and environmental affairs and adjustments made to reflect increases in costs incurred by redemption facilities.
- SECTION 8. Said section 323 of said chapter 94, as so appearing, is hereby further amended by inserting after the word "civil", in line 73, the words "or administrative".
- SECTION 9. Said chapter 94 is hereby further amended by inserting after section 323E 44 the following section:-
- Section 323F. (a) There shall be established on the books of the commonwealth a separate fund to be known as the Clean Environment Fund. Amounts to be deposited in said Fund shall be used, subject to appropriation, solely for programs and projects supporting the proper management of solid waste, water resource protection, parkland, urban forestry, air

- 49 quality and climate protection; provided, however, that no funds shall be used for costs associated with incineration.
- 51 (b) Not less than fifty percent of amounts deposited in the Fund shall be used for 52 recycling, composting and solid waste source reduction projects and programs.
- (c) Not less than an additional twenty percent of amounts deposited in the Fund shall be used for recycling and other solid waste projects and programs.
- (d) Not more than thirty percent of amounts deposited in the fund shall be used for other environmental programs consistent with the purposes of the "bottle bill", so-called.
- 57 SECTION 10: Notwithstanding any general or special law to the contrary, the secretary 58 of the executive office of energy and environmental affairs shall, on or before January 1, 2012, 59 promulgate regulations providing small dealers as defined herein with the ability to seek 60 exemptions from accepting empty deposit containers. Said regulations shall consider at least the health and safety of the public; the convenience for the public, including standards governing 61 distribution of centers by population or by distance or both, the size and storage capacity of the dealer(s) to be served by the redemption center and the size and storage capacity of the 63 redemption center. The order approving a local redemption center license must state the dealers to be served and the kinds, sizes and brand names of empty beverage containers that the center 65 66 accepts.
- SECTION 11. Section 327 of said chapter 94 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraphs:—

- The department of environmental protection may enforce the provisions of section 321; paragraphs (a) through (f), inclusive, of section 322; paragraph (i) of section 323; section 323A; section 323F; section 324 and section 325. Any bottler, distributor, redemption center, or dealer who violates any of the foregoing provisions shall be subject to an administrative penalty
- The department of revenue may enforce the provisions of paragraphs (g) and (h) of section 323 and sections 323B to 323E, inclusive. Any bottler, distributor, redemption center, or dealer who violates any of the foregoing provisions shall be subject to an administrative penalty for each violation of not more than \$1,000.
- SECTION 12. Said section 327 of said chapter 94 of the General Laws, as so appearing, is hereby further amended by inserting after the word "civil", in line 14, the words "or administrative".
- SECTION 13. This act shall take effect on December 1, 2012.

for each violation of not more than \$1,000.

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