

# SENATE NO. 1987

## **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  
2 Official Edition, is hereby amended in 4.02 Definition of “Beverage”, Add after “soda  
3 water”: “flavored and unflavored water”.

4 SECTION 2. Section 323 of Chapter 94 of the General Laws, as so appearing, is hereby  
5 amended by 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, also must establish a Bottle Bill Oversight Committee to  
8 oversee and monitor the process of the bottle-bill as well as compiling revisions to the bottle-bill  
9 when necessary. This committee will consist of two (each) members who are dealers,  
10 redemption center operators and distributors.

11 SECTION 3. Section 323, paragraph (b), of Chapter 94 of the General Laws, as appearing in the  
12 1998 Official Edition, 4.05 “Refunds and Acceptance of Empty Beverages Containers” (2)  
13 Distributors Obligations. and (3) Bottler’s Obligations. is hereby amended by striking out the  
14 words “2.25 cents” and inserting in place thereof the words effective December 1 2006 three  
15 and a half cents (3.50) and December 1, 2007 three and three quarters cents (3.75); and placing  
16 the following sentence at the end of the paragraphs.. Said handling fee must be reviewed  
17 annually by the Secretary of the Executive Office on Environmental Affairs and will be adjusted  
18 accordingly with the consumer price index.

19 SECTION 4. Section 323 of Chapter 94 of the General Laws, as so appearing, is hereby  
20 amended by adding in line 73 after the word “twenty-seven.” the following:—  
21 At each location where persons tender containers for redemption, dealers and redemption  
22 centers shall conspicuously display a sign in letters that are at least one inch in height with the  
23 following information: “WARNING: Persons tendering containers for redemption that were not  
24 originally purchased in Massachusetts may be subject to a fine of the greater of one hundred  
25 dollars per container or twenty-five thousand dollars for each tender of containers. (G.L. c. 94,  
26 Section 327).”

27 SECTION 5. Section 326 of Chapter 94 of the General Laws, as so appearing, is hereby  
28 amended by inserting after the word “feasible” in line 29 the following paragraph: —  
29 The secretary shall file a report on implementation of the “Bottle Bill,” so-called, annually with  
30 the joint committee on energy, joint committee on natural resources and agriculture, and the  
31 house and senate committees on ways and means on or before December thirty-first of each  
32 year. The report shall contain, but not be limited to, information concerning state wide  
33 redemption rates of beverage containers as defined herein, an evaluation of the bottle bill  
34 program, and as necessary, suggestions to improve the program.

35 SECTION 6. Section 323, of Chapter 94 of the General Laws, as appearing in the 1998 Official  
36 Edition, 4.05 “Refunds and Acceptance of Empty Beverages Containers” (2) Distributors  
37 Obligation is hereby amended by adding the paragraph: “Acceptance of beverage containers  
38 from redemption centers, mother cartons, minimum 1 ml plastic bottle/can bags with fill lines  
39 to accommodate 240- 12 oz. cans per bag, 180- 16 oz aluminum cans and bottles and plastic  
40 bottles per bag, 144- 20 oz plastic bottles per bag, 72 – 1 liter plastic bottles per bag; 48- 2 liter  
41 plastic bottles per bag; and 30-3-liter plastic bottles per bag, counting of each “Beverage

42 Container” and providing dealer and redemptions centers records and proof of counts or shall  
43 provide refund value as indicated on each beverage container based on 240- 12 oz. cans per  
44 bag, 168- 16 oz aluminum cans and bottles and plastic bottles per bag, 144- 20 oz plastic  
45 bottles per bag, 72 – 1 liter plastic bottles per bag; 48- 2 liter plastic bottles per bag; and 30-3-  
46 liter plastic bottles per bag that distributor accepts from dealer or redemption centers.

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

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

64 up containers from the dealer they deliver to or from the licensed redemption center acting as  
65 the agent for the dealer that the distributor delivers to.

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

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

73 1. Commingling requirement. If initiators of deposit enter into a commingling agreement  
74 pursuant to this section, commingling of beverage containers must be by all containers of like  
75 product group, material and size. An initiator of deposit required to pick up beverage containers  
76 subject to a commingling agreement also shall pick up all other beverage containers subject to  
77 the same agreement. The initiator of deposit may not require beverage containers that are  
78 subject to a commingling agreement to be sorted separately by a dealer or redemption center. 2.

79 Commingling of like materials. For purposes of this section, containers are considered to be of  
80 like materials if made up of one of the following: A. Plastic; B. Aluminum; C. Metal other than  
81 aluminum; and D. Glass.

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

85 4. Registration of commingling agreements. Not later than 48 hours following the execution or  
86 amendment of a commingling agreement, including an amendment that adds an additional party

87 to an existing agreement, the parties shall file a copy of the commingling agreement or  
88 amendment with the department.

89 SECTION 10. Section 323(c)-323(e), of Chapter 94 of the General Laws, as appearing in the  
90 1998 Official Edition, Add after all :”Abandoned Deposits” the wording: “ and Unclaimed  
91 Handling Fees”.

92 SECTION 11 This act shall take effect on December first, two thousand and six.