

HOUSE No. 3329

By Mr. Loscocco of Holliston, petition of Paul J. P. Loscocco for legislation to expand the definition of “beverage containers” under the bottle bill, so-called. Telecommunications, Utilities and Energy.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT RELATIVE TO THE EXPANSION OF 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 (A) Chapter 94 of the General Laws, as so appearing, is hereby
2 amended by striking out sections 321 and 322 and inserting in place
3 thereof the following two sections:—

4 Section 321. In Sections 321 to 327, inclusive, the following defi-
5 nitions shall, unless the context clearly requires otherwise, have the
6 following meaning:—

7 “Beverage”, noncarbonated water including flavored water, fruit
8 and vegetable juices and drinks, coffee and tea drinks, sport drinks,
9 soda water or similar carbonated soft drinks, mineral water, beer and
10 other malt beverages, and other alcoholic beverages as defined in
11 chapter 138, but shall not include dairy products.

12 “Beverage container”, any sealable bottle, can, jar, or carton
13 which is primarily composed of glass, metal, plastic or any combina-
14 tion of those materials and is produced for the purpose of containing
15 a beverage. This definition shall not include containers made of
16 biodegradable material or less than 2.5 ounces. This definition shall
17 include containers of two gallon capacity or less for carbonated bev-
18 erages, malt beverages and alcoholic beverages as defined by
19 chapter one hundred and thirty eight and less than one gallon for
20 noncarbonated water including flavored water, fruit and vegetable
21 drinks, coffee and tea drinks, and sport drinks.

22 “Bottler”, any person filling beverage containers for sale to dis-
23 tributors or dealers, including dealers who bottle or sell their own
24 brand of beverage.

25 “Consumer”, any person who purchases a beverage in a beverage
26 container for use or consumption with no intent to resell such bev-
27 erage.

28 “Dealer”, any person, including any operator of a vending
29 machine, who engages in the sale of beverages in beverage con-
30 tainers to consumers in the Commonwealth.

31 “Distributor”, any person who engages in the sale of beverages in
32 beverage containers to dealers in the Commonwealth including any
33 bottler who engages in such sales.

34 “Label”, a molded imprint or raised symbol on or near the bottom
35 of a plastic product. “Plastic”, any material made of polymeric
36 organic compounds and additives that can be shaped by flow.

37 “Plastic bottle” a plastic container that has a neck that is smaller
38 than the body of the container, accepts a screw type, snap cap or
39 other closure and has a capacity of sixteen fluid ounces or more, but
40 less than five gallons.

41 “Rigid plastic container”, any formed or molded container, other
42 than a bottle, intended for single use, composed predominantly of
43 plastic resin and having a relatively inflexible finite shape or form
44 with a capacity of eight ounces or more but less than five gallons.

45 “Reusable beverage container”, any beverage container so con-
46 structed and designed that it is structurally capable of being refilled
47 and resold by a bottler at least ten times after its initial use.

48 Section 322. Every beverage container sold or offered for sale in
49 the Commonwealth shall have a refund value of not less than five
50 cents, except alcoholic beverages as defined by Chapter 138 in bev-
51 erage containers greater than one pint, shall have a refund value of
52 15 cents. The provisions of this section shall not apply to such con-
53 tainers sold by a distributor for use by a common carrier in the con-
54 duct of interstate passenger service.

55 (B) Section 323 of Chapter 94 as so appearing is hereby amended
56 by inserting after paragraph (i) the following two paragraphs:—

57 (j) The handling fee will be increased from the current 2.25 cents
58 to at least 3 cents per unit delivered to distributors, and from 2.25
59 cents to at least 2.5 cents per unit picked up by distributors. Distribu-
60 tors will be reimbursed by the Commonwealth \$0.004 cents for
61 every unit redeemed. If distributors elect to pick up containers from
62 redemption centers, they will need to pick up containers at the

63 redemption center no less frequently than once per week, unless the
64 redemption center agrees to a less frequent pickup schedule.

65 (k) The Executive Office of Environmental Affairs will convene a
66 multi-stakeholder committee to evaluate the potential for illegal
67 redemption of deposit containers (sold out of state with no deposit
68 collected), and identify strategies to deter illegal redemption
69 including more stringent enforcement and higher penalties. The
70 Executive Office of Environmental Affairs will promulgate regula-
71 tions within six months of the bills passage to implement new strate-
72 gies to reduce illegal redemption.