

HOUSE No.

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 passage of the accompanying bill:

An Act to improve recycling rates in the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Alice K. Wolf	25th Middlesex
Geraldo Alicea	6th Worcester
Tom Sannicandro	7th Middlesex
Stephen Kulik	1st Franklin
Kay Khan	11th Middlesex
Jennifer Benson	37th Middlesex
Mary E. Grant	6th Essex
Robert M. Koczera	11th Bristol
William N. Brownsberger	24th Middlesex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO IMPROVE RECYCLING RATES IN THE COMMONWEALTH.

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 2002 Official
2 Edition, is hereby amended by striking out the definitions for “beverage” and “beverage container,” and
3 inserting in place thereof the following definitions:—

4
5 “Beverage,” soda water or similar carbonated soft drinks; noncarbonated beverages including mineral
6 water, flavored and unflavored water, vitamin water, and other water beverages, tea, sports drinks,
7 isotonic drinks; beer and other malt beverages; and all other non-alcoholic carbonated and noncarbonated
8 drinks in liquid form intended for human consumption except milk and beverages that are primarily
9 derived from dairy products, infant formula, and FDA-approved medicines.

10
11 “Beverage container,” any sealable bottle, can, jar, or carton which is primarily composed of glass, metal,
12 plastic, or any combination of those materials and is produced for the purpose of containing a beverage,
13 which, at the time of sale, contains one-hundred and thirty-five ounces or less of a beverage. This
14 definition shall not include containers made of paper-based biodegradable material and aseptic multi-
15 material packaging.

16

17 SECTION 2. Section 321 of Chapter 94 of the General Laws, as appearing in the 2002 Official Edition, is
18 hereby amended by adding, after the definition of "Plastic bottle" the following definition:—
19 "Redemption center," any business whose primary purpose is the redemption of beverage containers and
20 is not ancillary to any other business,

21

22 SECTION 3. Section 321 of Chapter 94 of the General Laws, as so appearing, is hereby amended by
23 adding, after the definition of "Reusable beverage container," the following definition:—

24

25 "Small dealer," any person, including any operator of a vending machine, employing the equivalent of ten
26 full time employees or less, who engages in the sale of beverages in beverage containers to consumers in
27 the Commonwealth.

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29 SECTION 4. Section 323 of Chapter 94 of the General Laws, as so appearing, is hereby amended by
30 adding in line 30 after the letter "(e)," the following:—

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32 The Executive Office of Environmental Affairs shall promulgate rules and regulations for the licensure of
33 redemption centers, and may set fees for the licensing of such redemption centers.

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35 SECTION 5. Section 323, paragraph (a), of Chapter 94 of the General Laws, as appearing in the 1998
36 Official Edition, is hereby amended by striking out in line the words "the refund value" and inserting in
37 place thereof the words "the full refund value".

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39 SECTION 6. Section 323, paragraph (b), of Chapter 94 of the General Laws, as appearing in the 1998
40 Official Edition, is hereby amended by striking out the words "one cent" and inserting in place thereof the
41 words "three and one quarter cents" and placing the following sentence at the end of the paragraph. "The
42 handling fee shall be reviewed semi-annually by the Secretary of the Executive Office of Environmental
43 Affairs and adjustments made to reflect increases in costs incurred by redemption facilities."

44

45 SECTION 7. Section 323, paragraph (c), of Chapter 94 of the General Laws, as appearing in the 2002
46 Official Edition, is hereby amended by striking out in the words "one cent" and inserting in place thereof
47 the words "three and one quarter cents" and placing the following sentence at the end of the paragraph.
48 "The handling fee shall be reviewed semi-annually by the Secretary of the Executive Office of
49 Environmental Affairs and adjustments made to reflect increases in costs incurred by redemption
50 facilities."

51

52 SECTION 8. Section 323 of Chapter 94 of the General Laws, as so appearing, is hereby amended by
53 adding in line 73, after the word "civil," the words "or administrative."

54

55 SECTION 9. Chapter 94 of the General Laws, as so appearing, is hereby amended by adding a new
56 section after 323F:— SECTION 323G. Redemption Centers.

57

58 (a) Only small dealers may apply for an exemption with the department.

59

60 (b) Application for an exemption shall be jointly filed with the department by the small dealer and
61 redemption center. The application shall state the name and address of the person responsible for the
62 establishment and operation of the center, the kinds, sizes and brand names of beverage containers that
63 will be accepted and the names and addresses of dealer(s) to be served and their distance from the local
64 redemption center.

65

66 (c) In approving the exemption, the department shall consider at least the health and safety of the public;
67 the convenience for the public, including standards governing distribution of centers by population or by
68 distance or both, the size and storage capacity of the dealer(s) to be served by the redemption center and
69 the size and storage capacity of the redemption center. The order approving a local redemption center
70 license must state the dealers to be served and the kinds, sizes and brand names of empty beverage
71 containers that the center accepts.

72

73 (d) A local redemption center may not refuse to accept from any consumer or other person not a dealer
74 any empty, unbroken and reasonably clean beverage container of the kind, size and brand sold by a dealer
75 served by the center, or refuse to pay in cash the full refund value of the returned beverage container as
76 established by Section 322 of Chapter 94 of the General Laws.

77

78 (e) A list of the dealers served and the kinds, sizes and brand names accepted shall be promptly displayed
79 at each local redemption centers.

80

81 (f) The name and location of the redemption center serving the dealer shall be conspicuously displayed at
82 the dealer.

83

84 SECTION 10. Section 327 of Chapter 94 of the General Laws, as so appearing, is hereby amended by
85 inserting after the first paragraph the following new paragraphs:— The Department of Environmental
86 Protection shall have authority to enforce the provisions of sections three hundred and twenty-one; three
87 hundred and twenty-two; paragraphs (a) through (f) inclusive, and paragraph (i) of section three hundred
88 and twenty-three; three hundred and twenty-three A; three hundred and twenty-three F; three hundred and
89 twenty-four; and three hundred and twenty-five. Any bottler, distributor, redemption center, or dealer who
90 violates any of the foregoing provisions shall be subject to an administrative penalty for each violation of
91 not more than one thousand dollars.

92

93 The Department of Revenue shall have authority to enforce the provisions of paragraphs (g) and (h) of
94 section three hundred and twenty-three and sections three hundred and twenty-three B to three hundred
95 and twenty-three E, inclusive. Any bottler, distributor, redemption center, or dealer who violates any of
96 the foregoing provisions shall be subject to an administrative penalty for each violation of not more than
97 one thousand dollars.

98

99 SECTION 11. Section 327 of Chapter 94 of the General Laws, as so appearing, is hereby amended by
100 adding after the word “civil” in line 14 the words “or administrative.”

101

102 SECTION 12. Section 323F. of Chapter 94 of the General Laws, is hereby amended by replacing the
103 existing text with the following:

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105 (a) There shall be established on the books of the Commonwealth a separate fund to be known as the
106 Clean Environment Fund as established in Section 323D of Chapter 94 of the General Laws. Amounts
107 deposited in said fund shall be used, subject to appropriation, solely for programs and projects in the
108 management of solid waste and for environmental protection; provided, however, that no funds shall be
109 used for costs associated with incineration.

110

111 (b) Not less than fifty percent of amounts deposited in the Fund shall be used for recycling, composting
112 and solid waste source reduction projects and programs.

113

114 (c) Not less than an additional twenty percent of amounts deposited in the Fund shall be used for
115 recycling and other solid waste projects and programs.

116

117 (d) Not more than thirty percent of amounts deposited in the fund shall be used for other environmental
118 programs consistent with the purposes of the ""bottle bill", so-called.

119

120 (e) Of amounts expended under paragraphs (b) through (d), not more than fifty percent shall be used for
121 debt service on capital outlays authorized prior to January first, nineteen hundred and eighty-eight.

122

123 SECTION 13. This act shall take effect on December first, two thousand eleven.