



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

HB2296

by Rep. Ann M. Williams

#### SYNOPSIS AS INTRODUCED:

415 ILCS 5/22.23

from Ch. 111 1/2, par. 1022.23

415 ILCS 5/22.23d new

Amends the Environmental Protection Act to prohibit lead-acid battery retailers from disposing of lead-acid batteries by delivery to a collection or recycling facility, unless that collection or recycling facility accepts lead-acid batteries. Prohibits the knowing mixing of lead-acid batteries with material intended for collection as a recyclable material by a hauler, and the knowing placement of a lead-acid battery into a container intended for collection and processing at a recycling center. Defines "rechargeable battery". Prohibits any person from knowingly disposing of a rechargeable battery, either as municipal waste or as a recyclable material. Denies home rule units from regulating the collection or disposal of rechargeable batteries. Requires the Agency to provide educational information regarding rechargeable batteries on its website. Requires the Agency to encourage the waste industry, recyclers, haulers, local governments, and other stakeholders to collaborate on educating the public regarding the collection and recycling of rechargeable batteries. Effective immediately.

LRB101 04552 CPF 49560 b

HOME RULE NOTE  
ACT MAY APPLY

A BILL FOR

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Environmental Protection Act is amended by  
5 changing Section 22.23 and by adding Section 22.23d as follows:

6 (415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)  
7 Sec. 22.23. Batteries.

8 (a) Beginning September 1, 1990, any person selling  
9 lead-acid batteries at retail or offering lead-acid batteries  
10 for retail sale in this State shall:

11 (1) accept for recycling used lead-acid batteries from  
12 customers, at the point of transfer, in a quantity equal to  
13 the number of new batteries purchased; and

14 (2) post in a conspicuous place a written notice at  
15 least 8.5 by 11 inches in size that includes the universal  
16 recycling symbol and the following statements: "DO NOT put  
17 motor vehicle batteries in the trash."; "Recycle your used  
18 batteries."; and "State law requires us to accept motor  
19 vehicle batteries for recycling, in exchange for new  
20 batteries purchased."

21 (b) Any person selling lead-acid batteries at retail in  
22 this State may either charge a recycling fee on each new  
23 lead-acid battery sold for which the customer does not return a

1 used battery to the retailer, or provide a recycling credit to  
2 each customer who returns a used battery for recycling at the  
3 time of purchasing a new one.

4 (c) Beginning September 1, 1990, no lead-acid battery  
5 retailer may dispose of a used lead-acid battery except by  
6 delivering it (1) to a battery wholesaler or its agent, (2) to  
7 a battery manufacturer, (3) to a collection or recycling  
8 facility that accepts lead-acid batteries, or (4) to a  
9 secondary lead smelter permitted by either a state or federal  
10 environmental agency.

11 (d) Any person selling lead-acid batteries at wholesale or  
12 offering lead-acid batteries for sale at wholesale shall accept  
13 for recycling used lead-acid batteries from customers, at the  
14 point of transfer, in a quantity equal to the number of new  
15 batteries purchased. Such used batteries shall be disposed of  
16 as provided in subsection (c).

17 (e) A person who accepts used lead-acid batteries for  
18 recycling pursuant to subsection (a) or (d) shall not allow  
19 such batteries to accumulate for periods of more than 90 days.

20 (f) Beginning September 1, 1990, no person may knowingly  
21 cause or allow:

22 (1) the placing of a lead-acid battery into any  
23 container intended for collection and disposal at a  
24 municipal waste sanitary landfill; or

25 (2) the disposal of any lead-acid battery in any  
26 municipal waste sanitary landfill or incinerator.

1       (f-5) Beginning January 1, 2020, no person shall knowingly  
2       mix a lead-acid battery with any other material intended for  
3       collection as a recyclable material by a hauler.

4       Beginning January 1, 2020, no person shall knowingly place  
5       a lead-acid battery into a container intended for collection by  
6       a hauler for processing at a recycling center.

7       (g) (Blank).

8       (h) For the purpose of this Section:

9       "Lead-acid battery" means a battery containing lead and  
10      sulfuric acid that has a nominal voltage of at least 6 volts  
11      and is intended for use in motor vehicles.

12      "Motor vehicle" includes automobiles, vans, trucks,  
13      tractors, motorcycles and motorboats.

14      (i) (Blank.)

15      (j) Knowing violation of this Section shall be a petty  
16      offense punishable by a fine of \$100.

17      (Source: P.A. 100-621, eff. 7-20-18.)

18      (415 ILCS 5/22.23d new)

19      Sec. 22.23d. Rechargeable batteries.

20      (a) "Rechargeable battery" means any dry cell battery  
21      containing an electrode composed of cadmium or lead, or any  
22      combination thereof, of any shape that is designed for reuse,  
23      and is capable of being recharged after repeated uses.

24      "Rechargeable battery" does not mean either of the  
25      following:

1           (1) Any dry cell battery that is used as the principal  
2           power source for transportation, including, but not  
3           limited to, automobiles, motorcycles, or boats.

4           (2) Any battery that is used only as a backup power  
5           source for memory or program instruction storage,  
6           timekeeping, or any similar purpose that requires  
7           uninterrupted electrical power in order to function if the  
8           primary energy supply fails or fluctuates momentarily.

9           (b) Beginning January 1, 2020, no person shall knowingly  
10          mix a rechargeable battery that is intended for disposal at a  
11          sanitary landfill with any other municipal waste.

12          (c) Beginning January 1, 2020, no person shall knowingly  
13          mix a rechargeable battery with any other material intended for  
14          collection as a recyclable material by a hauler.

15          Beginning January 1, 2020, no person shall knowingly place  
16          a rechargeable battery into a container intended for collection  
17          by a hauler for processing at a recycling center.

18          (d) A home rule unit may not regulate the collection or  
19          disposal of rechargeable batteries. This subsection is a denial  
20          and limitation of home rule powers and functions under  
21          subsection (g) of Section 6 of Article VII of the Illinois  
22          Constitution.

23          (e) The Agency shall include on its website information  
24          regarding the collection and recycling of rechargeable  
25          batteries and undertake other communications to educate the  
26          public regarding the collection and recycling of rechargeable

1 batteries.

2 The Agency shall encourage the waste industry, recyclers,  
3 haulers, local governments, and other stakeholders to  
4 collaborate on educating the public regarding the collection  
5 and recycling of rechargeable batteries.

6 Section 99. Effective date. This Act takes effect upon  
7 becoming law.