

**SENATE . . . . . No.**

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**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 passage of the accompanying bill:

**An Act to improve recycling rates in the commonwealth.**

PETITION OF:

NAME:

Cynthia Stone Creem

DISTRICT/ADDRESS:

First Middlesex and Norfolk

# 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

2 SECTION 1. Section 321 of Chapter 94 of the General Laws, as appearing in the 2002 Official Edition, is hereby  
3 amended by striking out the definitions for “beverage” and “beverage container,” and inserting in place thereof  
4 the following definitions:—

5

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

11

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

16

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

21

22 SECTION 3. Section 321 of Chapter 94 of the General Laws, as so appearing, is hereby amended by adding, after  
23 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 full time  
26 employees or less, who engages in the sale of beverages in beverage containers to consumers in the  
27 Commonwealth.

28

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

31

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.

34

35 SECTION 5. Section 323, paragraph (a), of Chapter 94 of the General Laws, as appearing in the 1998 Official Edition,  
36 is hereby amended by striking out in line the words “the refund value” and inserting in place thereof the words  
37 “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 Official Edition,  
40 is hereby amended by striking out the words “one cent” and inserting in place thereof the words “three and one  
41 quarter cents” and placing the following sentence at the end of the paragraph. “The handling fee shall be reviewed  
42 semi-annually by the Secretary of the Executive Office of Environmental Affairs and adjustments made to reflect  
43 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 Official Edition,  
46 is hereby amended by striking out in the words “one cent” and inserting in place thereof the words “three and one  
47 quarter cents” and placing the following sentence at the end of the paragraph. “The handling fee shall be reviewed  
48 semi-annually by the Secretary of the Executive Office of Environmental Affairs and adjustments made to reflect  
49 increases in costs incurred by redemption facilities.”

50

51 SECTION 8. Section 323 of Chapter 94 of the General Laws, appearing in the 2002 Official Edition, is hereby  
52 amended by adding in line 73, after the word “civil,” the words “or administrative.”

53

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

56

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

58

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

63

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

69

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

74

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

77

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

80

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

88

89 The Department of Revenue shall have authority to enforce the provisions of paragraphs (g) and (h) of  
90 section three hundred and twenty-three and sections three hundred and twenty-three B to three hundred  
91 and twenty-three E, inclusive. Any bottler, distributor, redemption center, or dealer who violates any of the

92 foregoing provisions shall be subject to an administrative penalty for each violation of not more than one  
93 thousand dollars.  
94

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

97

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

100

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

106

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

109

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

112

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

115

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

118

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

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