

**Senate Study Bill 1196 - Introduced**

SENATE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE ON  
NATURAL RESOURCES AND  
ENVIRONMENT BILL BY  
CHAIRPERSON SWEENEY)

**A BILL FOR**

1 An Act providing for the implementation of battery stewardship  
2 plans, making appropriations, and providing penalties.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

unofficial

1 Section 1. Section 22.7, Code 2025, is amended by adding the  
2 following new subsection:

3 NEW SUBSECTION. 76. Proprietary information obtained by the  
4 department of natural resources pursuant to section 455D.10A.

5 Sec. 2. Section 455D.10A, Code 2025, is amended by striking  
6 the section and inserting in lieu thereof the following:

7 **455D.10A Battery stewardship.**

8 1. *Definitions.*

9 a. "Battery-containing product" means a product that contains  
10 or is packaged with a covered battery. "Battery-containing  
11 product" does not include computers, small-scale servers,  
12 computer monitors, electronic keyboards and mice, printers, fax  
13 machines, scanners, televisions, digital video disc players and  
14 recorders, video cassette recorders, digital converter boxes,  
15 cable receivers, satellite receivers, portable digital music  
16 players, or video game consoles.

17 b. "Battery stewardship organization" means a producer that  
18 directly implements a plan approved by the department under this  
19 section or a nonprofit organization designated by a producer or  
20 group of producers to implement such a plan.

21 c. "Collection rate" means the percentage calculated by  
22 dividing the total weight of covered batteries collected in the  
23 state by a battery stewardship organization in a calendar year by  
24 the average annual weight of covered batteries estimated to have  
25 been sold in the state by all producers during that same calendar  
26 year and the previous two calendar years.

27 d. "Collection site" means a designated location that is  
28 approved under a battery stewardship plan where portable  
29 batteries or medium format batteries may be dropped off by  
30 members of the public. Collection sites shall be operated  
31 in accordance with the applicable requirements of a battery  
32 stewardship organization's approved battery stewardship plan.  
33 However, collection sites are independent of the battery  
34 stewardship organizations.

35 e. "Covered battery" means a portable battery or a medium

1 format battery. "Covered battery" does not include any of the  
2 following:

3 (1) A battery contained in a medical device that is regulated  
4 under the federal Food, Drug, and Cosmetic Act, 21 U.S.C. §301 et  
5 seq., and that is not designed or marketed for sale or resale at  
6 retail locations for personal use.

7 (2) A battery that contains an electrolyte as a free liquid  
8 or a product that contains such a battery.

9 (3) A lead acid battery or a product that contains such a  
10 battery.

11 (4) A battery that is a component of a motor vehicle or that  
12 is intended for use exclusively in motor vehicles.

13 (5) A battery in a product that is not intended or designed  
14 to be easily removed by the user with no more than commonly used  
15 household tools.

16 *f.* "Medium format battery" means any of the following:

17 (1) For batteries that are not capable of being recharged, a  
18 battery that weighs more than four and four-tenths pounds but not  
19 more than twenty-five pounds.

20 (2) For rechargeable batteries, a battery that weighs more  
21 than eleven pounds, or that has a rating of more than three  
22 hundred watt-hours, or both, but that does not weigh more than  
23 twenty-five pounds or have a rating of more than two thousand  
24 watt-hours.

25 *g.* "Plan" means the battery stewardship plan.

26 *h.* "Portable battery" means any of the following:

27 (1) For batteries that are not capable of being recharged, a  
28 battery that weighs no more than four and four-tenths pounds.

29 (2) For rechargeable batteries, a battery that weighs no more  
30 than eleven pounds and that has a rating of no more than three  
31 hundred watt-hours.

32 *i.* "Primary battery" means a battery that is not capable of  
33 being recharged.

34 *j.* (1) "Producer" means a person that sells, offers  
35 for sale, or distributes for sale a covered battery or

1 battery-containing product in or into the state in accordance  
2 with the following:

3 (a) If the covered battery or battery-containing product is  
4 sold under a brand of the battery's or product's manufacturer,  
5 the person that manufactures the battery or product.

6 (b) If the covered battery or battery-containing product is  
7 sold under a retail brand or under a brand owned by a person  
8 other than the battery's or product's manufacturer, the person  
9 that owns the brand.

10 (c) If subparagraph divisions (a) and (b) do not apply,  
11 the person that is the licensee of a brand or trademark under  
12 which the covered battery or battery-containing product is sold,  
13 offered for sale, or distributed for sale in or into this state,  
14 regardless of whether the trademark is registered in this state.

15 (d) If subparagraph divisions (a) through (c) do not apply  
16 to any person within the United States, the person that is the  
17 importer of record for the covered battery or battery-containing  
18 product into the United States for the purpose of selling,  
19 offering for sale, or distributing for sale the battery or  
20 product in or into this state.

21 (e) If subparagraph divisions (a) through (d) do not apply to  
22 any person with a commercial presence in this state, the person  
23 who first sells, offers for sale, or distributes for sale the  
24 covered battery or battery-containing product in or into this  
25 state.

26 (2) "Producer" does not include a person that only sells,  
27 offers for sale, or distributes for sale a battery-containing  
28 product if the battery is supplied by another producer that is  
29 directly implementing a plan approved by the department under  
30 this section or that has designated a nonprofit organization to  
31 implement such a plan.

32 k. "Rechargeable battery" means a battery that contains one  
33 or more voltaic or galvanic cells electrically connected to  
34 produce electric energy and that is designed to be recharged.

35 l. "Recycling" means preparing batteries for use in

1 manufacturing processes or for recovery of usable materials and  
2 delivering the materials for use. Recycling does not include  
3 destruction by incineration or other processes or land disposal  
4 of recyclable materials and does not include reuse, repair, or  
5 any other process through which batteries are returned in their  
6 original form.

7     *m.* "Recycling efficiency rate" means the percentage  
8 calculated by dividing the weight of components and materials  
9 recycled by a battery stewardship organization by the weight  
10 of covered batteries collected by the battery stewardship  
11 organization.

12     *n.* "Retailer" means a person that sells or offers for sale a  
13 covered battery in or into this state.

14     2. *Prohibitions.*

15     *a.* On and after January 1, 2028, a producer or retailer shall  
16 not sell, offer for sale, or distribute for sale in or into the  
17 state any covered battery or battery-containing product unless  
18 the producer of the covered battery or battery-containing product  
19 is operating under a plan approved by the department under this  
20 section. This paragraph does not apply to a retailer if the  
21 internet site maintained by the department under subsection 8  
22 lists, as of the date a battery or product is made available for  
23 retail sale, the producer or brand of the battery or product as  
24 being covered by a plan approved under this section.

25     *b.* On and after January 1, 2028, a producer or retailer  
26 shall not sell, offer for sale, or distribute for sale in or  
27 into the state any covered battery or battery-containing product  
28 unless the covered battery or battery in the battery-containing  
29 product is marked with an identification of the producer of the  
30 battery. This paragraph does not apply if the battery is less  
31 than one-half inch in diameter or does not contain a surface with  
32 a length that exceeds one-half inch.

33     *c.* On and after January 1, 2029, a producer or retailer  
34 shall not sell, offer for sale, or distribute for sale in or  
35 into the state any covered battery or battery-containing product

1 unless the covered battery or battery in the battery-containing  
2 product is marked to ensure proper collection and recycling  
3 by identifying the chemistry of the battery and including  
4 an indication that the battery should not be disposed of as  
5 household waste.

6 d. A producer, retailer, or battery stewardship organization  
7 shall not charge a point-of-sale fee to consumers to cover the  
8 costs of implementing a plan approved under this section.

9 3. *Battery stewardship plan.*

10 a. By January 1, 2027, each producer shall submit a battery  
11 stewardship plan to the department for review. A plan submitted  
12 to the department shall have a term of no more than five years  
13 and shall include all of the following:

14 (1) The names and contact information for each producer  
15 covered under the plan.

16 (2) The brands of all of the covered batteries that the  
17 producer sells, offers for sale, or distributes for sale in or  
18 into this state. All such brands shall be covered by the plan.

19 (3) Performance goals under the plan, and a process for  
20 achieving these goals. Performance goals shall include target  
21 collection rates for rechargeable batteries and for batteries  
22 that are not capable of being recharged; target recycling  
23 efficiency rates of at least sixty percent for rechargeable  
24 batteries and seventy percent for batteries that are not capable  
25 of being recharged; and goals for public awareness, convenience,  
26 and accessibility. The collection rate goals for each of the  
27 first three years of implementation of the battery stewardship  
28 organization's approved plan shall be based on the estimated  
29 total weight of covered batteries that have been sold in this  
30 state in the previous three calendar years by the producers  
31 participating in the plan.

32 (4) A process for making retailers aware of the requirement  
33 under subsection 2.

34 (5) Consumer awareness goals and a description of the  
35 education and outreach strategy that the battery stewardship

1 organization will implement to promote participation in the  
2 organization's approved plan and to provide information necessary  
3 for the effective participation of consumers, retailers, and  
4 others.

5 (6) A process for making available to collection sites, for  
6 voluntary use, signage, written materials, and other promotional  
7 materials to inform consumers of the available end-of-life  
8 management options for covered batteries collected under the  
9 battery stewardship organization's approved plan.

10 (7) Collection site safety training procedures related to  
11 covered battery collection activities at collection sites,  
12 including a description of operating protocols to reduce risks  
13 of spills or fires, response protocols in the event of a spill or  
14 fire, and protocols for safe management of damaged batteries that  
15 are returned to collection sites.

16 (8) A method for fully funding the battery stewardship  
17 organization's approved plan in a manner that equitably  
18 distributes the plan's costs among the producers that are part  
19 of the battery stewardship organization; or, for producers that  
20 are not a member of a battery stewardship organization and that  
21 implement a plan individually, a method for fully funding the  
22 producer's approved plan.

23 (9) Provisions for collecting covered batteries at no cost,  
24 regardless of the brand or producer of the covered battery, on a  
25 continuous, convenient, visible, and accessible basis.

26 (10) The addresses of collection sites that will accept  
27 covered batteries under the plan, and the criteria used to  
28 determine whether an entity may serve as a collection site.

29 (11) The names of proposed service providers, including  
30 sorters, transporters, and processors, to be used for the final  
31 disposition of batteries.

32 (12) Provisions for recordkeeping, tracking, and documenting  
33 the management and disposition of collected covered batteries.

34 (13) An explanation for any delay anticipated by the battery  
35 stewardship organization in managing medium-format batteries.

1     **b.** A battery stewardship organization shall pay a fee of  
2 one hundred thousand dollars to the department upon approval  
3 of a plan under this section or on January 1, 2027, whichever  
4 is later, and a fee of one hundred thousand dollars annually  
5 thereafter. The annual fee amount shall be reviewed and, if  
6 necessary, adjusted every five years by the general assembly  
7 to ensure the department maintains adequate funding to fully  
8 complete the department's duties described in subsection 8. Fees  
9 paid under this paragraph shall be deposited into the battery  
10 stewardship account of the groundwater protection fund created in  
11 section 455E.11.

12     **c.** A battery stewardship organization shall submit a new plan  
13 to the department for approval no less than every five years.  
14 If the performance goals under the previously approved plan have  
15 not been met, the new plan shall include corrective measures to  
16 be implemented by the battery stewardship organization to meet  
17 those performance goals, which may include improvements to the  
18 collection site network or increased expenditures dedicated to  
19 education and outreach.

20     **d.** A battery stewardship organization shall provide plan  
21 amendments to the department for approval when proposing material  
22 changes to the approved plan.

23     **e.** A battery stewardship organization operating under a plan  
24 approved by the department under this section shall notify the  
25 department within thirty days of a producer beginning or ceasing  
26 participation in the battery stewardship organization, or within  
27 thirty days of adding or removing a processor or transporter  
28 under the approved plan.

29     **f.** The department may approve plans under this section from  
30 more than one battery stewardship organization. The department  
31 may approve plans that equitably share the costs, among other  
32 battery stewardship organizations, of implementing the parts of  
33 those plans that benefit such organizations.

34     **4. Cost and reimbursement.** A battery stewardship  
35 organization implementing a plan approved under this section

1 shall do all the following:

2 a. Be responsible for all costs associated with implementing  
3 the plan.

4 b. Reimburse local governmental units for demonstrable costs  
5 incurred as a result of a local government facility or solid  
6 waste facility serving as a collection site under the plan.

7 c. Collect charges from participating producers sufficient to  
8 cover the costs of implementation, including battery collection,  
9 transportation, and processing; education and outreach; program  
10 evaluation; and payment of the annual fee to the department under  
11 subsection 3, paragraph "b".

12 5. *Collection and management of covered batteries.*

13 a. A battery stewardship organization implementing a plan  
14 approved under this section shall do all of the following:

15 (1) Provide for the collection of all covered batteries from  
16 any person, regardless of the chemistry or brand of the battery,  
17 on a free, continuous, convenient, visible, and accessible basis.

18 (2) Provide to collection sites under the plan, at no cost to  
19 the sites, suitable collection containers for covered batteries  
20 that are segregated from other waste; or make alternative  
21 arrangements for the collection of such batteries at the site,  
22 with the agreement of the collection site.

23 (3) Ensure that medium format batteries are collected only  
24 at household hazardous waste collection sites or other staffed  
25 collection sites that meet applicable federal, state, and local  
26 requirements for managing medium format batteries.

27 (4) Provide for the collection of damaged and defective  
28 batteries, by persons trained to handle and ship such batteries,  
29 at collection sites and at each permanent household hazardous  
30 waste facility and each household hazardous waste collection  
31 event provided by the department. As used in this subparagraph,  
32 "damaged and defective batteries" means batteries that have been  
33 damaged or that have been identified by the manufacturer as being  
34 defective for safety reasons, and that have the potential to  
35 produce a dangerous evolution of heat, fire, or short circuit.

1 (5) Ensure statewide collection opportunities for all covered  
2 batteries.

3 (6) Coordinate activities with others, such as electronic  
4 waste recyclers and other plan operators, to provide efficient  
5 delivery of services and avoid unnecessary duplication of  
6 effort and expense. A battery stewardship organization shall  
7 use existing public and private waste collection services  
8 and facilities, transporters, consolidators, processors, and  
9 retailers, if cost effective, mutually agreeable, and otherwise  
10 practical.

11 (7) For portable batteries, provide all of the following no  
12 later than December 31, 2028:

13 (a) Permanent collection at all regional collection centers  
14 and satellite facilities, as defined under section 455F.1, that  
15 meet the operating requirements of an approved plan, unless the  
16 facility declines to participate as a permanent collection site  
17 for portable batteries.

18 (b) At least one permanent collection site within a  
19 fifteen-mile radius for at least ninety-five percent of state  
20 residents.

21 (8) For medium format batteries, provide all of the following  
22 no later than December 31, 2028:

23 (a) Permanent collection at all regional collection centers  
24 and satellite facilities, as defined under section 455F.1, that  
25 meet the operating requirements of an approved plan, unless the  
26 facility declines to participate as a permanent collection site  
27 for medium format batteries.

28 (b) At least ten permanent collection sites that are  
29 reasonably dispersed in this state.

30 (c) A collection event at least once every three years in  
31 each county that does not have a permanent collection site that  
32 must provide for the collection of all medium format batteries,  
33 including damaged and defective medium format batteries, as  
34 described in subparagraph (4).

35 (9) Use as a collection site or the site of a collection

1 event the location of any entity that meets the criteria for a  
2 collection site or collection event under an approved plan and  
3 that requests to serve as a collection site or collection event,  
4 up to the number of collection sites required to comply with  
5 subparagraphs (7) and (8).

6 b. A battery stewardship organization implementing a plan  
7 approved under this section may issue a warning to, suspend, or  
8 terminate a collection site or service that does not comply with  
9 the criteria under the approved plan or that poses an immediate  
10 concern to health and safety.

11 c. A battery stewardship organization is not required to  
12 provide for the collection of battery-containing products or  
13 covered batteries that remain contained in a battery-containing  
14 product at the time of delivery to a collection site or  
15 collection event. A battery stewardship organization shall  
16 collect recalled batteries. However, the battery stewardship  
17 organization may seek reimbursement from the producer of  
18 a recalled battery for the costs incurred in collecting,  
19 transporting, or processing such batteries.

20 6. *Education and outreach.*

21 a. A battery stewardship organization implementing a plan  
22 approved under this section shall do all of the following to  
23 promote the implementation of the plan:

24 (1) Develop and maintain an internet site.

25 (2) Develop and distribute periodic press releases and  
26 articles.

27 (3) Develop and place advertisements for use on social media  
28 accounts or other relevant media platforms.

29 (4) Develop promotional materials about the program and about  
30 the restriction on disposing covered batteries under subsection  
31 11.

32 (5) Develop and distribute collection site safety training  
33 procedures to collection sites to help ensure proper management  
34 of covered batteries at collection sites.

35 (6) Develop and implement outreach and educational resources

1 that are conceptually, linguistically, and culturally accurate  
2 for the communities served, including through meaningful  
3 consultation with communities that bear disproportionately higher  
4 levels of adverse environmental and social justice impacts.

5 (7) Provide consumer-focused educational materials to  
6 consumers, collection sites, manufacturers, distributors, and  
7 retailers to promote the collection and recycling of covered  
8 batteries.

9 (8) Provide safety information related to covered battery  
10 collection activities to the operator of each collection site  
11 used under the plan, including appropriate protocols to reduce  
12 risks of spills or fires, to respond to a spill or fire, and  
13 to manage collected damaged or defective batteries as defined in  
14 subsection 5, paragraph "a", subparagraph (4).

15 (9) Provide educational materials to the operator of each  
16 collection site used under the plan for the management of  
17 recalled batteries.

18 (10) Upon request by a retailer or other potential collection  
19 site, provide education materials describing collection  
20 opportunities for covered batteries.

21 (11) Coordinate with other battery stewardship organizations  
22 implementing a plan approved under this section, if applicable,  
23 in providing education and outreach under this subsection.

24 (12) Conduct a survey, during the first year of implementing  
25 an approved plan and every five years thereafter, of public  
26 awareness of the provisions of this section. The battery  
27 stewardship organization shall share the results of the surveys  
28 with the department.

29 7. *Annual reporting.*

30 a. No later than June 1, 2029, and each June 1 thereafter,  
31 a battery stewardship organization implementing a plan approved  
32 under this section shall submit to the department a report that  
33 contains all of the following:

34 (1) An independent financial assessment of implementing the  
35 plan, including a breakdown of the plan's expenses, such as

1 collection expenses, recycling expenses, education expenses, and  
2 overhead expenses.

3 (2) A summary financial statement documenting the financing  
4 of the plan and an analysis of plan costs and expenditures,  
5 including an analysis of the plan's expenses, such as collection,  
6 transportation, recycling, education, and administrative  
7 overhead. The summary financial statement shall be sufficiently  
8 detailed to provide transparency that funds collected from  
9 producers are spent on plan implementation in this state.

10 (3) The weight, by chemistry, of covered batteries collected  
11 under the plan.

12 (4) The weight of materials recycled from covered batteries  
13 collected under the plan, in total, and by method of battery  
14 recycling.

15 (5) A calculation of the recycling efficiency rate under the  
16 plan.

17 (6) A list of all facilities used in the processing or  
18 disposition of covered batteries under the plan and, for domestic  
19 facilities, a summary of any founded violations of environmental  
20 laws and regulations during the previous three years at each  
21 facility.

22 (7) For each facility used for the final disposition of  
23 covered batteries under the plan, a description of how the  
24 facility recycled or otherwise managed batteries and battery  
25 components.

26 (8) The weight and chemistry of covered batteries sent  
27 to each facility that is used for the final disposition of  
28 batteries. This information may be approximated based on  
29 extrapolations of national or regional data for programs in  
30 operation in multiple states.

31 (9) The collection rate achieved under the plan, including a  
32 description of how this collection rate was calculated and how it  
33 compares to the collection rate goals under the plan.

34 (10) The estimated aggregate sales, by weight and chemistry,  
35 of covered batteries, including covered batteries contained in

1 or packaged with battery-containing products, sold in this state  
2 by the battery stewardship organization's participating producers  
3 for each of the previous three calendar years.

4 (11) A description of how collected batteries were managed  
5 and recycled, including a discussion of the best available  
6 technologies and the recycling efficiency rate.

7 (12) A description of education and outreach efforts  
8 supporting plan implementation, including a summary of  
9 education and outreach provided to consumers, collection sites,  
10 manufacturers, distributors, and retailers to promote the  
11 collection and recycling of covered batteries; a description  
12 of how that education and outreach met the requirements of  
13 subsection 6; samples of education and outreach materials; a  
14 summary of coordinated education and outreach efforts with any  
15 other battery stewardship organizations implementing a plan  
16 approved under this section; and a summary of any changes made  
17 during the previous calendar year to education and outreach  
18 activities.

19 (13) A list of all collection sites and an address for each  
20 listed site, and an up-to-date map indicating the location of all  
21 collection sites used to implement the plan, with links to each  
22 collection site's internet site when available.

23 (14) A description of methods used to collect, transport, and  
24 recycle covered batteries under the plan.

25 (15) A summary of progress made toward the performance goals  
26 under the plan, and an explanation of why performance goals were  
27 not met, if applicable.

28 (16) An evaluation of the effectiveness of education and  
29 outreach activities.

30 (17) If a battery stewardship organization has disposed  
31 of covered batteries through energy recovery, incineration,  
32 or landfilling during the preceding calendar year of plan  
33 implementation, the steps that the battery stewardship  
34 organization will take to make the recycling of covered batteries  
35 cost-effective, when possible, or to otherwise increase battery

1 recycling efficiency rates achieved by the battery stewardship  
2 organization.

3     b. After five years of implementation of an approved  
4 battery stewardship plan, a battery stewardship organization  
5 or a producer member of such organization shall hire an  
6 independent third party to conduct a one-time audit of the  
7 plan and associated operations. The auditor shall examine the  
8 effectiveness of the battery stewardship plan in collecting and  
9 recycling covered batteries. The auditor shall also examine  
10 the cost-effectiveness of the plan and compare it to the  
11 cost-effectiveness of collection plans and programs for covered  
12 batteries in other jurisdictions. A copy of such audit shall be  
13 submitted to the department.

14     8. *Department duties.*

15     a. Within one hundred twenty days after receiving a proposed  
16 plan or proposed amendment under subsection 3, paragraph "a"  
17 or "d", including any time required for public comment under  
18 paragraph "b" of this subsection, the department shall approve,  
19 conditionally approve, or deny the plan or amendment. If the  
20 department denies the plan or amendment, the department shall  
21 notify the battery stewardship organization of the denial in  
22 writing and explain how the proposed plan or amendment does not  
23 comply with this section; the producer shall submit a revised  
24 plan or amendment or notice of plan withdrawal within sixty days  
25 of the denial; and the department shall approve or deny the  
26 revised plan or amendment within ninety days of resubmittal.

27     b. The department shall publish a notice in accordance with  
28 chapter 618, on its internet site, and shall provide notice,  
29 upon request, to interested persons, announcing the opportunity  
30 for written public comment on any proposed plan or amendment  
31 under subsection 3, paragraph "a" or "d". The department shall  
32 receive public comments on the proposed plan or amendment for  
33 a thirty-day period beginning on the date the department gives  
34 notice.

35     c. The department shall review annual reports submitted under

1 subsection 7 within ninety days after submission.

2 d. The department shall provide technical assistance to  
3 producers and retailers related to the requirements under this  
4 section.

5 e. Subject to paragraph "f", the department shall maintain on  
6 its internet site all of the following:

7 (1) A copy of all approved battery stewardship plans and any  
8 amendments to such plans.

9 (2) The names of producers with approved plans.

10 (3) A list of brands of covered batteries covered under an  
11 approved plan.

12 (4) A list of approved collection sites.

13 (5) Annual reports submitted to the department under  
14 subsection 7.

15 f. Proprietary information submitted to the department under  
16 this section is confidential pursuant to section 22.7 and shall  
17 not be open to public inspection and copying.

18 g. The department may adopt rules to implement and administer  
19 this section.

20 9. *Antitrust and unfair trade practices.* A producer,  
21 retailer, or battery stewardship organization is not liable for  
22 any claim of a violation of antitrust laws or laws relating to  
23 fraudulent, deceptive, or unfair methods of competition or trade  
24 practices arising from conduct that complies with an approved  
25 plan under this section.

26 10. *Independent battery collection.*

27 a. Nothing in this section prevents or prohibits a  
28 person from offering or performing a fee-based household  
29 collection program or a mail-back program for covered batteries  
30 independently of a plan under this section, if all of the  
31 following apply:

32 (1) The services are performed, and any facilities are  
33 operated in compliance with, all applicable federal, state, and  
34 local laws and requirements.

35 (2) All batteries collected by the person from customers in

1 this state are provided to a battery stewardship organization  
2 implementing a plan approved under this section.

3 (3) After providing collected batteries to a battery  
4 stewardship organization, any transport and processing of such  
5 batteries by the battery stewardship organization is done at the  
6 battery stewardship organization's expense.

7 11. *Individual battery disposal.*

8 a. On and after January 1, 2028, all of the following apply:

9 (1) A person may dispose of a covered battery only by  
10 delivery to a collection site or collection event operated  
11 under a plan approved under this section, unless the battery is  
12 separately managed as hazardous waste.

13 (2) A person shall not knowingly cause or allow the mixing of  
14 a covered battery with recyclable materials that are intended for  
15 processing and sorting at a material recovery facility.

16 (3) A person shall not knowingly cause or allow the mixing  
17 of a covered battery with municipal waste that is intended for  
18 disposal at a solid waste disposal site.

19 (4) A person shall not knowingly cause or allow the disposal  
20 of a covered battery in a landfill.

21 (5) A person shall not knowingly cause or allow the mixing  
22 of a covered battery with waste that is intended for burning or  
23 incineration.

24 (6) A person shall not knowingly cause or allow the burning  
25 or incineration of a covered battery.

26 b. An owner or operator of a solid waste facility shall not  
27 be found in violation of this section if the facility has posted  
28 in a conspicuous location a sign stating that covered batteries  
29 must be managed through collection sites established by a battery  
30 stewardship organization and are not accepted for disposal.

31 c. A solid waste collector shall not be found in violation of  
32 this section for a covered battery placed in a disposal container  
33 by a third party.

34 12. *Private right of action.* A battery stewardship  
35 organization that is implementing a plan approved under this

1 section may bring any of the following civil actions:

2     a. An action against one or more producers that sell or offer  
3 for sale batteries or battery-containing products in this state  
4 without an approved plan in violation of this section, to recover  
5 costs, damages, and fees, if the organization bringing the action  
6 has incurred costs of more than one thousand dollars to collect,  
7 transport, and recycle or otherwise dispose of covered batteries  
8 or battery-containing products produced by the producer operating  
9 without an approved plan.

10     b. An action against the producer of a covered battery that  
11 has been recalled, to recover costs associated with handling the  
12 recalled battery.

13     c. An action against another battery stewardship organization  
14 that is operating under an approved plan, to recover costs,  
15 including attorney fees, incurred as a result of that  
16 organization failing to meet its obligations under its approved  
17 plan.

18     13. *Penalties.*

19     a. Any person that violates a provision of this section,  
20 other than subsection 11, may be required to forfeit not more  
21 than ten thousand dollars for each violation, except that any  
22 person that fails to pay any fee under this section shall instead  
23 be liable for a civil penalty that is double the amount of the  
24 applicable fee.

25     b. A person who knowingly makes a false material statement  
26 to the department related to or required under this section is  
27 guilty of a class "D" felony.

28     c. The attorney general or the county attorney of any county  
29 in which a violation of this section occurs may, in addition to  
30 any other penalty, bring an action to enjoin any person from  
31 violating a provision of this section, other than subsection 11.

32     Sec. 3. Section 455E.11, subsection 2, Code 2025, is amended  
33 by adding the following new paragraph:

34     NEW PARAGRAPH. e. A battery stewardship account.

35     (1) The account shall consist of moneys appropriated to,

1 transferred to, or deposited in the account, including fees  
2 collected pursuant to section 455D.10A. Moneys in the account  
3 shall be expended to fulfill the department's duties under  
4 section 455.10A, subsection 8.

5 (2) The department shall submit to the general assembly,  
6 annually on or before January 1, a report that demonstrates how  
7 funds are being utilized to comply with the department's duties  
8 described in section 455D.10A, subsection 8, and an itemization  
9 of any other expenditures made within the previous fiscal year.

10 Sec. 4. REPEAL. Section 455D.10B, Code 2025, is repealed.

11 Sec. 5. ASSESSMENT OF BATTERY-CONTAINING PRODUCTS.

12 1. The department of natural resources shall review and  
13 evaluate studies and assessments conducted by executive branch  
14 agencies in the states of Illinois, Vermont, and Washington  
15 regarding whether products or batteries that are not subject  
16 to the provisions of section 455D.10A, as amended by this Act,  
17 should be covered at a later date. The department may review  
18 similar studies or assessments conducted by executive branch  
19 agencies in any other state or by any other person.

20 2. No later than May 30, 2028, the department of natural  
21 resources shall submit a report to the general assembly. The  
22 report shall include the findings and recommendations of any  
23 study or assessment reviewed by the department under this  
24 section. The report may include recommendations for legislation  
25 based on the department's evaluation of the studies and review of  
26 assessments.

27 EXPLANATION

28 The inclusion of this explanation does not constitute agreement with  
29 the explanation's substance by the members of the general assembly.

30 This bill provides for the implementation of battery  
31 stewardship plans and strikes current Code sections relating to  
32 household battery recycling requirements and batteries used in  
33 rechargeable consumer products.

34 The bill defines a "battery stewardship organization"  
35 (organization) as a producer that directly implements a battery

1 stewardship plan (plan) approved by the department of natural  
2 resources (DNR) under the bill or a nonprofit organization  
3 designated by a producer or group of producers to implement such  
4 a plan. The bill defines "covered battery" as a portable or  
5 medium format battery, with certain exceptions.

6 The bill prohibits any producer or retailer from selling,  
7 offering for sale, or distributing any covered batteries or  
8 battery-containing product in the state or into the state on and  
9 after January 1, 2028, unless the producer is operating under  
10 a plan approved by DNR pursuant to the bill and is marked with  
11 identification of the producer, with certain exceptions. On  
12 and after January 1, 2029, the batteries or battery-containing  
13 products must also be marked to ensure proper collection and  
14 recycling.

15 The bill prohibits producers, retailers, and battery  
16 stewardship organizations from charging a point-of-sale fee to  
17 consumers to cover the cost of implementing a plan approved  
18 pursuant to the bill.

19 The bill requires producers to submit a battery stewardship  
20 plan to DNR. The plan shall have a term of no more than five  
21 years and must include contact information; brands of covered  
22 batteries the producer sells; performance goals; processes and  
23 goals for retailer and consumer awareness; collection site  
24 safety training; funding methods; provisions for collecting  
25 covered batteries at no cost; addresses of collection sites  
26 that will accept covered batteries and the criteria used to  
27 determine the sites; names of proposed service providers to  
28 be used for the final disposition of batteries; provisions for  
29 recordkeeping, tracking, and the management and disposition of  
30 covered batteries; and explanations for any anticipated delays in  
31 managing medium format batteries.

32 The bill requires a battery stewardship organization to pay  
33 a fee of \$100,000 to DNR upon approval of a plan or on January  
34 1, 2027, whichever is later. The fees will be deposited into  
35 a battery stewardship account in the groundwater protection fund

1 and will be used to fulfill DNR's duties under the bill. The  
2 bill requires a fee adjustment by the general assembly every five  
3 years.

4 The bill requires each organization to submit a new plan  
5 every five years. If the performance goals under the previous  
6 plan were not met, the bill requires the new plan to include  
7 corrective measures to meet the goals. Additionally, an  
8 organization must provide plan amendments to DNR when proposing  
9 material changes to an already approved plan.

10 The bill requires an organization to notify DNR within 30  
11 days of a producer beginning or ceasing participation in the  
12 organization or adding or removing a processor or transporter.

13 The bill allows DNR to approve plans from multiple  
14 organizations and plans that equitably share costs among other  
15 organizations.

16 The bill requires an organization to be responsible for all  
17 costs associated with implementing the plan, reimburse local  
18 governments for costs incurred from serving as a collection site,  
19 collect charges from producers sufficient to cover the costs  
20 of implementation of the plan, provide for the collection of  
21 all covered batteries for any person, provide collection sites,  
22 ensure medium format batteries are collected correctly, provide  
23 for the collection of damaged and defective batteries, ensure  
24 statewide collection opportunities for all covered batteries, and  
25 coordinate with others to provide efficient delivery of service.

26 The bill requires an organization to provide permanent  
27 collection for portable and medium format batteries at all  
28 collection centers that meet the requirements of the plan  
29 by December 1, 2028, with certain exceptions. For portable  
30 batteries, the bill requires at least one permanent collection  
31 site within a 15-mile radius for at least 95 percent of  
32 residents. For medium format batteries, the bill requires at  
33 least 10 reasonably dispersed permanent collection sites in the  
34 state and a collection event at least once every three years in  
35 each county that does not have a permanent collection site.

1 The bill authorizes an organization to issue a warning,  
2 suspend, or terminate a collection site that does not comply with  
3 the criteria under an approved plan or that poses an immediate  
4 concern to health and safety.

5 The bill provides that organizations are not required to  
6 provide for the collection of battery-containing products or  
7 covered batteries that remain contained in battery-containing  
8 products. The bill requires an organization to collect recalled  
9 batteries, but the organization may seek reimbursement from the  
10 producer of the recalled batteries for costs incurred.

11 The bill requires an organization to promote the  
12 implementation of the organization's plan through specific  
13 methods provided in the bill, including marketing and education  
14 of the plan.

15 The bill requires each organization to submit a report to  
16 DNR by June 1, 2029, and each June 1 thereafter, that contains  
17 detailed information about the organization's approved plan.

18 The bill requires an organization to hire a third party to  
19 conduct an audit of a plan and associated operations five years  
20 after implementation of the plan to examine the effectiveness and  
21 cost-effectiveness of the plan. The result of the audit will be  
22 submitted to DNR.

23 The bill provides procedures DNR must follow after receiving  
24 approved plans, including timelines for approval or denial,  
25 public notice requirements, and public comment requirements.

26 The bill requires DNR to review the annual reports submitted  
27 within 90 days of submission.

28 The bill requires DNR to provide technical assistance to  
29 producers and retailers related to the requirements of the bill.

30 The bill requires DNR to maintain on its internet site a copy  
31 of all approved plans and amendments, names of the producers with  
32 approved plans, a list of brands of covered batteries covered  
33 under a plan, a list of approved collection sites, and annual  
34 reports submitted to DNR. The bill provides that proprietary  
35 information submitted to DNR shall not be available to the

1 public.

2 The bill authorizes DNR to adopt rules to implement and  
3 administer the bill.

4 The bill provides that a producer, retailer, or organization  
5 is not liable for any claim of a violation of antitrust laws  
6 or laws relating to fraudulent, deceptive, or unfair methods of  
7 competition or trade practices arising from conduct that complies  
8 with an approved plan under the bill.

9 The bill expounds that nothing in the bill prevents or  
10 prohibits a person from offering or performing a fee-based  
11 household collection program or a mail-back program for covered  
12 batteries independently of a plan under the bill if the program  
13 complies with all applicable federal, state, and local laws  
14 and requirements, the batteries collected are provided to an  
15 organization implementing an approved plan, and that after  
16 providing collected batteries to an organization, any transport  
17 and processing of such batteries is done at the organization's  
18 expense.

19 The bill provides that, beginning on January 1, 2028, a person  
20 may dispose of a covered battery only by delivery to a collection  
21 site or collection event operated under an approved plan, unless  
22 the battery is separately managed as hazardous waste.

23 The bill prohibits a person from knowingly causing or allowing  
24 the mixing of a covered battery with recyclable materials that  
25 are intended for processing and sorting at a material recovery  
26 facility, the mixing of a covered battery with municipal waste  
27 that is intended for disposal at a solid waste disposal site,  
28 the disposal of a covered battery in a landfill, the mixing  
29 of a covered battery with waste that is intended for burning  
30 or incineration, or the burning or incineration of a covered  
31 battery.

32 The bill provides that an owner or operator of a solid waste  
33 facility shall not be found in violation of the bill if the  
34 facility has posted in a conspicuous location a sign stating  
35 that covered batteries must be managed through collection sites

1 established by an organization and are not accepted for disposal.  
2 A solid waste collector shall not be found in violation of the  
3 bill for a covered battery placed in a disposal container by a  
4 third party.

5 The bill allows an organization implementing an approved plan  
6 to bring civil actions against producers or other organizations  
7 to recover costs, damages and fees incurred due to violations of  
8 the bill, battery recalls, or failures to meet obligations under  
9 an approved plan.

10 The bill provides that a violation of the bill, other than the  
11 provisions concerning individual battery disposal, is punishable  
12 by a fine of not more \$10,000 for each violation. If a fee is  
13 not paid, the person shall be liable for a civil penalty that is  
14 twice the amount of the applicable fee.

15 The bill provides that a person who knowingly makes a false  
16 material statement to DNR related to or required under the  
17 bill is guilty of a class "D" felony. A class "D" felony is  
18 punishable by confinement for no more than five years and a fine  
19 of at least \$1,025 but not more than \$10,245.

20 In addition to any other penalty, the bill authorizes the  
21 attorney general or the county attorney of any county in which  
22 a violation of the bill occurs to bring an action to enjoin  
23 any person from violating the bill, other than the provisions  
24 concerning individual battery disposal.

25 The bill creates a battery stewardship account in the  
26 groundwater protection fund that will consist of moneys  
27 appropriated to, transferred to, or deposited in the account,  
28 including fees collected pursuant to the bill. Moneys in the  
29 account shall be expended to fulfill DNR's duties under the bill.

30 The bill requires DNR to submit to the general assembly,  
31 annually on or before January 1, a report that demonstrates how  
32 funds are being utilized to comply with DNR's duties described in  
33 the bill and an itemization of any other expenditures made within  
34 the previous fiscal year.

35 The bill directs DNR to review and evaluate studies and

1 assessments conducted by executive branch agencies in the states  
2 of Illinois, Vermont, and Washington regarding whether products  
3 or batteries that are not covered by the bill should be covered  
4 at a later date. DNR may also review similar studies or  
5 assessments conducted by executive branch agencies in any other  
6 state or by any other person.

7 The bill requires DNR to submit a report to the general  
8 assembly no later than May 30, 2028, that includes the findings  
9 and recommendations of any study or assessment reviewed by DNR.  
10 The report may include recommendations for legislation based on  
11 DNR's evaluation of the studies and review of assessments.

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