

**Senate File 2477 - Introduced**

SENATE FILE 2477  
BY COMMITTEE ON APPROPRIATIONS

(SUCCESSOR TO SF 545)  
(SUCCESSOR TO SSB 1196)

(COMPANION TO HF 726 BY  
KNIFF MCCULLA)

**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:

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

3 NEW SUBSECTION. 76. Proprietary information obtained  
4 by the department of natural resources pursuant to section  
5 455D.10A.

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

8 **455D.10A Battery stewardship.**

9 1. *Definitions.*

10 a. *"Battery-containing product"* means a product  
11 that contains or is packaged with a covered battery.

12 *"Battery-containing product"* does not include computers,  
13 small-scale servers, computer monitors, electronic keyboards  
14 and mice, printers, fax machines, scanners, televisions,  
15 digital video disc players and recorders, video cassette  
16 recorders, digital converter boxes, cable receivers, satellite  
17 receivers, portable digital music players, or video game  
18 consoles.

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

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

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

1 stewardship organizations.

2 *e. "Covered battery"* means a portable battery or a medium  
3 format battery. *"Covered battery"* does not include any of the  
4 following:

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

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

11 (3) A lead acid battery or a product that contains such a  
12 battery.

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

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

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

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

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

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

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

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

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

34 *i. "Primary battery"* means a battery that is not capable of  
35 being recharged.

1     *j.* (1) "*Producer*" means a person that sells, offers  
2 for sale, or distributes for sale a covered battery or  
3 battery-containing product in or into the state in accordance  
4 with the following:

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

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

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

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

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

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

35     *k.* "*Rechargeable battery*" means a battery that contains one

1 or more voltaic or galvanic cells electrically connected to  
2 produce electric energy and that is designed to be recharged.

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

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

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

17     2. *Prohibitions.*

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

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

1 contain a surface with a length that exceeds one-half inch.

2     *c.* On and after January 1, 2029, a producer or retailer  
3 shall not sell, offer for sale, or distribute for sale in  
4 or into the state any covered battery or battery-containing  
5 product unless the covered battery or battery in the  
6 battery-containing product is marked to ensure proper  
7 collection and recycling by identifying the chemistry of the  
8 battery and including an indication that the battery should not  
9 be disposed of as household waste.

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

13     3. *Battery stewardship plan.*

14     *a.* By January 1, 2027, each producer shall submit a  
15 battery stewardship plan to the department for review. A plan  
16 submitted to the department shall have a term of no more than  
17 five years and shall include all of the following:

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

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

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

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

3 (5) Consumer awareness goals and a description of the  
4 education and outreach strategy that the battery stewardship  
5 organization will implement to promote participation in  
6 the organization's approved plan and to provide information  
7 necessary for the effective participation of consumers,  
8 retailers, and others.

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

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

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

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

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

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

1 (12) Provisions for recordkeeping, tracking, and  
2 documenting the management and disposition of collected covered  
3 batteries.

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

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

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

25 *d.* A battery stewardship organization shall provide plan  
26 amendments to the department for approval when proposing  
27 material changes to the approved plan.

28 *e.* A battery stewardship organization operating under a  
29 plan approved by the department under this section shall notify  
30 the department within thirty days of a producer beginning or  
31 ceasing participation in the battery stewardship organization,  
32 or within thirty days of adding or removing a processor or  
33 transporter under the approved plan.

34 *f.* The department may approve plans under this section from  
35 more than one battery stewardship organization. The department

1 may approve plans that equitably share the costs, among other  
2 battery stewardship organizations, of implementing the parts of  
3 those plans that benefit such organizations.

4 4. *Cost and reimbursement.* A battery stewardship  
5 organization implementing a plan approved under this section  
6 shall do all the following:

7 a. Be responsible for all costs associated with implementing  
8 the plan.

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

12 c. Collect charges from participating producers sufficient  
13 to cover the costs of implementation, including battery  
14 collection, transportation, and processing; education and  
15 outreach; program evaluation; and payment of the annual fee to  
16 the department under subsection 3, paragraph "b".

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

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

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

24 (2) Provide to collection sites under the plan, at no  
25 cost to the sites, suitable collection containers for covered  
26 batteries that are segregated from other waste; or make  
27 alternative arrangements for the collection of such batteries  
28 at the site, with the agreement of the collection site.

29 (3) Ensure that medium format batteries are collected only  
30 at household hazardous waste collection sites or other staffed  
31 collection sites that meet applicable federal, state, and local  
32 requirements for managing medium format batteries.

33 (4) Provide for the collection of damaged and defective  
34 batteries, by persons trained to handle and ship such  
35 batteries, at collection sites and at each permanent household

1 hazardous waste facility and each household hazardous waste  
2 collection event provided by the department. As used in this  
3 subparagraph, "*damaged and defective batteries*" means batteries  
4 that have been damaged or that have been identified by the  
5 manufacturer as being defective for safety reasons, and that  
6 have the potential to produce a dangerous evolution of heat,  
7 fire, or short circuit.

8 (5) Ensure statewide collection opportunities for all  
9 covered batteries.

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

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

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

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

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

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

35 (b) At least ten permanent collection sites that are

1 reasonably dispersed in this state.

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

7 (9) Use as a collection site or the site of a collection  
8 event the location of any entity that meets the criteria for  
9 a collection site or collection event under an approved plan  
10 and that requests to serve as a collection site or collection  
11 event, up to the number of collection sites required to comply  
12 with subparagraphs (7) and (8).

13 b. A battery stewardship organization implementing a plan  
14 approved under this section may issue a warning to, suspend,  
15 or terminate a collection site or service that does not comply  
16 with the criteria under the approved plan or that poses an  
17 immediate concern to health and safety.

18 c. A battery stewardship organization is not required to  
19 provide for the collection of battery-containing products or  
20 covered batteries that remain contained in a battery-containing  
21 product at the time of delivery to a collection site or  
22 collection event. A battery stewardship organization shall  
23 collect recalled batteries. However, the battery stewardship  
24 organization may seek reimbursement from the producer of  
25 a recalled battery for the costs incurred in collecting,  
26 transporting, or processing such batteries.

27 6. *Education and outreach.*

28 a. A battery stewardship organization implementing a plan  
29 approved under this section shall do all of the following to  
30 promote the implementation of the plan:

31 (1) Develop and maintain an internet site.

32 (2) Develop and distribute periodic press releases and  
33 articles.

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

1 (4) Develop promotional materials about the program and  
2 about the restriction on disposing covered batteries under  
3 subsection 11.

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

7 (6) Develop and implement outreach and educational  
8 resources that are conceptually, linguistically, and  
9 culturally accurate for the communities served, including  
10 through meaningful consultation with communities that bear  
11 disproportionately higher levels of adverse environmental and  
12 social justice impacts.

13 (7) Provide consumer-focused educational materials to  
14 consumers, collection sites, manufacturers, distributors, and  
15 retailers to promote the collection and recycling of covered  
16 batteries.

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

23 (9) Provide educational materials to the operator of each  
24 collection site used under the plan for the management of  
25 recalled batteries.

26 (10) Upon request by a retailer or other potential  
27 collection site, provide education materials describing  
28 collection opportunities for covered batteries.

29 (11) Coordinate with other battery stewardship  
30 organizations implementing a plan approved under this section,  
31 if applicable, in providing education and outreach under this  
32 subsection.

33 (12) Conduct a survey, during the first year of implementing  
34 an approved plan and every five years thereafter, of public  
35 awareness of the provisions of this section. The battery

1 stewardship organization shall share the results of the surveys  
2 with the department.

3 7. *Annual reporting.*

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

8 (1) An independent financial assessment of implementing the  
9 plan, including a breakdown of the plan's expenses, such as  
10 collection expenses, recycling expenses, education expenses,  
11 and overhead expenses.

12 (2) A summary financial statement documenting the  
13 financing of the plan and an analysis of plan costs and  
14 expenditures, including an analysis of the plan's expenses,  
15 such as collection, transportation, recycling, education, and  
16 administrative overhead. The summary financial statement shall  
17 be sufficiently detailed to provide transparency that funds  
18 collected from producers are spent on plan implementation in  
19 this state.

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

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

25 (5) A calculation of the recycling efficiency rate under the  
26 plan.

27 (6) A list of all facilities used in the processing or  
28 disposition of covered batteries under the plan and, for  
29 domestic facilities, a summary of any founded violations of  
30 environmental laws and regulations during the previous three  
31 years at each facility.

32 (7) For each facility used for the final disposition of  
33 covered batteries under the plan, a description of how the  
34 facility recycled or otherwise managed batteries and battery  
35 components.

1 (8) The weight and chemistry of covered batteries sent  
2 to each facility that is used for the final disposition of  
3 batteries. This information may be approximated based on  
4 extrapolations of national or regional data for programs in  
5 operation in multiple states.

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

9 (10) The estimated aggregate sales, by weight and  
10 chemistry, of covered batteries, including covered batteries  
11 contained in or packaged with battery-containing products,  
12 sold in this state by the battery stewardship organization's  
13 participating producers for each of the previous three calendar  
14 years.

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

18 (12) A description of education and outreach efforts  
19 supporting plan implementation, including a summary of  
20 education and outreach provided to consumers, collection sites,  
21 manufacturers, distributors, and retailers to promote the  
22 collection and recycling of covered batteries; a description  
23 of how that education and outreach met the requirements of  
24 subsection 6; samples of education and outreach materials; a  
25 summary of coordinated education and outreach efforts with any  
26 other battery stewardship organizations implementing a plan  
27 approved under this section; and a summary of any changes made  
28 during the previous calendar year to education and outreach  
29 activities.

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

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

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

4 (16) An evaluation of the effectiveness of education and  
5 outreach activities.

6 (17) If a battery stewardship organization has disposed  
7 of covered batteries through energy recovery, incineration,  
8 or landfilling during the preceding calendar year of plan  
9 implementation, the steps that the battery stewardship  
10 organization will take to make the recycling of covered  
11 batteries cost-effective, when possible, or to otherwise  
12 increase battery recycling efficiency rates achieved by the  
13 battery stewardship organization.

14 *b.* After five years of implementation of an approved  
15 battery stewardship plan, a battery stewardship organization  
16 or a producer member of such organization shall hire an  
17 independent third party to conduct a one-time audit of the  
18 plan and associated operations. The auditor shall examine the  
19 effectiveness of the battery stewardship plan in collecting and  
20 recycling covered batteries. The auditor shall also examine  
21 the cost-effectiveness of the plan and compare it to the  
22 cost-effectiveness of collection plans and programs for covered  
23 batteries in other jurisdictions. A copy of such audit shall  
24 be submitted to the department.

25 8. *Department duties.*

26 *a.* Within one hundred twenty days after receiving a proposed  
27 plan or proposed amendment under subsection 3, paragraph "a"  
28 or "d", including any time required for public comment under  
29 paragraph "b" of this subsection, the department shall approve,  
30 conditionally approve, or deny the plan or amendment. If the  
31 department denies the plan or amendment, the department shall  
32 notify the battery stewardship organization of the denial in  
33 writing and explain how the proposed plan or amendment does  
34 not comply with this section; the producer shall submit a  
35 revised plan or amendment or notice of plan withdrawal within

1 sixty days of the denial; and the department shall approve  
2 or deny the revised plan or amendment within ninety days of  
3 resubmittal.

4 *b.* The department shall publish a notice in accordance with  
5 chapter 618, on its internet site, and shall provide notice,  
6 upon request, to interested persons, announcing the opportunity  
7 for written public comment on any proposed plan or amendment  
8 under subsection 3, paragraph "a" or "d". The department shall  
9 receive public comments on the proposed plan or amendment for a  
10 thirty-day period beginning on the date the department gives  
11 notice.

12 *c.* The department shall review annual reports submitted  
13 under subsection 7 within ninety days after submission.

14 *d.* The department shall provide technical assistance to  
15 producers and retailers related to the requirements under this  
16 section.

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

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

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

22 (3) A list of brands of covered batteries covered under an  
23 approved plan.

24 (4) A list of approved collection sites.

25 (5) Annual reports submitted to the department under  
26 subsection 7.

27 *f.* Proprietary information submitted to the department under  
28 this section is confidential pursuant to section 22.7 and shall  
29 not be open to public inspection and copying.

30 *g.* The department may adopt rules to implement and  
31 administer this section.

32 9. *Antitrust and unfair trade practices.* A producer,  
33 retailer, or battery stewardship organization is not liable for  
34 any claim of a violation of antitrust laws or laws relating  
35 to fraudulent, deceptive, or unfair methods of competition or

1 trade practices arising from conduct that complies with an  
2 approved plan under this section.

3 10. *Independent battery collection.*

4 a. Nothing in this section prevents or prohibits a  
5 person from offering or performing a fee-based household  
6 collection program or a mail-back program for covered batteries  
7 independently of a plan under this section, if all of the  
8 following apply:

9 (1) The services are performed, and any facilities are  
10 operated in compliance with, all applicable federal, state, and  
11 local laws and requirements.

12 (2) All batteries collected by the person from customers in  
13 this state are provided to a battery stewardship organization  
14 implementing a plan approved under this section.

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

19 11. *Individual battery disposal.*

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

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

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

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

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

34 (5) A person shall not knowingly cause or allow the mixing  
35 of a covered battery with waste that is intended for burning or

1 incineration.

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

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

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

13 12. *Private right of action.* A battery stewardship  
14 organization that is implementing a plan approved under this  
15 section may bring any of the following civil actions:

16 a. An action against one or more producers that sell or  
17 offer for sale batteries or battery-containing products in this  
18 state without an approved plan in violation of this section, to  
19 recover costs, damages, and fees, if the organization bringing  
20 the action has incurred costs of more than one thousand dollars  
21 to collect, transport, and recycle or otherwise dispose of  
22 covered batteries or battery-containing products produced by  
23 the producer operating without an approved plan.

24 b. An action against the producer of a covered battery that  
25 has been recalled, to recover costs associated with handling  
26 the recalled battery.

27 c. An action against another battery stewardship  
28 organization that is operating under an approved plan, to  
29 recover costs, including attorney fees, incurred as a result  
30 of that organization failing to meet its obligations under its  
31 approved plan.

32 13. *Penalties.*

33 a. Any person that violates a provision of this section,  
34 other than subsection 11, may be required to forfeit not more  
35 than ten thousand dollars for each violation, except that any

1 person that fails to pay any fee under this section shall  
2 instead be liable for a civil penalty that is double the amount  
3 of the applicable fee.

4 *b.* A person who knowingly makes a false material statement  
5 to the department related to or required under this section is  
6 guilty of a class "D" felony.

7 *c.* The attorney general or the county attorney of any county  
8 in which a violation of this section occurs may, in addition to  
9 any other penalty, bring an action to enjoin any person from  
10 violating a provision of this section, other than subsection  
11 11.

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

14 NEW PARAGRAPH. *e.* A battery stewardship account.

15 (1) The account shall consist of moneys appropriated to,  
16 transferred to, or deposited in the account, including fees  
17 collected pursuant to section 455D.10A. Moneys in the account  
18 shall be expended to fulfill the department's duties under  
19 section 455.10A, subsection 8.

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

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

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

27 1. The department of natural resources shall review and  
28 evaluate studies and assessments conducted by executive branch  
29 agencies in the states of Illinois, Vermont, and Washington  
30 regarding whether products or batteries that are not subject  
31 to the provisions of section 455D.10A, as amended by this Act,  
32 should be covered at a later date. The department may review  
33 similar studies or assessments conducted by executive branch  
34 agencies in any other state or by any other person.

35 2. No later than May 30, 2028, the department of natural

1 resources shall submit a report to the general assembly.  
2 The report shall include the findings and recommendations  
3 of any study or assessment reviewed by the department under  
4 this section. The report may include recommendations for  
5 legislation based on the department's evaluation of the studies  
6 and review of assessments.

7 EXPLANATION

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

10 This bill provides for the implementation of battery  
11 stewardship plans and strikes current Code sections relating to  
12 household battery recycling requirements and batteries used in  
13 rechargeable consumer products.

14 The bill defines a "battery stewardship organization"  
15 (organization) as a producer that directly implements a battery  
16 stewardship plan (plan) approved by the department of natural  
17 resources (DNR) under the bill or a nonprofit organization  
18 designated by a producer or group of producers to implement  
19 such a plan. The bill defines "covered battery" as a portable  
20 or medium format battery, with certain exceptions.

21 The bill prohibits any producer or retailer from selling,  
22 offering for sale, or distributing any covered batteries or  
23 battery-containing product in the state or into the state on  
24 and after January 1, 2028, unless the producer is operating  
25 under a plan approved by DNR pursuant to the bill and is  
26 marked with identification of the producer, with certain  
27 exceptions. On and after January 1, 2029, the batteries or  
28 battery-containing products must also be marked to ensure  
29 proper collection and recycling.

30 The bill prohibits producers, retailers, and battery  
31 stewardship organizations from charging a point-of-sale fee to  
32 consumers to cover the cost of implementing a plan approved  
33 pursuant to the bill.

34 The bill requires producers to submit a battery stewardship  
35 plan to DNR. The plan shall have a term of no more than five

1 years and must include contact information; brands of covered  
2 batteries the producer sells; performance goals; processes and  
3 goals for retailer and consumer awareness; collection site  
4 safety training; funding methods; provisions for collecting  
5 covered batteries at no cost; addresses of collection sites  
6 that will accept covered batteries and the criteria used to  
7 determine the sites; names of proposed service providers to be  
8 used for the final disposition of batteries; provisions for  
9 recordkeeping, tracking, and the management and disposition of  
10 covered batteries; and explanations for any anticipated delays  
11 in managing medium format batteries.

12 The bill requires a battery stewardship organization to pay  
13 a fee of \$100,000 to DNR upon approval of a plan or on January  
14 1, 2027, whichever is later. The fees will be deposited into a  
15 battery stewardship account in the groundwater protection fund  
16 and will be used to fulfill DNR's duties under the bill. The  
17 bill requires a fee adjustment by the general assembly every  
18 five years.

19 The bill requires each organization to submit a new plan  
20 every five years. If the performance goals under the previous  
21 plan were not met, the bill requires the new plan to include  
22 corrective measures to meet the goals. Additionally, an  
23 organization must provide plan amendments to DNR when proposing  
24 material changes to an already approved plan.

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

28 The bill allows DNR to approve plans from multiple  
29 organizations and plans that equitably share costs among other  
30 organizations.

31 The bill requires an organization to be responsible for all  
32 costs associated with implementing the plan, reimburse local  
33 governments for costs incurred from serving as a collection  
34 site, collect charges from producers sufficient to cover the  
35 costs of implementation of the plan, provide for the collection

1 of all covered batteries for any person, provide collection  
2 sites, ensure medium format batteries are collected correctly,  
3 provide for the collection of damaged and defective batteries,  
4 ensure statewide collection opportunities for all covered  
5 batteries, and coordinate with others to provide efficient  
6 delivery of service.

7 The bill requires an organization to provide permanent  
8 collection for portable and medium format batteries at all  
9 collection centers that meet the requirements of the plan  
10 by December 1, 2028, with certain exceptions. For portable  
11 batteries, the bill requires at least one permanent collection  
12 site within a 15-mile radius for at least 95 percent of  
13 residents. For medium format batteries, the bill requires at  
14 least 10 reasonably dispersed permanent collection sites in the  
15 state and a collection event at least once every three years in  
16 each county that does not have a permanent collection site.

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

21 The bill provides that organizations are not required to  
22 provide for the collection of battery-containing products or  
23 covered batteries that remain contained in battery-containing  
24 products. The bill requires an organization to collect  
25 recalled batteries, but the organization may seek reimbursement  
26 from the producer of the recalled batteries for costs incurred.

27 The bill requires an organization to promote the  
28 implementation of the organization's plan through specific  
29 methods provided in the bill, including marketing and education  
30 of the plan.

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

34 The bill requires an organization to hire a third party to  
35 conduct an audit of a plan and associated operations five years

1 after implementation of the plan to examine the effectiveness  
2 and cost-effectiveness of the plan. The result of the audit  
3 will be submitted to DNR.

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

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

9 The bill requires DNR to provide technical assistance to  
10 producers and retailers related to the requirements of the  
11 bill.

12 The bill requires DNR to maintain on its internet site a copy  
13 of all approved plans and amendments, names of the producers  
14 with approved plans, a list of brands of covered batteries  
15 covered under a plan, a list of approved collection sites,  
16 and annual reports submitted to DNR. The bill provides that  
17 proprietary information submitted to DNR shall not be available  
18 to the public.

19 The bill authorizes DNR to adopt rules to implement and  
20 administer the bill.

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

26 The bill expounds that nothing in the bill prevents or  
27 prohibits a person from offering or performing a fee-based  
28 household collection program or a mail-back program for covered  
29 batteries independently of a plan under the bill if the program  
30 complies with all applicable federal, state, and local laws  
31 and requirements, the batteries collected are provided to an  
32 organization implementing an approved plan, and that after  
33 providing collected batteries to an organization, any transport  
34 and processing of such batteries is done at the organization's  
35 expense.

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

6 The bill prohibits a person from knowingly causing or  
7 allowing the mixing of a covered battery with recyclable  
8 materials that are intended for processing and sorting at a  
9 material recovery facility, the mixing of a covered battery  
10 with municipal waste that is intended for disposal at a solid  
11 waste disposal site, the disposal of a covered battery in a  
12 landfill, the mixing of a covered battery with waste that  
13 is intended for burning or incineration, or the burning or  
14 incineration of a covered battery.

15 The bill provides that an owner or operator of a solid waste  
16 facility shall not be found in violation of the bill if the  
17 facility has posted in a conspicuous location a sign stating  
18 that covered batteries must be managed through collection  
19 sites established by an organization and are not accepted  
20 for disposal. A solid waste collector shall not be found  
21 in violation of the bill for a covered battery placed in a  
22 disposal container by a third party.

23 The bill allows an organization implementing an approved  
24 plan to bring civil actions against producers or other  
25 organizations to recover costs, damages and fees incurred due  
26 to violations of the bill, battery recalls, or failures to meet  
27 obligations under an approved plan.

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

33 The bill provides that a person who knowingly makes a false  
34 material statement to DNR related to or required under the  
35 bill is guilty of a class "D" felony. A class "D" felony is

1 punishable by confinement for no more than five years and a  
2 fine of at least \$1,025 but not more than \$10,245.

3 In addition to any other penalty, the bill authorizes the  
4 attorney general or the county attorney of any county in which  
5 a violation of the bill occurs to bring an action to enjoin  
6 any person from violating the bill, other than the provisions  
7 concerning individual battery disposal.

8 The bill creates a battery stewardship account in the  
9 groundwater protection fund that will consist of moneys  
10 appropriated to, transferred to, or deposited in the account,  
11 including fees collected pursuant to the bill. Moneys in the  
12 account shall be expended to fulfill DNR's duties under the  
13 bill.

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

19 The bill directs DNR to review and evaluate studies and  
20 assessments conducted by executive branch agencies in the  
21 states of Illinois, Vermont, and Washington regarding whether  
22 products or batteries that are not covered by the bill should  
23 be covered at a later date. DNR may also review similar  
24 studies or assessments conducted by executive branch agencies  
25 in any other state or by any other person.

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