

JOINT COMMITTEE ON TELECOMMUNICATIONS, UTILITIES, AND ENERGY

BILL SUMMARY

BILL NO. H.3464

TITLE: An Act to update the bottle bill

SPONSOR: Representative Michelle Ciccolo

COMMITTEE: Telecommunications, Utilities, and Energy

HEARING DATE: June 18, 2025

PRIOR HISTORY: 2023-2024: H.3676, accompanied a study order, H.4778

CURRENT LAW:

The current deposit/redemption rate is set at 5 cents per beverage container. The handling fee (the money that moves the bottles and cans through the system) is 2.25 cents per container (for retailers) and 3.25 cents for redemption centers.

SUMMARY:

Section 1 amends Section 321 of Chapter 94 of the General Laws by amending the definitions of “beverage”, “beverage container”, “plastic bottle”, “reusable beverage container” and inserts new definitions for “department” (DEP), “recycle”, and “universal product code” or “UPC”.

Section 2 amends Section 322 of Chapter 94 and increases the refund value for beverage containers sold or offered for sale in the Commonwealth from 5 cents to 10 cents. This section also requires DEP to whether the redemption targets set in Section 326 have been met for a given calendar year, beginning every three years after the state date and every three years thereafter. If said targets have not been met, the DPU is required to increase the minimum refund value by an additional five cents within 180 days.

Section 3 requires a dealer to accept any empty beverage container from any person during his business hours that was sold by the dealer, provided that the beverage container is made of the same type of material as beverage containers otherwise sold by the dealer. The refund provided by the dealer shall not apply to a dealer whose place of business is less than 2,000 square feet. A redemption center or dealer is also now required to pay the refund value at the time the beverage container is returned. Further, at the request of a consumer, a redemption center or dealer may repay deposits through an account system in which the amount of refund value is placed into an account to be held for the benefit of the consumer and such account is funded in a manner that allows the customer to obtain deposits due within 2 business days of the time of return.

Section 4 amends Section 323 of Chapter 94 of the General Laws by striking out the one cent per container handling fee and requires DEP to set handling fee amounts for dealers and redemption centers that cover the costs of operating the infrastructure necessary to collect, sort, store, and transport the empty beverage containers. The handling fee shall be no less than 3.25 cents per container for dealers and for

redemption center, no less than 4 cents per container if the redemption center delivers containers to a distributor or processing facility. DEP shall monitor and track the location of points of redemption throughout the state and beginning two years after the start date, the DEP is required to increase the handling fee by 1 cent if the costs to collect, sort, store and transport beverage containers has substantially changes such that it has significantly impacted the ability for dealers and redemption centers to offer clean, safe and convenient redemption services both across the commonwealth as determined by EEA.

Section 5 requires that on or after January 1, 2026, each beverage container sold or offered for sale in the state that has a refund value, include a Universal Product Code and barcode. Each deposit initiator is required to provide said UPC and barcode to reverse vending machine system administrators and other system operators not less than 30 days prior to placement of any such beverage container on the market.

Section 6 requires every operator of a vending machine which sells beverages in beverage containers to post a conspicuous notice on each vending machine indicating that there is 10 cent refund available.

Section 7 requires the secretary to review handling fees and in said review, the following redemption and recycling rates shall be met:

- By April 1, 2027, at least 65% of all beverage containers shall be redeemed and recycled
- By April 1, 2030, at least 75% of all beverage containers shall be redeemed and recycled
- By April 1, 2033, at least 85% of all beverage containers shall be redeemed and recycled
- By April 1, 2036 and every three years thereafter, at least 95% of all beverage containers shall be redeemed and recycled

DEP is to require each producer of beverage containers to establish a Return and Refill System so that 5 years after the start date, 25% of beverage containers are returned and refilled and that 15 years after the start date, 50% of beverage containers are returned and refilled.

Section 8 amends the requirement that amounts collected by the commissioner of revenue pursuant to this section shall be deposited into the Clean Environment Fund, and replaces it with requiring the first \$70 million of such amounts collected by the Commissioner to be deposited in the General Fund, and additional amounts will be deposited into the Clean Environment Fund.

Section 9 establishes a Clean Environment Fund, whose funds shall be used solely for programs and projects in the management of solid waste, environmental protection, and climate change mitigation, provided no funds are used for costs associated with incineration. Not less than 40% of amounts deposited in this fund shall be used for recycling, composting, and solid waste reduction projects and programs. Not less than an additional 10% of the amounts deposited into this fund shall be used for recycling and other solid waste projects and programs. Lastly, not more than 50% of amounts deposited in this fund shall be used for other environmental programs consistent with the purposes of the “bottle bill”

Section 10 requires the funds deposited in the Clean Environment Fund to be used for programs and projects in the management of solid waste and for environmental protection, including but not limited to:

- reimbursing the department for all costs incurred in administering, monitoring, and enforcing the beverage container deposit system
- grants or loans to redemption centers, dealers, or distributors for infrastructure and improvements related to the beverage container deposit return program

- infrastructure related to reusable beverage container return and refill systems
- improvements to drinking water, storm water, and wastewater systems; provided, however, that no funds shall be used for costs associated with incineration.

Section 11 states that any person, distributors, or dealers who violate the requirements of this act shall be subject to a fine for each violation and for each day the violation occurs in the amount of not more than \$10,000. This Section also grants the DEP the authority to bring a civil action to enjoin the sale, distribution, or importation into the United States of a beverage sold in a beverage container in violation of this act. Further, this section states that any citizen of the Commonwealth may likewise bring an action in court against any person, distributor, or the Department to enforce this subtitle, by which they may recoup damages, attorney's fees and other costs associated with bringing the suit, and civil penalties that the distributor is required to pay as fines.

Section 11 also requires a distributor of a beverage container sold in the state to annually report to DEP:

- The total amount of beverage containers sold, offered for sale, or distributed into the state during the prior calendar year
- The amount of single-use beverage containers sold, offered for sale, or distributed into the state during the prior calendar year
- The amount of reusable beverage containers sold, offered for sale, or distributed into the state during the prior calendar year
- A breakdown of the material type of all beverage containers sold, offered for sale, or distributed into the state during the prior calendar
- Information regarding the quantity and final destination of redeemed beverage containers during the prior calendar year

Any manufacturer of a beverage container sold in the state is required to include a standardized description of the applicable refund value and a UPC barcode to identify and validate participation in the program on each beverage container.

Section 12 sets an effective date of December 31, 2025, for this Act.