

# SENATE NO. 1979

## **AN ACT** TO IMPROVE THE BOTTLE BILL AND 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 1998 Official  
2 Edition, is hereby amended in 4.02 Definition of “Beverage”, Add after “soda water”: “flavored and  
3 unflavored water”.

4 SECTION 2. Section 323 of Chapter 94 of the General Laws, as so appearing, is hereby amended by  
5 adding in line 30 after the letter “(e),” the following: —

6 The Executive Office of Environmental Affairs must promulgate rules and regulations for the  
7 licensure of redemption centers, and may set annual fees of not more than \$200.00 for the licensing of  
8 such redemption centers. Also must establish a Bottle Bill Oversight Committee to oversee and  
9 monitor the process of the bottle-bill as well as compiling revisions to the bottle-bill when necessary.  
10 This committee will consist of two (each) members who are dealers, redemption center operators and  
11 distributors.

12 SECTION 3. Section 323, paragraph (b), of Chapter 94 of the General Laws, as appearing in the 1998  
13 Official Edition, 4.05 “Refunds and Acceptance of Empty Beverages Containers” (2) Distributors  
14 Obligations. and (3) Bottler’s Obligations. is hereby amended by striking out the words “2.25 cents”  
15 and inserting in place thereof the words effective July 1 2006 three and a half cents (3.50) and  
16 December 1, 2007 three and three quarters cents (3.75); and placing the following sentence at the end

17 of the paragraphs.. Said handling fee must be reviewed annually by the Secretary of the Executive  
18 Office on Environmental Affairs and will be adjusted accordingly with the consumer price index.

19 SECTION 4. Section 323 of Chapter 94 of the General Laws, as so appearing, is hereby amended by  
20 adding in line 73 after the word “twenty-seven.” the following:—

21 At each location where persons tender containers for redemption, dealers and redemption centers shall  
22 conspicuously display a sign in letters that are at least one inch in height with the following  
23 information: “WARNING: Persons tendering containers for redemption that were not originally  
24 purchased in Massachusetts may be subject to a fine of the greater of one hundred dollars per container  
25 or twenty-five thousand dollars for each tender of containers. (G.L. c. 94, Section 327).”

26 SECTION 5. Section 326 of Chapter 94 of the General Laws, as so appearing, is hereby amended by  
27 inserting after the word “feasible” in line 29 the following paragraph: —

28 The secretary shall file a report on implementation of the “Bottle Bill,” so-called, annually with the  
29 joint committee on energy, joint committee on natural resources and agriculture, and the house and  
30 senate committees on ways and means on or before December thirty-first of each year. The report shall  
31 contain, but not be limited to, information concerning state wide redemption rates of beverage  
32 containers as defined herein, an evaluation of the bottle bill program, and as necessary, suggestions to  
33 improve the program.

34 SECTION 6. Section 323, of Chapter 94 of the General Laws, as

35 appearing in the 1998 Official Edition, 4.05 “Refunds and Acceptance of Empty Beverages

36 Containers” (2) Distributors Obligation is hereby amended by adding the paragraph: “Acceptance of

37 beverage containers from redemption centers, mother cartons, minimum 1 ml plastic bottle/can bags  
38 with fill lines to accommodate 240- 12 oz. cans per bag, 180- 16 oz aluminum cans and bottles and  
39 plastic bottles per bag, 144- 20 oz plastic bottles per bag, 72 – 1 liter plastic bottles per bag; 48- 2 liter  
40 plastic bottles per bag; and 30-3-liter plastic bottles per bag, counting of each “Beverage Container”  
41 and providing dealer and redemptions centers records and proof of counts or shall provide refund  
42 value as indicated on each beverage container based on 240- 12 oz. cans per bag, 168- 16 oz aluminum  
43 cans and bottles and plastic bottles per bag, 144- 20 oz plastic bottles per bag, 72 – 1 liter plastic  
44 bottles per bag; 48- 2 liter plastic bottles per bag; and 30-3-liter plastic bottles per bag that distributor  
45 accepts from dealer or redemption centers.

46 SECTION 7. Section 323, of Chapter 94 of the General Laws, as appearing in the 1998 Official  
47 Edition, 4.05 “Refunds and Acceptance of Empty Beverages Containers”, (4) Rights of Redemption  
48 Centers. is hereby amended by adding the paragraph: “Acceptance of beverage containers from  
49 redemption centers, mother cartons, minimum 1 ml plastic bottle/can bags with fill lines to  
50 accommodate 240- 12 oz. cans per bag, 180- 16 oz aluminum cans and bottles and plastic bottles per  
51 bag, 144- 20 oz plastic bottles per bag, 72 – 1 liter plastic bottles per bag; 48- 2 liter plastic bottles per  
52 bag; and 30-3-liter plastic bottles per bag, counting of each “Beverage Container” and providing dealer  
53 and redemptions centers records and proof of counts or shall provide refund value as indicated on  
54 each beverage container based on 240- 12 oz. cans per bag, 168- 16 oz aluminum cans and bottles and  
55 plastic bottles per bag, 144- 20 oz plastic bottles per bag, 72 – 1 liter plastic bottles per bag; 48- 2 liter  
56 plastic bottles per bag; and 30-3-liter plastic bottles per bag that distributor accepts from dealer or  
57 redemption centers.

58 Section 8. Section 323(b) of Chapter 94 of the General Laws, as appearing in the Official Edition, is  
59 hereby amended by adding the paragraph to section 323(b): A dealer may refuse to redeem containers  
60 it sells if it has agreed to let a conveniently located licensed redemption center act as its agent for  
61 redeeming empty beverage containers. The dealer must also post a sign notifying the public that it no  
62 longer accepts them. Distributors have the obligation to pick up containers from the dealer they  
63 deliver to or from the licensed redemption center acting as the agent for the dealer that the distributor  
64 delivers to.

65 SECTION 9. Notwithstanding any other provision of this chapter to the contrary, 2 or more initiators  
66 of deposit may enter into a commingling agreement through which some or all of the beverage  
67 containers for which the initiators have initiated deposits may be commingled by dealers and operators  
68 of redemption centers as provided in this section.

69 An initiator of deposit that enters into a commingling agreement pursuant to this section shall  
70 permit any other initiator of deposit to become a party to that agreement on the same terms and  
71 conditions as the original agreement.

72 1. Commingling requirement. If initiators of deposit enter into a commingling agreement pursuant to  
73 this section, commingling of beverage containers must be by all containers of like product group,  
74 material and size. An initiator of deposit required to pick up beverage containers subject to a  
75 commingling agreement also shall pick up all other beverage containers subject to the same  
76 agreement. The initiator of deposit may not require beverage containers that are subject to a  
77 commingling agreement to be sorted separately by a dealer or redemption center.

78 2. Commingling of like materials. For purposes of this section, containers are considered to be  
79 of like materials if made up of one of the following:

80 A. Plastic; B. Aluminum; C. Metal other than aluminum; and D. Glass.

81 3. Commingling of like products. For purposes of this section, like products are those that  
82 are made up of one of the following: A. Beer, ale or other beverage produced by fermenting  
83 malt, B. Carbonated Soda; D. Flavored and unflavored water;

84 4. Registration of commingling agreements. Not later than 48 hours following the execution or  
85 amendment of a commingling agreement, including an amendment that adds an additional  
86 party to an existing agreement, the parties shall file a copy of the commingling agreement or  
87 amendment with the department.

88 SECTION 11. This act shall take effect on July first, two thousand and seven.