

An Act Updating 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:

SECTION 1

Section 321 of chapter 94 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words "carbonated soft drinks" the following words:-

"and noncarbonated non-alcoholic beverages in liquid form intended for human consumption, except beverages that are primarily derived from dairy products, infant formula, and FDA-approved medicines."

SECTION 2

Paragraph 3 of said section 321 of said chapter 94, as so appearing, is hereby amended by striking out the last sentence and inserting in place thereof the following sentence:-

This definition shall not include containers made of paper-based biodegradable material and aseptic multi-material packaging.

SECTION 3

Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of "Plastic bottle" the following definition:-

"Redemption Center", any business whose primary purpose is the redemption of beverage containers and which is not ancillary to any other business,

SECTION 4

Said section 321 of said chapter 94, as so appearing, is hereby further amended by inserting after the definition of "Reusable beverage container" the following definition:-

"Small dealer", any person or business, including any operator of a vending machine, who engages in the sale of beverages in beverage containers to consumers in the commonwealth, with a contiguous retail space of 3,000 square feet or less, exclusive of office and stock room space; and fewer than four (4) locations under the same ownership within the Commonwealth.

"Redemption Facility" any person or business who engages in the refund of deposits for beverage containers as described herein.

SECTION 5

Section 322 of said chapter 94, is hereby amended by inserting after section 322 the following sections:-

Section 322A: The Secretary shall review the refund value as referenced in section 322 every five (5) years and increase said amount to reflect the Consumer Price Index as reported by the U.S. Department of Labor, but in no case shall the refund value be less than five (5) cents.

Section 322B: The Secretary shall promulgate regulations which establish maximum acceptable container size.

SECTION 6

Section 323 of said chapter 94, as so appearing, is hereby amended by inserting before the first sentence of paragraph (e) the following sentence:-

The executive office of environmental affairs shall promulgate rules and regulations for the licensure of redemption centers, and may set fees for such licensing.

SECTION 7

Paragraph (c) of said section 323 of said chapter 94 of the General Laws, as so appearing, is hereby amended by striking out the words "one cent" and inserting in place thereof the words "three and one half cents" and by adding the following sentence:-

The handling fee shall be reviewed every four (4) years by the secretary of the executive office of energy and environmental affairs and adjustments made to reflect the Consumer Price Index as reported by the US Department of Labor as well as industry-specific increases or decreases in costs incurred by redemption facilities.

SECTION 8

Paragraph (d) of said section 323 of said chapter 94, as so appearing, is hereby amended by striking out the words "one cent" and inserting in place thereof the words "three and one half cents" and by adding the following sentence:-

The handling fee shall be reviewed every four 4 years by the secretary of the executive office of energy and environmental affairs and adjustments made to reflect the Consumer Price Index as reported by the US Department of Labor as well as industry-specific increases or decreases in costs incurred by redemption facilities.

SECTION 9

Said section 323 of said chapter 94, as so appearing, is hereby further amended by inserting after the word "civil", , in subsection (i) the words "or administrative".

SECTION 10

Said chapter 94 is hereby further amended by inserting after section 323E the following section:-

Section 323F. (a) There shall be established on the books of the commonwealth a separate fund to be known as the Clean Environment Fund. Amounts to be deposited in said Fund shall be used, subject to appropriation, for programs including but not limited to projects supporting the proper management of solid waste, water resource protection, parkland, urban forestry, air quality and climate protection; provided, however, that no funds shall be used for costs associated with incineration nor any process which disposes of solid waste by combustion or conversion to combustion fuels.

SECTION 11

Notwithstanding any general or special law to the contrary, the secretary of the executive office of energy and environmental affairs shall, on or before January 1, 2014, promulgate regulations providing small dealers as defined herein with the right to seek exemptions from accepting empty deposit containers. Said regulations shall consider at least the health and safety of the public; the convenience for the public, including standards governing distribution of centers by population or by distance or both, the size and storage capacity of the dealer(s) to be served by the redemption center and the size and storage capacity of the redemption center. The order

approving a local redemption center license must state the dealers to be served and the kinds, sizes and brand names of empty beverage containers that the center accepts.

SECTION 12

Section 323 of Chapter 94 of the General Laws, as so appearing, is hereby amended by adding in subsection(i) after the first instance of the word "twenty-seven." the following:—

At each location where persons tender containers for redemption, dealers and redemption centers shall conspicuously display a sign in letters that are at least one inch in height with the following information:— "WARNING: Any person who tenders to a dealer, distributor, redemption center or bottler more than ten cases of twenty-four empty beverage containers each, which he knows or has reason to know were not originally sold in the commonwealth as filled beverage containers, for the purpose of obtaining a refund value or handling fee, shall be subject to a civil penalty of the greater of one hundred dollars for each container or twenty-five thousand dollars for each tender of containers. (G.L. c. 94).

SECTION 13

Section 327 of said chapter 94 of the General Laws, as so appearing, is hereby amended by inserting after the first paragraph the following paragraphs:—

The department of environmental protection may enforce the provisions of section 321; paragraphs (a) through (f), inclusive, of section 322; paragraph (i) of section 323; section 323A; section 323F; section 324 and section 325. Any bottler, distributor, redemption center, or dealer who violates any of the foregoing provisions shall be subject to an administrative penalty for each violation of not more than \$1,000.

The department of revenue may enforce the provisions of paragraphs (g) and (h) of section 323 and sections 323B to 323E, inclusive. Any bottler, distributor, redemption center, or dealer who violates any of the foregoing provisions shall be subject to an administrative penalty for each violation of not more than \$1,000.

SECTION 14

Said section 327 of said chapter 94 of the General Laws, as so appearing, is hereby further amended by inserting after the word "civil", in line 14, the words "or administrative".

SECTION 15

This act shall take effect on April 22, 2014.