

HOUSE No. 3690

The Commonwealth of Massachusetts

PRESENTED BY:

Marjorie C. Decker

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 to expand the bottle bill.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Marjorie C. Decker</i>	<i>25th Middlesex</i>	<i>1/11/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/20/2023</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>1/25/2023</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>1/26/2023</i>
<i>Sal N. DiDomenico</i>	<i>Middlesex and Suffolk</i>	<i>1/27/2023</i>
<i>Natalie M. Blais</i>	<i>1st Franklin</i>	<i>1/30/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/31/2023</i>
<i>Steven Owens</i>	<i>29th Middlesex</i>	<i>2/2/2023</i>
<i>Adrian C. Madaro</i>	<i>1st Suffolk</i>	<i>2/6/2023</i>
<i>Michelle M. DuBois</i>	<i>10th Plymouth</i>	<i>2/7/2023</i>
<i>David Allen Robertson</i>	<i>19th Middlesex</i>	<i>2/8/2023</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>2/8/2023</i>
<i>David M. Rogers</i>	<i>24th Middlesex</i>	<i>2/10/2023</i>
<i>Jennifer Balinsky Armini</i>	<i>8th Essex</i>	<i>2/12/2023</i>
<i>Joanne M. Comerford</i>	<i>Hampshire, Franklin and Worcester</i>	<i>2/13/2023</i>
<i>Natalie M. Higgins</i>	<i>4th Worcester</i>	<i>2/28/2023</i>
<i>Sean Garballey</i>	<i>23rd Middlesex</i>	<i>3/8/2023</i>
<i>William J. Driscoll, Jr.</i>	<i>7th Norfolk</i>	<i>3/21/2023</i>

<i>James C. Arena-DeRosa</i>	<i>8th Middlesex</i>	<i>3/22/2023</i>
<i>Tommy Vitolo</i>	<i>15th Norfolk</i>	<i>3/30/2023</i>
<i>Dawne Shand</i>	<i>1st Essex</i>	<i>3/30/2023</i>

HOUSE No. 3690

By Representative Decker of Cambridge, a petition (accompanied by bill, House, No. 3690) of Marjorie C. Decker and others for legislation to expand the bottle bill to include any drinkable liquid intended for human oral consumption. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3289 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

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 2020
2 Official Edition, is hereby amended by striking out the definitions of “Beverage” and “Beverage
3 container” and inserting in place thereof the following definitions:-

4 "Beverage", any drinkable liquid intended for human oral consumption. This definition
5 shall not include nutritive drinks including milk (as defined in FDA 21 CFR 131.110), milk
6 substitutes, non-alcoholic fermented drinks or non-carbonated fruit juice made by producers who
7 sell less than 100,000 units a year, any drug regulated under the Federal Food, Drug, and
8 Cosmetic Act (21 U.S.C. 301 et seq.), infant formula, or a meal replacement liquid.

9 “Beverage container”, any prepackaged container made of any material, including glass,
10 plastic, metal, or multi-material, the volume of which is not more than 2.5 liters for
11 noncarbonated beverage containers and not more than 3 liters for carbonated beverage
12 containers. This definition shall not include beverage container packaging that is a carton, a
13 pouch, or aseptic packaging.

14 SECTION 2. Section 322 of said chapter 94 is hereby amended by striking out the word
15 “five” and inserting in place thereof the following figure:- 10

16 SECTION 3. Section 323 of said chapter 94 is hereby amended, in paragraph (b), by
17 inserting after “returned” the following:- ; provided that this subsection shall not apply to a
18 dealer whose place of business is less than 2,000 square feet. A redemption center or reverse
19 vending machine must pay the refund value at the time the beverage container is returned unless
20 an account system is in place and the customer requests that the amount of the refund value due
21 is placed into an account to be held for the benefit of the consumer and funded in a manner that
22 allows the consumer to obtain deposits due within 2 business days of the time of the return

23 SECTION 4. Said section 323 of said chapter 94 is hereby further amended, in subsection
24 (c), by striking out the word “one” and inserting in place thereof the following figure:- 2.75

25 SECTION 5. Said section 323 of said chapter 94 is hereby further amended, in subsection
26 (e), by striking out the word “one” and inserting in place thereof the following figure:- 3.75

27 SECTION 6. Section 325 of said Chapter 94 is hereby amended, in subsection (b), by
28 striking out the word “five” and inserting in place thereof the following figure:- 10

29 SECTION 7. Section 326 of said Chapter 94 is hereby amended, in line 7, by inserting
30 after the word “sections” the following:- . The secretary shall review handling fees at least every
31 3 years. In reviewing handling fees, the secretary shall consider whether there is a sufficient
32 number of points of redemption across the commonwealth and whether a higher handling fee
33 would increase the number of points of redemption. The secretary shall review the refund value
34 of beverage containers at least every 3 years. In reviewing the refund value of beverage
35 containers, the secretary shall consider whether a higher refund value would increase the
36 redemption and recycling rate and whether the following redemption and recycling targets have
37 been met: (1) by December 31, 2025, at least 65 percent of all beverage containers are redeemed
38 and recycled; (2) by December 31, 2027, 75 percent of all beverage containers are redeemed and
39 recycled; (3) by December 31, 2029, 85 percent of all beverage containers are redeemed and
40 recycled; and (4) by December 31, 2031, 95 percent of all beverage containers are redeemed and
41 recycled. The secretary shall also consider the redemption and recycling rates of subcategories of
42 beverage containers and may increase the refund value of specific subcategories of beverage
43 containers if necessary to increase their rate of redemption and recycling to the prior-listed target
44 levels

45 SECTION 8. Said chapter 94 is hereby amended by inserting after section 323E the
46 following section:-

47 Section 323F. There shall be established on the books of the commonwealth a separate
48 fund to be known as the Clean Environment Fund. Amounts deposited in said fund shall be used,
49 subject to appropriation, solely for programs and projects in the management of solid waste and
50 for environmental protection; provided, however, that no funds shall be used for costs associated
51 with incineration.

SECTION 9. This Act shall take effect on December 31, 2023.