

HOUSE No. 3684

The Commonwealth of Massachusetts

PRESENTED BY:

Josh S. Cutler

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 relative to containers, litter, ecology and nips (CLEAN Act).

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/6/2023</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/23/2023</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>1/25/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>1/30/2023</i>
<i>Brian M. Ashe</i>	<i>2nd Hampden</i>	<i>2/1/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/2/2023</i>
<i>Tricia Farley-Bouvier</i>	<i>2nd Berkshire</i>	<i>2/8/2023</i>
<i>Edward R. Philips</i>	<i>8th Norfolk</i>	<i>2/9/2023</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>2/22/2023</i>

HOUSE No. 3684

By Representative Cutler of Pembroke, a petition (accompanied by bill, House, No. 3684) of Josh S. Cutler and others for legislation to include nip bottles and certain other containers in the bottle law. Telecommunications, Utilities and Energy.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3284 OF 2021-2022.]

The Commonwealth of Massachusetts

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

An Act relative to containers, litter, ecology and nips (CLEAN Act).

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 2018
2 Official Edition, is hereby amended by striking out the definitions of “Beverage” and “Beverage
3 container” and inserting in place thereof the following 2 definitions:-

4 “Beverage”, soda water or similar carbonated soft drinks, mineral water, beer and other
5 malt beverages and alcoholic beverages sold in a miniature, but shall not include alcoholic
6 beverages other than beer and malt beverages as defined in chapter 138 and alcoholic beverages
7 sold in a miniature, dairy products, natural fruit juices or wine.

8 “Beverage container”, any sealable bottle, can, jar or carton which is primarily composed
9 of glass, metal, plastic or any combination of those materials and is produced for the purpose of

10 containing a beverage, including a miniature. This definition shall not include containers made of
11 biodegradable material. The department of environmental protection may adopt regulations to
12 further define beverage container.

13 SECTION 2. Said section 321 of said chapter 94, as so appearing, is hereby further
14 amended by inserting after the definition of “Label” the following definition:-

15 “Miniature”, any sealable bottle, can, jar or carton which is primarily composed of glass,
16 metal, plastic or any combination of those materials that has a capacity of not more than 100
17 milliliters and is produced for the purpose of containing an alcoholic beverage.

18 SECTION 3. Subsection (c) of section 323 of said chapter 94, as so appearing, is hereby
19 amended by striking out the words “one cent”, in line 13, and inserting in place thereof the
20 following figure:- 3 cents.

21 SECTION 4. Subsection (d) of said section 323 of said chapter 94, as so appearing, is
22 hereby amended by striking out the words “one cent”, in line 20, and inserting in place thereof
23 the following figure:- 3 cents.

24 SECTION 5. Subsection (e) of said section 323 of said chapter 94, as so appearing, is
25 hereby amended by striking out the words “one cent”, in line 37, and inserting in place thereof
26 the following figure:- 3 cents.

27 SECTION 6. Said chapter 94 is hereby amended by inserting after section 323E the
28 following section:-

29 Section 323F. No political subdivision of the commonwealth shall enact an ordinance or
30 by-law prohibiting the sale of miniatures; provided, however, that a city or town, which has

31 adopted an ordinance or by-law prohibiting the sale of miniatures pursuant to the authority
32 conferred upon such city or town by general law or special act prior to the effective date of this
33 section may continue to exercise such authority, and this section shall not be construed to restrict
34 the authority of any such city or town to amend or repeal any ordinance or by-law in accordance
35 with the provisions of such special act.