



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB5348

Introduced 2/9/2024, by Rep. Sharon Chung

SYNOPSIS AS INTRODUCED:

New Act

Creates the Portable Batteries Stewardship Act. Requires producers that are selling or distributing certain batteries to participate in a battery stewardship organization. Requires certain batteries to be marked with specified labeling for the purposes of later disposal. Provides for roles of retailers with respect to certain batteries. Prohibits retailers, producers, or battery stewardship organizations from charging a specific point-of-sale fee to consumers. Describes reporting and plan approval requirements. Provides that battery stewardship organizations must develop a system to collect charges from participating producers to cover expenses and duties of battery stewardship organizations. Provides for specified collection containers and locations for specified batteries. Provides that battery stewardship organizations must provide certain permanent collection sites and meet other requirements. Provides for use of existing waste collection services and facilities where practicable. Provides for educational and outreach requirements. Provides for an annual fee to the Agency to be deposited into the Solid Waste Management Fund. Describes responsibilities of the Agency. Provides for a \$7,000 civil penalty for violations collected through a civil action brought by a State's Attorney or the Attorney General to be deposited into the Environmental Protection Trust Fund, as well as prohibitory or mandatory injunctive relief. Creates a Class 4 felony for fraud related to the Act. Sets requirements for battery disposal and collection. Prohibits certain types of battery disposal and collection. Provides for battery stewardship organizations to complete an assessment for the purposes of identifying any required adjustments to the program. Grants immunity to certain organizations from antitrust requirements and related laws. Grants rulemaking powers to the Agency. Contains other provisions. States findings and purposes. Defines terms. Effective immediately.

LRB103 39024 BDA 69161 b

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 1. Short title. This Act may be cited as the
5 Illinois Portable Batteries Stewardship Act.

6 Section 5. Findings and purpose. The General Assembly
7 finds that:

8 (1) It is in the public interest of the citizens of
9 Illinois to encourage the recovery and reuse of materials,
10 such as metals, that replace the output of mining and
11 other extractive industries.

12 (2) Without a dedicated battery stewardship program,
13 battery user confusion regarding proper disposal options
14 will continue to persist.

15 (3) Ensuring the proper handling, recycling, and
16 end-of-life management of used batteries prevents the
17 release of toxic materials into the environment and
18 removes materials from the waste stream that, if
19 mishandled, may present safety concerns to workers, such
20 as by igniting fires at solid waste handling facilities.
21 For this reason, batteries should not be placed into
22 commingled recycling containers or disposed of via
23 traditional garbage collection containers.

1 (4) Jurisdictions around the world have successfully
2 implemented battery stewardship laws that have helped
3 address the challenges posed by the end-of-life management
4 of batteries. Because it is difficult for customers to
5 differentiate between types and chemistries of batteries,
6 it is the best practice for battery stewardship programs
7 to collect all battery types and chemistries. Furthermore,
8 it is appropriate for larger batteries used in emerging
9 market sectors such as electric vehicles, solar power
10 arrays, and data centers to be managed to ensure
11 environmentally positive outcomes similar to those
12 achieved by a battery stewardship program, both because of
13 the potential economic value of large batteries used for
14 these purposes and the anticipated profusion of these
15 larger batteries as these market sectors mature.

16 Section 10. Definitions. As used in this Act:

17 "Agency" means the Illinois Environmental Protection
18 Agency.

19 "Battery-containing product" means a product that contains
20 or is packaged with rechargeable or primary batteries that are
21 covered batteries. A "battery-containing product" does not
22 include a covered electronic product under an approved plan
23 implemented under the Consumer Electronics Recycling Act.

24 "Battery stewardship organization" means a producer that
25 directly implements a battery stewardship plan required under

1 this Act or a nonprofit organization designated by a producer
2 or group of producers to implement a battery stewardship plan
3 required under this Act.

4 "Collection rate" means a percentage, by weight, that a
5 battery stewardship organization collects that is calculated
6 by dividing the total weight of primary and rechargeable
7 batteries collected during the previous calendar year by the
8 average annual weight of primary and rechargeable batteries
9 that were estimated to have been sold in the State by all
10 producers participating in an approved battery stewardship
11 plan during the previous 3 calendar years.

12 "Covered battery" means a portable battery or, beginning
13 January 1, 2028, a medium format battery. "Covered battery"
14 does not include:

15 (1) a battery contained within a medical device, as
16 specified in 21 U.S.C. 321(h) as it existed as of the
17 effective date of this Act, that is not designed and
18 marketed for sale or resale principally to consumers for
19 personal use;

20 (2) a battery that contains an electrolyte as a free
21 liquid;

22 (3) a lead-acid battery weighing greater than 11
23 pounds;

24 (4) a battery subject to the provisions of Section
25 22.23 of the Environmental Protection Act; and

26 (5) aA battery in a battery-containing product that is

1 not intended or designed to be easily removable from the
2 battery-containing product.

3 "Easily removable" means designed by the manufacturer to
4 be removable by the user of the product with no more than
5 commonly used household tools.

6 "Environmentally sound management practices" means
7 practices that: (a) comply with all applicable laws and rules
8 to protect workers, public health, and the environment; (b)
9 provide for adequate recordkeeping, tracking, and documenting
10 of the fate of materials within the State and beyond; and (c)
11 include comprehensive liability coverage for the battery
12 stewardship organization, including environmental liability
13 coverage that is commercially practicable.

14 "Large format battery" means:

15 (1) a rechargeable battery that weighs more than 25
16 pounds or has a rating of more than 2,000 watt-hours; or

17 (2) a primary battery that weighs more than 25 pounds.

18 "Medium format battery" means the following primary or
19 rechargeable covered batteries:

20 (1) for rechargeable batteries, a battery weighing
21 more than 11 pounds or has a rating of more than 300
22 watt-hours, or both, and no more than 25 pounds and has a
23 rating of no more than 2,000 watt-hours; and

24 (2) for primary batteries, a battery weighing more
25 than 4.4 pounds but not more than 25 pounds.

26 "Portable battery" means the following primary or

1 rechargeable covered batteries:

2 (1) for rechargeable batteries, a battery weighing no
3 more than 11 pounds and has a rating of no more than 300
4 watt-hours; and

5 (2) for primary batteries, a battery weighing no more
6 than 4.4 pounds.

7 "Primary battery" means a battery that is not capable of
8 being recharged.

9 "Producer" means the following person responsible for
10 compliance with requirements under this Act for a covered
11 battery or battery-containing product sold, offered for sale,
12 or distributed in or into this State:

13 (1) For covered batteries:

14 (A) if the battery is sold under the brand of the
15 battery manufacturer, the producer is the person that
16 manufactures the battery;

17 (B) if the battery is sold under a retail brand or
18 under a brand owned by a person other than the
19 manufacturer, the producer is the brand owner;

20 (C) if there is no person to which (A) or (B) of
21 this paragraph regarding covered batteries applies,
22 the producer is the person that is the licensee of a
23 brand or trademark under which the battery is used in a
24 commercial enterprise, sold, offered for sale, or
25 distributed in or into this State, whether or not the
26 trademark is registered in this State;

1 (D) if there is no person described in (A) through
2 (C) of this paragraph regarding covered batteries
3 within the United States, the producer is the person
4 who is the importer of record for the battery into the
5 United States for use in a commercial enterprise that
6 sells, offers for sale, or distributes the battery in
7 this State; or

8 (E) if there is no person described in (A) through
9 (D) of this paragraph regarding covered batteries with
10 a commercial presence within the State, the producer
11 is the person who first sells, offers for sale, or
12 distributes the battery in or into this State.

13 (2) For covered battery-containing products:

14 (A) if the battery-containing product is sold
15 under the brand of the product manufacturer, the
16 producer is the person that manufactures the product;

17 (B) if the battery-containing product is sold
18 under a retail brand or under a brand owned by a person
19 other than the manufacturer, the producer is the brand
20 owner;

21 (C) if there is no person to which (A) or (B) of
22 this paragraph regarding covered battery-containing
23 products applies, the producer is the person that is
24 the licensee of a brand or trademark under which the
25 product is used in a commercial enterprise, sold,
26 offered for sale, or distributed in or into this

1 State, whether or not the trademark is registered in
2 this State;

3 (D) if there is no person described in (A) through
4 (C) of this paragraph regarding covered
5 battery-containing products applies within the United
6 States, the producer is the person who is the importer
7 of record for the product into the United States for
8 use in a commercial enterprise that sells, offers for
9 sale, or distributes the product in this State;

10 (E) if there is no person described in (A) through
11 (D) of this paragraph regarding covered
12 battery-containing products with a commercial presence
13 within the State, the producer is the person who first
14 sells, offers for sale, or distributes the product in
15 or into this State; or

16 (F) a producer does not include any person who
17 only manufactures, sells, offers for sale,
18 distributes, or imports into the State a
19 battery-containing product if the only batteries used
20 by the battery-containing product are supplied by a
21 producer that has joined a registered battery
22 stewardship organization as the producer for that
23 covered battery under this Act. Such a producer of
24 covered batteries that are included in a
25 battery-containing product must provide written
26 certification of that membership to both the producer

1 of the covered battery-containing product and the
2 battery stewardship organization of which the battery
3 producer is a member.

4 A person is the "producer" of a covered battery or covered
5 battery-containing product sold, offered for sale, or
6 distributed in or into this State, except where another party
7 has contractually accepted responsibility as a responsible
8 producer and has joined a registered battery stewardship
9 organization as the producer for that covered battery or
10 covered battery-containing product under this Act.

11 "Program" means a program implemented by a battery
12 stewardship organization consistent with an approved battery
13 stewardship plan.

14 "Rechargeable battery" means a battery that contains one
15 or more voltaic or galvanic cells, electrically connected to
16 produce electric energy, designed to be recharged.

17 "Recycling" means transforming or remanufacturing waste
18 materials into usable or marketable materials for use other
19 than:

- 20 (1) combustion;
- 21 (2) incineration;
- 22 (3) energy generation;
- 23 (4) fuel production; or
- 24 (5) beneficial reuse in the construction and operation
25 of a solid waste landfill, including use of alternative
26 daily cover.

1 "Recycling efficiency rate" means the ratio of the weight
2 of covered battery components and materials recycled by a
3 program operator from covered batteries to the weight of those
4 covered batteries collected by the program operator.

5 "Retailer" means a person who sells covered batteries or
6 battery-containing products in or into this State or offers or
7 otherwise makes available covered batteries or
8 battery-containing products to a customer, including other
9 businesses, for use by a customer in this State.

10 Section 25. Requirement that producers implement a
11 stewardship plan. Beginning January 1, 2026:

12 (1) Each producer selling, making available for sale,
13 or distributing covered batteries or battery-containing
14 products in or into the State of Illinois shall
15 participate in an approved Illinois State battery
16 stewardship plan through participation in and appropriate
17 funding of a battery stewardship organization; and

18 (2) A producer that does not participate in a battery
19 stewardship organization and battery stewardship plan may
20 not sell covered batteries or battery-containing products
21 covered by this Act in or into Illinois.

22 Section 30. Role of Retailers.

23 (a) Beginning July 1, 2026, for portable batteries, and
24 July 1, 2028, for medium format batteries, a retailer may not

1 sell, offer for sale, distribute, or otherwise make available
2 for sale a covered battery or battery-containing product
3 unless the producer of the covered battery or
4 battery-containing product certifies to the retailer that the
5 producer participates in a battery stewardship organization
6 whose plan has been approved by the Agency.

7 (b) A retailer is in compliance with the requirements of
8 subsection (a) of this Section and is not subject to penalties
9 under Section 70 of this Act as long as the website made
10 available by the Agency under Section 65 of this Act lists, as
11 of the date a product is made available for retail sale, a
12 producer or brand of covered battery or battery-containing
13 product sold by the retailer as being a participant in an
14 approved plan or the implementer of an approved plan.

15 (c) Retailers of covered batteries or battery-containing
16 products are not required to make retail locations available
17 to serve as collection sites for a stewardship program
18 operated by a battery stewardship organization. Retailers that
19 serve as a collection site must comply with the requirements
20 for collection sites, consistent with Section 50 of this Act.

21 (d) A retailer may not sell, offer for sale, distribute,
22 or otherwise make available for sale covered batteries, unless
23 those batteries are marked consistent with the requirements of
24 Section 75 of this Act. A producer of a battery-containing
25 product containing a covered battery must certify to the
26 retailers of their product that the battery contained in the

1 battery-containing product is marked consistent with the
2 requirements of Section 75 of this Act. A retailer may rely on
3 this certification for purposes of compliance under this
4 subsection.

5 (e) A retailer selling or offering covered batteries or
6 battery-containing products for sale in Illinois may provide
7 information, provided to the retailer by the battery
8 stewardship organization, regarding available end-of-life
9 management options for covered batteries collected by the
10 battery stewardship organization. The information that a
11 battery stewardship organization must make available to
12 retailers for voluntary use by retailers must include, but is
13 not limited to, in-store signage, written materials, and other
14 promotional materials that retailers may use to inform
15 customers of the available end-of-life management options for
16 covered batteries collected by the battery stewardship
17 organization.

18 (f) Retailers, producers, or battery stewardship
19 organizations shall not charge a specific point-of-sale fee to
20 consumers to cover the administrative or operational costs of
21 the battery stewardship organization or the battery
22 stewardship program.

23 Section 35. Stewardship plan components.

24 (a) By July 1, 2025, each battery stewardship organization
25 must submit a plan for covered portable batteries to the

1 Agency for approval. By July 1, 2027, each battery stewardship
2 organization must submit a plan for covered medium format
3 batteries to the Agency for approval. A battery stewardship
4 organization may submit a plan at any time to the Agency for
5 review and approval. The Agency must review and may approve a
6 plan based on whether it contains and adequately addresses the
7 following components:

8 (1) lists and provides contact information for each
9 producer, battery brand, and battery-containing product
10 brand covered in the plan;

11 (2) proposes performance goals, consistent with
12 Section 40 of this Act, including establishing performance
13 goals for each of the next 3 upcoming calendar years of
14 program implementation;

15 (3) describes how the battery stewardship organization
16 will make retailers aware of their obligation to sell only
17 covered batteries and battery-containing products of
18 producers participating in an approved plan;

19 (4) describes the education and communications
20 strategy being implemented to effectively promote
21 participation in the approved covered battery stewardship
22 program and provide the information necessary for
23 effective participation of consumers, retailers, and
24 others;

25 (5) describes how the battery stewardship organization
26 will make available to collection sites, for voluntary

1 use, signage, written materials, and other promotional
2 materials that collection sites may use to inform
3 consumers of the available end-of-life management options
4 for covered batteries collected by the battery stewardship
5 organization;

6 (6) lists promotional activities to be undertaken, and
7 the identification of consumer awareness goals and
8 strategies that the program will employ to achieve these
9 goals after the program begins to be implemented;

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

17 (8) describes the method to establish and administer a
18 means for fully funding the program in a manner that
19 equitably distributes the program's costs among the
20 producers that are part of the battery stewardship
21 organization. For producers that elect to meet the
22 requirements of this Act individually, without joining a
23 battery stewardship organization, the plan must describe
24 the proposed method to establish and administer a means
25 for fully funding the program;

26 (9) describes the financing methods used to implement

1 the plan, consistent with Section 45 of this Act;

2 (10) describes how the program will collect all
3 covered battery chemistries and brands on a free,
4 continuous, convenient, visible, and accessible basis, and
5 consistent with the requirements of Section 50 of this
6 Act, including a description of how the statewide
7 convenience standard will be met and a list of collection
8 sites, including the address of collection sites;

9 (11) describes the criteria to be used in the program
10 to determine whether an entity may serve as a collection
11 site for discarded batteries under the program;

12 (12) establishes collection goals for each of the
13 first 3 years of implementation of the battery stewardship
14 plan that are based on the estimated total weight of
15 primary and rechargeable covered batteries that have been
16 sold in the State in the previous 3 calendar years by the
17 producers participating in the battery stewardship plan;

18 (13) identifies proposed sorters, transporters,
19 processors, and facilities to be used by the program for
20 the final disposition of batteries and how collected
21 batteries will be managed in an environmentally sound
22 manner at facilities operating with human health and
23 environmental protection standards that are broadly
24 equivalent to or better than those required in the United
25 States;

26 (14) details how the program will achieve a recycling

1 efficiency rate, calculated consistent with Section 60 of
2 this Act, of at least 60% for rechargeable batteries and
3 at least 70% for primary batteries; and

4 (15) proposes goals for increasing public awareness of
5 the program and describes how the public education and
6 outreach components of the program under Section 55 of
7 this Act will be implemented.

8 (b) The Agency shall review the stewardship plan for
9 compliance with this Act and shall approve, disapprove, or
10 conditionally approve the plan within 120 days of receipt of
11 the plan. If the Agency disapproves a stewardship plan
12 submitted by a battery stewardship organization, the Agency
13 shall explain how the stewardship plan does not comply with
14 this Act and provide written notice to the battery stewardship
15 organization within 30 days of disapproval. The battery
16 stewardship organization may resubmit to the Agency a revised
17 stewardship plan within 60 days of the date the written notice
18 was issued, and the Agency shall review the revised
19 stewardship plan within 90 days of resubmittal. If a revised
20 stewardship plan is disapproved by the Agency, a producer
21 operating under the stewardship plan shall not be in
22 compliance with this Act until the Agency approves a
23 stewardship plan submitted by a battery stewardship
24 organization that covers the producer's products.

25 (c) If required by the Agency, a battery stewardship
26 organization must submit a new plan to the Agency for

1 approval:

2 (1) if there are significant changes to the methods of
3 collection, transport, or end-of-life management of
4 covered batteries under Section 50 of this Act that are
5 not provided for in the plan, the Agency may identify the
6 types of significant changes that require a new plan to be
7 submitted to the Agency for approval; for purposes of this
8 subsection (c), adding or removing a processor or
9 transporter under the plan is not considered a significant
10 change that requires a plan resubmittal;

11 (2) to address the novel inclusion of medium format
12 batteries or large format batteries as covered batteries
13 under the plan; and

14 (3) no less than every 5 years.

15 (d) If required by the Agency, a battery stewardship
16 organization must provide plan amendments to the Agency for
17 approval:

18 (1) when proposing changes to the performance goals
19 under Section 40 of this Act based on the up-to-date
20 experience of the program;

21 (2) when there is a change to the method of financing
22 plan implementation under Section 45 of this Act. This
23 does not include changes to the fees or fee structure
24 established in the plan; or

25 (3) when adding or removing a processor or
26 transporter, as part of a quarterly update submitted to

1 the Agency.

2 (e) As part of a quarterly update, a battery stewardship
3 organization must notify the Agency after a producer begins or
4 ceases to participate in a battery stewardship organization.
5 The quarterly update submitted to the Agency must also include
6 a current list of the producers and brands participating in
7 the plan.

8 (f) No earlier than 5 years after the initial approval of a
9 plan, the Agency may require a battery stewardship
10 organization to submit a revised plan, which may include
11 improvements to the collection site network or increased
12 expenditures dedicated to education and outreach if the
13 approved plan has not met the performance goals under Section
14 40 of this Act.

15 Section 40. Stewardship program components; performance
16 goals.

17 (a) Each battery stewardship plan must include performance
18 goals that measure, on an annual basis, the achievements of
19 the program, including:

- 20 (1) the collection rate for batteries in Illinois;
21 (2) the recycling efficiency rate of the program; and
22 (3) public awareness of the program.

23 (b) The performance goals established in each battery
24 stewardship plan must include, but are not limited to:

- 25 (1) target collection rates for primary batteries and

1 for rechargeable batteries;

2 (2) target recycling efficiency rates of at least 60%
3 for rechargeable batteries and at least 70% for primary
4 batteries; and

5 (3) goals for public awareness, convenience, and
6 accessibility that meet or exceed the minimum requirements
7 established in Section 50 of this Act.

8 Section 45. Stewardship program components; funding.

9 (a) Each battery stewardship organization must ensure
10 adequate funding is available to fully implement approved
11 battery stewardship plans, including the implementation of
12 aspects of the plan addressing:

13 (1) battery collection, transporting, and processing;

14 (2) education and outreach;

15 (3) program evaluation; and

16 (4) payment of the administrative fees to the Agency
17 under Section 65 of this Act.

18 (b) A battery stewardship organization implementing a
19 battery stewardship plan on behalf of producers must develop,
20 and continually improve over the years of program
21 implementation a system to collect charges from participating
22 producers to cover the costs of plan implementation.

23 (c) Each battery stewardship organization is responsible
24 for all costs of participating covered battery collection,
25 transportation, processing, education, administration, agency

1 reimbursement, recycling, and end-of-life management in
2 accordance with the requirements of this Act and
3 environmentally sound management practices. Each battery
4 stewardship organization must meet the collection goals as
5 specified in Section 35 of this Act. A battery stewardship
6 organization is not authorized to reduce or cease collection,
7 education and outreach, or other activities implemented under
8 an approved plan based on achievement of program performance
9 goals.

10 (d) A battery stewardship organization must reimburse
11 local governments for demonstrable costs incurred as a result
12 of a local government facility or solid waste handling
13 facility serving as a collection site for a program including,
14 but not limited to, associated labor costs and other costs
15 associated with accessibility and collection site standards
16 such as storage. A battery stewardship organization shall, at
17 a minimum, provide collection sites with appropriate
18 containers for covered batteries subject to its program,
19 training, signage, safety guidance, and educational materials,
20 at no cost to the collection sites.

21 Section 50. Stewardship program components; collection and
22 management requirements.

23 (a) Battery stewardship organizations implementing a
24 battery stewardship plan must provide for the collection of
25 all covered batteries, including all chemistries and brands of

1 covered batteries, on a free, continuous, convenient, visible,
2 and accessible basis to any person, business, governmental
3 agency, or nonprofit organization. Except as provided in
4 subsection (b), paragraph (1) of this Section, each battery
5 stewardship plan must allow any person, business, governmental
6 agency, or nonprofit organization to discard each chemistry
7 and brand of covered battery at each collection site that
8 counts toward the satisfaction of the collection site criteria
9 in subsection (c) of this Section.

10 (b) For each collection site used by the program, each
11 battery stewardship organization must provide suitable
12 collection containers for covered batteries that are
13 segregated from other solid waste or make mutually agreeable
14 alternative arrangements for the collection of batteries at
15 the site. The location of collection containers at each
16 collection site used by the program must be within view of a
17 responsible person and must be accompanied by signage made
18 available to the collection site by the battery stewardship
19 organization that informs customers regarding the end-of-life
20 management options for batteries provided by the collection
21 site under this Act. Each collection site must meet applicable
22 federal, state, and local regulatory requirements and adhere
23 to the operations manual and other safety information provided
24 to the collection site by the battery stewardship
25 organization. Other relevant requirements are as follows:

26 (1) Medium format batteries may only be collected at

1 household hazardous waste collection sites or other
2 staffed collection sites that meet applicable federal,
3 state, and local regulatory requirements to manage medium
4 format batteries.

5 (2) Damaged and defective batteries are intended to be
6 collected at collection sites staffed by persons trained
7 to handle and ship those batteries.

8 (3) Each battery stewardship organization must provide
9 for collection of damaged and defective batteries in each
10 county of the State, either through collection sites or
11 collection events with qualified staff as specified in
12 paragraph (2) of this subsection (b). Collection events
13 should be provided periodically throughout the year if
14 practicable but must be provided at least once per year,
15 at a minimum, in each county in which there are not
16 permanent collection sites providing for the collection of
17 damaged and defective batteries.

18 (4) As used in this subsection (b), "damaged and
19 defective batteries" means batteries that have been
20 damaged or identified by the manufacturer as being
21 defective for safety reasons, that have the potential of
22 producing a dangerous evolution of heat, fire, or short
23 circuit, as referred to in 49 CFR 173.185(f) as of January
24 1, 2023, or as updated by the Agency by rule to maintain
25 consistency with federal standards.

26 (c) Each battery stewardship organization implementing a

1 battery stewardship plan shall ensure statewide collection
2 opportunities for all covered batteries. Battery stewardship
3 organizations shall coordinate activities with other program
4 operators, including covered battery collection and recycle
5 programs and electronic waste recyclers, with regard to the
6 proper management or recycling of collected covered batteries,
7 for purposes of providing the efficient delivery of services
8 and avoiding unnecessary duplication of effort and expense.
9 Statewide collection opportunities must be determined by
10 geographic information modeling that considers permanent
11 collection sites. A program may rely, in part, on collection
12 events to supplement the permanent collection services
13 required in this subsection (c) and paragraph (1) of this
14 subsection (c). However, only permanent collection services
15 specified in this subsection (c) and paragraph (1) of this
16 subsection (c) qualify toward the satisfaction of the
17 requirements of this subsection (c).

18 (1) For portable batteries, each battery stewardship
19 organization must provide statewide collection
20 opportunities that include, but are not limited to, the
21 provision of:

22 (A) at least one permanent collection site for
23 portable batteries within a 15-mile radius for at
24 least 95% of Illinois residents;

25 (B) at least one permanent collection site,
26 collection service, or collection event for portable

1 batteries in addition to those required in
2 subparagraph (A) of paragraph (1) of this subsection
3 (c) for every 30,000 residents of a county; and

4 (C) collection opportunities for portable
5 batteries at special locations where batteries are
6 often spent and replaced, such as supervised locations
7 at parks with stores and campgrounds.

8 (2) For medium format batteries, a battery stewardship
9 organization must provide statewide collection
10 opportunities that include, but are not limited to, the
11 provision of:

12 (A) at least 10 permanent collection sites in
13 Illinois during the initial 5-year plan period;

14 (B) reasonable geographic dispersion of collection
15 sites throughout the State;

16 (C) a permanent collection site in each county of
17 at least 200,000 persons, as determined by the most
18 recent population estimate of the office of financial
19 management; and

20 (D) service to areas without a permanent
21 collection site; a battery stewardship organization
22 must ensure that there is a collection event at least
23 once every 3 years in each county of the State which
24 does not have a permanent collection site; such
25 collection events must provide for the collection of
26 all medium format batteries, including damaged and

1 defective batteries.

2 (d) Battery stewardship programs must use existing public
3 and private waste collection services and facilities,
4 including battery collection sites that are established
5 through other battery collection services, transporters,
6 consolidators, processors, and retailers, where
7 cost-effective, mutually agreeable, and otherwise practicable.

8 (1) Battery stewardship programs must use as a
9 collection site for covered batteries any retailer,
10 wholesaler, municipality, solid waste management facility,
11 household hazardous waste facility, or other entity that
12 meets the criteria for collection sites in the approved
13 plan up to the minimum number of sites required for
14 compliance with subsection (c) of this Section, upon the
15 submission of a request by the entity to the battery
16 stewardship organization to serve as a collection site.
17 Battery stewardship programs may use additional collection
18 sites in excess of the minimum required in subsection (c)
19 of this Section as may be agreed between the battery
20 stewardship organization and the collection site.

21 (2) Battery stewardship programs must use as a site
22 for a collection event for covered batteries any retailer,
23 wholesaler, municipality, solid waste management facility,
24 household hazardous waste facility, or other entity that
25 meets the criteria for collection events in the approved
26 plan up to the minimum number of sites required for

1 compliance with subsection (c) of this Section, upon the
2 submission of a request by the entity to the battery
3 stewardship organization to serve as a site for a
4 collection event. Battery stewardship programs may use
5 additional sites for collection events in excess of the
6 minimum required in subsection (c) of this Section as may
7 be agreed between the battery stewardship organization and
8 the collection site.

9 (3) A battery stewardship organization may issue a
10 warning, suspend, or terminate a collection site or
11 service that does not adhere to the collection site
12 criteria in the approved plan or that poses an immediate
13 health and safety concern.

14 (e) Stewardship programs are not required to provide for
15 the collection of the following, with the exceptions noted:

16 (1) Stewardship programs are not required to provide
17 for the collection of battery-containing products.

18 (2) Stewardship programs are not required to provide
19 for the collection of batteries that:

20 (A) are not easily removable from the product
21 other than by the manufacturer; and

22 (B) remain contained in a battery-containing
23 product at the time of delivery to a collection site.

24 (3) Stewardship programs are required to provide for
25 the collection of loose batteries.

26 (4) Stewardship programs are not required to provide

1 for the collection of batteries still contained in covered
2 electronic products under the Consumer Electronics
3 Recycling Act.

4 Section 55. Stewardship program components; education and
5 outreach requirements.

6 (a) Each battery stewardship organization must carry out
7 promotional activities in support of plan implementation
8 including, but not limited to, the development:

9 (1) and maintenance of a website;

10 (2) and distribution of periodic press releases and
11 articles;

12 (3) and placement of advertisements for use on social
13 media or other relevant media platforms;

14 (4) of promotional materials about the program and the
15 restriction on the disposal of covered batteries in
16 Section 80 of this Act to be used by persons including, but
17 not limited to, retailers, government agencies, waste and
18 recycling collectors, and nonprofit organizations;

19 (5) and distribution of collection site safety
20 training procedures that are in compliance with State law
21 to collection sites to help ensure proper management of
22 covered batteries at collection sites; and

23 (6) and implementation of outreach and educational
24 resources that are conceptually, linguistically, and
25 culturally accurate for the communities served and reach

1 the State's diverse ethnic populations, including through
2 meaningful consultation with communities that bear
3 disproportionately higher levels of adverse environmental
4 and social justice impacts.

5 (b) Each battery stewardship organization must provide:

6 (1) consumer-focused educational promotional
7 materials to each collection site used by the program and
8 accessible by customers of retailers that sell covered
9 batteries or battery-containing products; and

10 (2) safety information related to covered battery
11 collection activities to the operator of each collection
12 site, including appropriate protocols to reduce risks of
13 spills or fires, response protocols in the event of a
14 spill or fire, and response protocols in the event of
15 detection of a damaged or defective battery.

16 (c) Each battery stewardship organization must provide
17 educational materials to the operator of each collection site
18 for the management of recalled batteries, which are not
19 intended to be part of collection as provided under Section 50
20 of this Act, to help facilitate transportation and processing
21 of recalled batteries. A battery stewardship organization may
22 seek reimbursement from the producer of the recalled battery
23 for expenses incurred in the collection, transportation, or
24 processing of those batteries.

25 (d) Upon request by a retailer or other potential
26 collector, the battery stewardship organization must provide

1 the retailer or other potential collector educational
2 materials describing collection opportunities for batteries.

3 (e) If multiple battery stewardship organizations are
4 implementing plans approved by the Agency, the battery
5 stewardship organizations must coordinate in carrying out
6 their education and outreach responsibilities under this
7 Section and must include in their annual reports to the Agency
8 under Section 60 of this Act a summary of their coordinated
9 education and outreach efforts.

10 (f) During the first year of program implementation and
11 every 5 years thereafter, each battery stewardship
12 organization must carry out a survey of public awareness
13 regarding the requirements of the program established under
14 this Act, including the provisions of Section 80 of this Act.
15 Each battery stewardship organization must share the results
16 of the public awareness surveys with the Agency.

17 Section 60. Reporting requirements.

18 (a) By June 1, 2027, and each June 1st thereafter, each
19 battery stewardship organization must submit an annual report
20 to the Agency covering the preceding calendar year of battery
21 stewardship plan implementation. The report must include:

22 (1) An independent financial assessment of a program
23 implemented by the battery stewardship organization,
24 including a breakdown of the program's expenses, such as
25 collection, recycling, education, and overhead, when

1 required by the Agency;

2 (2) A summary financial statement documenting the
3 financing of a battery stewardship organization's program
4 and an analysis of program costs and expenditures,
5 including an analysis of the program's expenses, such as
6 collection, transportation, recycling, education, and
7 administrative overhead. The summary financial statement
8 must be sufficiently detailed to provide transparency that
9 funds collected from producers as a result of their
10 activities in Illinois are spent on program implementation
11 in Illinois. Battery stewardship organizations
12 implementing similar battery stewardship programs in
13 multiple states may submit a financial statement including
14 all covered states, as long as the statement breaks out
15 financial information pertinent to Illinois;

16 (A) the weight, by chemistry, of covered batteries
17 collected under the program;

18 (B) the weight of materials recycled from covered
19 batteries collected under the program, in total, and
20 by method of battery recycling;

21 (C) a calculation of the recycling efficiency
22 rates, as measured consistent with subsection (b) of
23 this Section;

24 (D) for each facility used for the final
25 disposition of batteries, a description of how the
26 facility recycled or otherwise disposed of batteries

1 and battery components;

2 (E) the weight and chemistry of batteries sent to
3 each facility used for the final disposition of
4 batteries. The information in this subsection (a),
5 paragraph (E) may be approximated for program
6 operations in Illinois based on extrapolations of
7 national or regional data for programs in operation in
8 multiple states;

9 (F) the collection rate achieved under the
10 program, including a description of how this
11 collection rate was calculated and how it compares to
12 the collection rate goals under Section 40 of this
13 Act;

14 (G) the estimated aggregate sales, by weight and
15 chemistry, of batteries and batteries contained in or
16 with battery-containing products sold in Illinois by
17 participating producers for each of the previous 3
18 calendar years;

19 (H) a description of the manner in which the
20 collected batteries were managed and recycled,
21 including a discussion of best available technologies
22 and the recycling efficiency rate;

23 (I) a description of education and outreach
24 efforts supporting plan implementation including, but
25 not limited to, a summary of education and outreach
26 provided to consumers, collection sites,

1 manufacturers, distributors, and retailers by the
2 program operator for the purpose of promoting the
3 collection and recycling of covered batteries, a
4 description of how that education and outreach met the
5 requirements of Section 55 of this Act, samples of
6 education and outreach materials, a summary of
7 coordinated education and outreach efforts with any
8 other battery stewardship organizations implementing a
9 plan approved by the Agency, and a summary of any
10 changes made during the previous calendar year to
11 education and outreach activities;

12 (J) a list of all collection sites and an address
13 for each listed site, and an up-to-date map indicating
14 the location of all collection sites used to implement
15 the program, with links to appropriate websites where
16 there are existing websites associated with a site;

17 (K) a description of methods used to collect,
18 transport, and recycle covered batteries by the
19 battery stewardship organization;

20 (L) a summary on progress made toward the program
21 performance goals established under Section 40 of this
22 Act, and an explanation of why performance goals were
23 not met, if applicable; and

24 (M) an evaluation of the effectiveness of
25 education and outreach activities.

26 (b) The weight of batteries or recovered resources from

1 those batteries must only be counted once and may not be
2 counted by more than one battery stewardship organization.

3 (c) In addition to the requirements of subsection (a) of
4 this Section, with respect to each facility used in the
5 processing or disposition of batteries collected under the
6 program, the battery stewardship organization must report:

7 (1) Whether the facility is located domestically, in
8 an organization for economic cooperation and development
9 country, or in a country that meets organization for
10 economic cooperation and development operating standards;
11 and

12 (2) What facilities processed the batteries, and for
13 domestic facilities a summary of any violations of
14 environmental laws and regulations over the previous 3
15 years at each facility.

16 (d) If a battery stewardship organization has disposed of
17 covered batteries through energy recovery, incineration, or
18 landfilling during the preceding calendar year of program
19 implementation, the annual report must specify the steps that
20 the battery stewardship organization will take to make the
21 recycling of covered batteries cost-effective, where possible,
22 or to otherwise increase battery recycling rates achieved by
23 the battery stewardship organization.

24 (e) A producer or battery stewardship organization that
25 submits information or records to the Agency under this Act
26 may request that the information or records be made available

1 only for the confidential use of the Agency, the Director of
2 the Agency, or the appropriate division of the Agency. The
3 Director of the Agency must consider the request and if this
4 action is not detrimental to the public interest and is
5 otherwise in accordance with the policies and purposes of the
6 Freedom of Information Act, the Director must grant the
7 request for the information to remain confidential as
8 authorized in the Freedom of Information Act.

9 Section 65. Fee and agency role.

10 (a) The Agency shall be paid an annual fee of \$50,000 by
11 one or more battery stewardship organizations, with cost
12 allocation between multiple battery stewardship organizations
13 to be assigned proportional to each organization's share of
14 program costs. The fee shall cover the Agency's full costs of
15 implementing, administering, and enforcing this Act. The
16 annual fee shall be deposited into the Solid Waste Management
17 Fund to be used for costs associated with the administration
18 of this Act.

19 (b) The responsibilities of the Agency in implementing,
20 administering, and enforcing this Act include, but are not
21 limited to:

22 (1) reviewing submitted stewardship plans and plan
23 amendments and making determinations as to whether to
24 approve the plan or plan amendment;

25 (A) the Agency must provide a letter of approval

1 for the plan or plan amendment if it provides for the
2 establishment of a stewardship program that meets the
3 requirements of Sections 25 through 55 of this Act;

4 (B) if a plan or plan amendment is rejected, the
5 Agency must provide the reasons for rejecting the plan
6 to the battery stewardship organization. The battery
7 stewardship organization must submit a new plan within
8 60 days after receipt of the letter of disapproval;
9 and

10 (C) when a plan or an amendment to an approved plan
11 is submitted under this Section, the Agency shall make
12 the proposed plan or amendment available for public
13 review and comment for at least 30 days;

14 (2) reviewing annual reports submitted under Section
15 60 of this Act within 90 days of submission to ensure
16 compliance with that Section;

17 (3) maintaining a website that lists producers and
18 their brands that are participating in an approved plan,
19 and that makes available to the public each plan, plan
20 amendment, and annual report received by the Agency under
21 this Act; upon the date the first plan is approved, the
22 Agency must post on its website a list of producers and
23 their brands for which the Agency has approved a plan; the
24 Agency must update the list of producers and brands
25 participating under an approved program plan based on
26 information provided to the Agency from battery

1 stewardship organizations; and

2 (4) providing technical assistance to producers and
3 retailers related to the requirements of this Act and
4 issuing orders or imposing civil penalties authorized
5 under Section 70 of this Act where the technical
6 assistance efforts do not lead to compliance by a producer
7 or retailer.

8 Section 70. Penalties and civil action provisions.

9 (a) Any person who violates any provision of this Act is
10 liable for a civil penalty of \$7,000 per violation, except
11 that the failure to pay a fee under this Act shall cause the
12 person who fails to pay the fee to be liable for a civil
13 penalty that is double the applicable fee.

14 (b) The penalties provided for in this Section may be
15 recovered in a civil action brought in the name of the people
16 of the State of Illinois by the State's Attorney of the county
17 in which the violation occurred or by the Attorney General.
18 Any penalties collected under this Section in an action in
19 which the Attorney General has prevailed shall be deposited
20 into the Environmental Protection Trust Fund, to be used in
21 accordance with the provision of the Environmental Protection
22 Trust Fund Act.

23 (c) The Attorney General or the State's Attorney of a
24 county in which a violation occurs may institute a civil
25 action for an injunction, prohibitory or mandatory, to

1 restrain violations of this Act or to require such actions as
2 may be necessary to address violations of this Act.

3 (d) The penalties and injunctions provided in this Act are
4 in addition to any penalties, injunctions, or other relief
5 provided under any other State law. Nothing in this Act bars a
6 cause of action by the State for any other penalty,
7 injunction, or other relief provided by any other law.

8 (e) Any person who knowingly makes a false, fictitious, or
9 fraudulent material statement, orally or in writing, to the
10 Agency, related to or required by this Act or any rule adopted
11 under this Act commits a Class 4 felony, and each such
12 statement or writing shall be considered a separate Class 4
13 felony. A person who, after being convicted under this
14 subsection, violates this subsection a second or subsequent
15 time commits a Class 3 felony.

16 (f) No penalty may be assessed on an individual or
17 resident for the improper disposal of covered batteries as
18 described in Section 80 of this Act in a noncommercial or
19 residential setting.

20 Section 75. Marking requirements for batteries.

21 (a) Beginning January 1, 2027, a producer or retailer may
22 only sell, distribute, or offer for sale in or into Illinois a
23 large format battery, covered battery, or battery-containing
24 product that contains a battery that is designed or intended
25 to be easily removable from the product, if the battery is:

1 (1) marked with an identification of the producer of
2 the battery, unless the battery is less than one-half inch
3 in diameter or does not contain a surface whose length
4 exceeds one-half inch; and

5 (2) beginning January 1, 2029, marked with proper
6 labeling to ensure proper collection and recycling, by
7 identifying the chemistry of the battery and including an
8 indication that the battery should not be disposed of as
9 household waste.

10 (b) A producer shall certify to its customers, or to the
11 retailer if the retailer is not the customer, that the
12 requirements of this Section have been met, as provided in
13 Section 60 of this Act.

14 (c) The Agency may amend, by rule, the requirements of
15 subsection (a) of this Section to maintain consistency with
16 the labeling requirements or voluntary standards for batteries
17 established in federal law.

18 Section 80. General battery disposal and collection
19 requirements. Effective January 1, 2026, for portable
20 batteries and January 1, 2028, for medium format batteries, or
21 the first date on which an approved plan begins to be
22 implemented under this Act by a battery stewardship
23 organization, whichever comes first:

24 (1) All persons must dispose of unwanted covered batteries
25 through one of the following disposal options:

1 (A) disposal using the collection sites established by
2 or included in the programs created by this Act; or

3 (B) for covered batteries generated by persons that
4 are regulated generators of covered batteries under
5 federal or state hazardous or solid waste laws,
6 disposal in a manner consistent with the requirements
7 of those laws.

8 (2) A fee may not be charged at the time unwanted covered
9 batteries are delivered or collected for management. All
10 covered batteries may only be collected, transported, and
11 processed in a manner that meets the standards established
12 for a battery stewardship organization in a plan approved
13 by the Agency, unless the batteries are being managed as
14 described in paragraph (1), subparagraph (B) of this
15 Section.

16 (3) A person may not place covered batteries in waste
17 containers for disposal at incinerators, waste to energy
18 facilities, or landfills.

19 (4) A person may not place covered batteries in or on a
20 container for mixed recyclables unless there is a separate
21 location or compartment for the covered battery that
22 complies with local government collection standards or
23 guidelines.

24 (5) An owner or operator of a solid waste facility may not
25 be found in violation of this Section if the facility has
26 posted in a conspicuous location a sign stating that

1 covered batteries must be managed through collection sites
2 established by a battery stewardship organization and are
3 not accepted for disposal.

4 (6) A solid waste collector may not be found in violation
5 of this Section for a covered battery placed in a disposal
6 container by the generator of the covered battery.

7 Section 85. Assessment of battery; containing products and
8 their batteries.

9 (a) By July 1, 2027, the battery stewardship organization
10 must complete an assessment of the opportunities and
11 challenges associated with the end-of-life management of
12 batteries not intended or designed to be easily removed by a
13 customer that are contained in battery-containing products,
14 including medical devices, and in electronic products that are
15 not covered electronic products managed under an approved plan
16 implemented under the Consumer Electronics Recycling Act.

17 (b) The battery stewardship organization must consult with
18 the Agency and interested stakeholders in completing the
19 assessment. The assessment must identify any adjustments to
20 the stewardship program requirements established in this Act
21 that would maximize public health, safety, and environmental
22 benefits.

23 (c) The assessment must consider:

24 (1) the different categories and uses of
25 battery-containing products;

1 (2) the current methods by which unwanted
2 battery-containing products are managed in Illinois and
3 nearby states and provinces;

4 (3) challenges posed by the potential collection,
5 management, and transport of battery-containing products,
6 including challenges associated with removing batteries
7 that were not intended or designed to be easily removable
8 from products, other than by the manufacturer; and

9 (4) which criteria of this Act may apply to
10 battery-containing products in a manner that is identical
11 or analogous to the requirements applicable to covered
12 batteries.

13 (d) By October 1, 2027, the Agency must submit a report to
14 the General Assembly containing the findings of the assessment
15 required in this Section.

16 Section 90. Antitrust. Producers or battery stewardship
17 organizations Acting on behalf of producers that prepare,
18 submit, and implement a battery stewardship program plan under
19 this Act and who are thereby subject to regulation by the
20 Agency are granted immunity from State laws relating to
21 antitrust, restraint of trade, unfair trade practices, and
22 other regulation of trade and commerce, for the limited
23 purpose of planning, reporting, and operating a battery
24 stewardship program, including:

25 (1) The creation, implementation, or management of a

1 battery stewardship organization and any battery stewardship
2 plan regardless of whether it is submitted, denied, or
3 approved;

4 (2) The determination of the cost and structure of a
5 battery stewardship plan; and

6 (3) The types or quantities of batteries being recycled or
7 otherwise managed under this Act.

8 Section 95. Collection of batteries independent of a
9 battery stewardship program. Nothing in this Act shall prevent
10 or prohibit a person from offering or performing a fee-based,
11 household collection, or a mail-back program for end-of-life
12 portable batteries or medium format batteries independently of
13 a battery stewardship program, provided that such person meets
14 the following requirements:

15 (1) Such person's services must be performed, and such
16 person's facilities must be operated in compliance with
17 all applicable federal, state, and local laws and
18 requirements, including, but not limited to, all
19 applicable U.S. Department of Transportation regulations,
20 and all applicable provisions of the Illinois
21 Environmental Protection Act;

22 (2) Such person must make available all batteries
23 collected by such person from its Illinois customers to
24 the battery stewardship organization; and

25 (3) After consolidation of portable or medium format

1 batteries at the person's facilities, the costs for
2 transporting such batteries to the battery stewardship
3 organization's designated sorters or processors shall be
4 at the battery stewardship organization's expense.

5 Section 97. Severability. The provisions of this Act are
6 severable under Section 1.31 of the Statute on Statutes.

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