

HOUSE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas M. Stanley

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 passage of the accompanying bill:

An Act to expand the bottle bill.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Thomas M. Stanley	9th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 appearing in the
2 2006 Official Edition, is hereby amended by striking out the definition for “beverage”,
3 and inserting in place thereof the following definition: —

4 “Beverage”, flavored and unflavored water, spring water, vitamin water, and other
5 non-carbonated water beverages, soda water or similar carbonated soft drinks; mineral
6 water, and beer and other malt beverages; but shall not include alcoholic beverages
7 other than beer and malt beverages as defined in chapter 138, dairy products, natural
8 fruit juices or wine.

9 SECTION 2. Section 321 of Chapter 94 of the General Laws, as appearing in the 2006
10 Official Edition is hereby amended by striking out the words “sixteen fluid ounces or
11 more, but less than five gallons”, beginning in line 30, and inserting in place thereof the
12 following the words:- “equal to or greater than four ounces but less than or equal to one
13 hundred and twenty-eight ounces.”

14 SECTION 3. Section 321 of Chapter 94 of the General Laws, as appearing in the 2006
15 Official Edition is hereby amended by striking the words “eight ounces or more but less
16 than five gallons”, in line 35, and inserting in place thereof the following words:- “equal
17 to or greater than four ounces but less than or equal to one hundred and twenty-eight
18 ounces.”

19 SECTION 4. Section 323 of Chapter 94 of the General Laws as appearing in the 2006
20 Official Edition is hereby amended by striking out subsection (h) and adding in place
21 thereof the following:- (h) Any bottler or distributor who is subject to the provisions of
22 paragraphs (c), (d) or (e) shall maintain a separate account to be known as the Deposit
23 Transaction Fund. Said fund shall be kept separate from all other revenues and
24 accounts. Each bottler or distributor shall place in said fund the refund value for all
25 non-reusable beverage containers excluding those beverage containers containing
26 flavored and unflavored water, spring water, vitamin water, and other non-carbonated
27 water beverages it sells subject to the provisions of this chapter. Any bottler or
28 distributor who is subject to the provisions of paragraphs (c), (d) or (e) shall also
29 maintain a separate account to be known as the Water and Wastewater Infrastructure
30 Fund. Said fund shall be kept separate from all other revenues and accounts. Each
31 bottler or distributor shall place in said fund the refund value for all non-reusable
32 beverage containers containing flavored and unflavored water, spring water, vitamin
33 water, and other non-carbonated water beverages.

34 Except as specified in section three hundred and twenty-three D, amounts in such fund
35 may only be expended to pay refund values paid after December thirty-first, nineteen
36 hundred and eighty-nine for returned non-reusable beverage containers pursuant to
37 paragraphs (c), (d) and (e). Amounts in such fund shall not be used to pay the handling
38 fees required by paragraphs (c), (d) and (e). Each such fund shall be maintained by said
39 bottlers and distributors on behalf of consumers who have purchased refundable non-
40 reusable beverage containers and on behalf of the commonwealth; except as specified in
41 section three hundred and twenty-three C, for no purpose are amounts in such fund to
42 be regarded as income of said bottlers or distributors.

43 SECTION 5. Section 323C of Chapter 94 of the General Laws as appearing in the 2006
44 Official Edition is hereby amended in line 1 after the word "fund" by adding the
45 following:- and Water and Wastewater Infrastructure Fund

46 SECTION 6. Section 323D of Chapter 94 of the General Laws as appearing in the 2006
47 Official Edition is hereby amended by striking the section in its entirety and replacing it
48 with the following new language:- Section 323D. By the tenth day of each month, each
49 bottler or distributor shall turn over to the commissioner of revenue any deposit
50 amounts deemed to be abandoned at the close of the preceding month, pursuant to
51 section three hundred and twenty-three C. Such amounts shall be paid from the Deposit
52 Transaction Fund and Water and Wastewater Infrastructure Fund respectively.
53 Amounts collected from the Water and Wastewater Infrastructure Fund shall be used
54 by entities that maintain and replace water and wastewater infrastructure. Said funds
55 shall be administered and distributed by the Department of Revenue, Division of Local

56 Services. All other Amounts collected by the commissioner of revenue pursuant to this
57 section shall be deposited in the Clean Environment Fund, established pursuant to
58 section three hundred and twenty-three F.

59 SECTION 7: This act shall take effect on December thirty-first, two thousand and nine.