

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 Portable and Medium-Format Battery Stewardship Act.

6 Section 5. Findings. The General Assembly finds that:

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

11 (2) Without a dedicated battery stewardship program,
12 battery user confusion regarding proper management options
13 for portable and medium-format batteries will persist.

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

23 (4) Jurisdictions around the world have successfully

1 implemented battery stewardship laws that have helped
2 address the challenges posed by the end-of-life management
3 of portable and medium-format batteries. Since it is
4 difficult for customers to differentiate between types and
5 chemistries of batteries, it is the best practice for
6 battery stewardship programs to collect all battery types
7 and chemistries.

8 Section 10. Definitions. As used in this Act, unless the
9 context clearly requires otherwise:

10 "Agency" means the Illinois Environmental Protection
11 Agency.

12 "Battery-containing product" means a product sold, offered
13 for sale, or distributed in or into this State that contains or
14 is packaged with rechargeable or primary batteries that are
15 covered batteries. "Battery-containing product" does not
16 include a covered electronic device subject to the
17 requirements of the Consumer Electronics Recycling Act.

18 "Battery stewardship organization" means a producer that
19 directly implements a battery stewardship plan required under
20 this Act or a nonprofit organization designated by a producer
21 or group of producers to implement a battery stewardship plan
22 required under this Act.

23 "Collection rate" means a percentage, by weight, that a
24 battery stewardship organization collects that is calculated
25 by dividing the total weight of primary and rechargeable

1 batteries collected by the battery stewardship organization
2 during the previous calendar year by the average annual weight
3 of primary and rechargeable batteries that were estimated by
4 the battery stewardship organization to have been sold in the
5 State during the previous 3 calendar years by all producers
6 participating in an approved battery stewardship plan.

7 "Covered battery" means a portable battery or a
8 medium-format battery.

9 "Covered battery" does not include:

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

15 (2) a battery that contains an electrolyte as a free
16 liquid;

17 (3) a lead-acid battery weighing greater than 11
18 pounds;

19 (4) a battery subject to the provisions of Section
20 22.23 of the Environmental Protection Act; and

21 (5) a battery in a battery-containing product that is
22 not intended or designed to be easily removable from the
23 battery-containing product.

24 "Easily removable" means designed by the manufacturer to
25 be removable by the user of the product with no more than
26 commonly used household tools.

1 "Medium-format battery" means the following primary or
2 rechargeable covered batteries:

3 (1) for rechargeable batteries, a battery weighing
4 more than 11 pounds or having a rating of more than 300
5 watt-hours, or both, and no more than 25 pounds and having
6 a rating of no more than 2,000 watt-hours;

7 (2) for primary batteries, a battery weighing at least
8 4.4 pounds but not more than 25 pounds.

9 "Portable battery" means the following primary or
10 rechargeable covered batteries:

11 (1) for rechargeable batteries, a battery weighing no
12 more than 11 pounds and having a rating of no more than 300
13 watt-hours;

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

16 "Primary battery" means a battery that is not capable of
17 being recharged.

18 "Producer" means the following:

19 (1) For covered batteries sold, offered for sale, or
20 distributed in or into this State:

21 (A) If the battery is sold, offered for sale, or
22 distributed in or into this State under the brand of
23 the battery manufacturer, the producer is the person
24 that manufactures the battery.

25 (B) If the battery is sold, offered for sale, or
26 distributed in or into this State under a retail brand

1 or under a brand owned by a person other than the
2 manufacturer, the producer is the brand owner.

3 (C) If there is no person to whom subparagraph (A)
4 or (B) of this paragraph (1) applies, the producer is
5 the person that is the licensee of a brand or trademark
6 under which the battery is sold, offered for sale, or
7 distributed in or into this State, whether or not the
8 trademark is registered in this State.

9 (D) If there is no person in the United States to
10 whom subparagraph (A), (B), or (C) of this paragraph
11 (1) applies, the producer is the person who is the
12 importer of record for the battery into the United
13 States.

14 (E) If there is no person with a commercial
15 presence within the State to whom subparagraph (A),
16 (B), (C), or (D) of this paragraph (1) applies, the
17 producer is the person who first sells, offers for
18 sale, or distributes the battery in or into this
19 State.

20 (2) For covered battery-containing products containing
21 one or more covered batteries sold, offered for sale, or
22 distributed in or into this State:

23 (A) If the battery-containing product is sold,
24 offered for sale, or distributed in or into this State
25 under the brand of the product manufacturer, the
26 producer is the person that manufactures the product.

1 (B) If the battery-containing product is sold,
2 offered for sale, or distributed in or into this State
3 under a retail brand or under a brand owned by a person
4 other than the manufacturer, the producer is the brand
5 owner.

6 (C) If there is no person to whom subparagraph (A)
7 or (B) of this paragraph (2) applies, the producer is
8 the person that is the licensee of a brand or trademark
9 under which the product is sold, offered for sale, or
10 distributed in or into this State, whether or not the
11 trademark is registered in this State.

12 (D) If there is no person described in
13 subparagraph (A), (B), or (C) of this paragraph (2)
14 within the United States, the producer is the person
15 who is the importer of record for the product into the
16 United States.

17 (E) If there is no person described in
18 subparagraph (A), (B), (C), or (D) of this paragraph
19 (2) with a commercial presence within the State, the
20 producer is the person who first sells, offers for
21 sale, or distributes the product in or into this
22 State.

23 (F) A producer does not include any person who
24 only manufactures, sells, offers for sale,
25 distributes, or imports into the State a
26 battery-containing product if the only batteries

1 contained in or supplied with the battery-containing
2 product are supplied by a producer that has joined a
3 registered battery stewardship organization as the
4 producer for that covered battery under this Act. Such
5 a producer of covered batteries that are included in a
6 battery-containing product must provide written
7 certification of that membership to both the producer
8 of the battery-containing product containing one or
9 more covered batteries and the battery stewardship
10 organization of which the battery producer is a
11 member.

12 (3) A person is the producer of a covered battery or
13 battery-containing product containing one or more covered
14 batteries sold, offered for sale, or distributed in or
15 into this State, as defined in this Section, except if
16 another party has contractually accepted responsibility as
17 a responsible producer and has joined a registered battery
18 stewardship organization as the producer for that covered
19 battery or battery-containing product containing one or
20 more covered batteries under this Act.

21 "Program" means a program implemented by a battery
22 stewardship organization consistent with an approved battery
23 stewardship plan.

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

1 "Recycling" means recycling, reclamation, or reuse as
2 defined in Section 3.380 of the Environmental Protection Act.

3 For purposes of this Act, "recycling" does not include:

4 (1) combustion;

5 (2) incineration;

6 (3) energy generation;

7 (4) fuel production; or

8 (5) beneficial reuse in the construction and operation
9 of a solid waste landfill, including use of alternative
10 daily cover.

11 "Recycling efficiency rate" means the ratio of the weight
12 of components and materials recycled by a program operator
13 from covered batteries to the weight of covered batteries as
14 collected by the program operator.

15 "Retailer" means a person who sells covered batteries or
16 battery-containing products containing one or more covered
17 batteries in or into this State or offers or otherwise makes
18 available covered batteries or battery-containing products
19 containing one or more covered batteries to a customer,
20 including other businesses, in this State.

21 Section 15. Requirement that producers implement a
22 stewardship plan.

23 (a) Beginning January 1, 2026, a producer selling, making
24 available for sale, or distributing covered batteries or
25 battery-containing products containing one or more covered

1 batteries in or into the State of Illinois shall participate
2 in an approved Illinois State battery stewardship plan through
3 participation in and funding of a battery stewardship
4 organization.

5 (b) Beginning January 1, 2026, no person shall sell
6 covered batteries or battery-containing products covered by
7 this Act in or into the State who does not participate in a
8 battery stewardship organization and battery stewardship plan.

9 Section 20. Role of retailers.

10 (a) Beginning July 1, 2026, a retailer may not sell, offer
11 for sale, distribute, or otherwise make available for sale a
12 covered battery or battery-containing product containing one
13 or more covered batteries unless the producer of the covered
14 battery or battery-containing product is identified as a
15 participant in a battery stewardship organization whose plan
16 has been approved by the Agency.

17 (b) A retailer is not in violation of the requirements of
18 subsection (a) of this Section if the website made available
19 by the Agency under Section 55 lists, as of the date a product
20 is made available for retail sale, the producer or brand of
21 covered battery or battery-containing product containing one
22 or more covered batteries sold by the retailer as a
23 participant in an approved plan or the implementer of an
24 approved plan.

25 (c) Retailers of covered batteries or battery-containing

1 products containing one or more covered batteries are not
2 required to make retail locations available to serve as
3 collection sites for a stewardship program operated by a
4 battery stewardship organization. Retailers that serve as a
5 collection site must comply with the requirements for
6 collection sites, consistent with Section 40.

7 (d) A retailer may not sell, offer for sale, distribute,
8 or otherwise make available for sale covered batteries, unless
9 those batteries are marked consistently with the requirements
10 of Section 65. A producer of a product containing a covered
11 battery must certify to the retailers of its product that the
12 battery contained in the battery-containing product is marked
13 consistently with the requirements of Section 65.

14 (e) A retailer selling or offering covered batteries or
15 battery-containing products containing one or more covered
16 batteries for sale in the State may provide information,
17 provided to the retailer by the battery stewardship
18 organization, regarding available end-of-life management
19 options for covered batteries collected by the battery
20 stewardship organization. The information that a battery
21 stewardship organization must make available to retailers for
22 voluntary use by retailers must include, but is not limited
23 to, in-store signage, written materials, and other promotional
24 materials that retailers may use to inform customers of the
25 available end-of-life management options for covered batteries
26 collected by the battery stewardship organization.

1 (f) Retailers, producers, or battery stewardship
2 organizations shall not charge a specific point-of-sale fee to
3 consumers to cover the administrative or operational costs of
4 the battery stewardship organization or the battery
5 stewardship program.

6 Section 25. Stewardship plan components.

7 (a) By July 1, 2025, each battery stewardship organization
8 must submit to the Agency for approval a plan for covered
9 batteries. The Agency shall review and approve a plan based on
10 whether it:

11 (1) lists and provides contact information for each
12 producer, battery brand, and battery-containing product
13 brand covered in the plan, including identifying producers
14 who have contractually accepted responsibility as a
15 producer in accordance with paragraph (3) of the
16 definition of producer in this Act;

17 (2) proposes performance goals, consistent with
18 Section 30, including establishing performance goals for
19 each of the next 3 upcoming calendar years of program
20 implementation;

21 (3) describes how the battery stewardship organization
22 will make retailers aware of their obligation to sell only
23 covered batteries and battery-containing products
24 containing one or more covered batteries of producers
25 participating in an approved plan;

1 (4) describes the education and communications
2 strategy being implemented to promote participation in the
3 approved covered battery stewardship program and provide
4 the information necessary for effective participation of
5 consumers, retailers, and others;

6 (5) describes how the battery stewardship organization
7 will make available to collection sites, for voluntary
8 use, signage, written materials, and other promotional
9 materials that collection sites may use to inform
10 consumers of the available end-of-life management options
11 for covered batteries collected by the battery stewardship
12 organization;

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

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

24 (8) describes the method to establish and administer a
25 means for fully funding the program in a manner that
26 equitably distributes the program's costs among the

1 producers that are part of the battery stewardship
2 organization. For producers that choose to meet the
3 requirements of this Act individually, without joining a
4 battery stewardship organization, the plan must describe
5 the proposed method to establish and administer a means
6 for fully funding the program;

7 (9) describes the financing methods used to implement
8 the plan, consistent with Section 35;

9 (10) describes how the program will collect all
10 covered battery chemistries and brands on a free,
11 continuous, convenient, visible, and accessible basis, and
12 consistent with the requirements of Section 40, including
13 a description of how the statewide convenience standard
14 will be met and a list of collection sites, including the
15 address of collection sites;

16 (11) provides explanation for any delay anticipated by
17 the battery stewardship organization for the
18 implementation of the management of medium-format
19 batteries such that implementation will begin later than
20 January 1, 2026, including a delay in the ability to
21 collect, package, transport, or process medium-format
22 batteries in accordance with the requirements of this Act,
23 and establishes an expected date of compliance for
24 management of medium-format batteries that is not later
25 than January 1, 2028 if a delay occurs;

26 (12) describes the criteria to be used in the program

1 to determine whether an entity may serve as a collection
2 site for covered batteries under the program;

3 (13) establishes collection rate goals for each of the
4 first 3 years of implementation of the battery stewardship
5 plan that are based on the estimated total weight of
6 primary and rechargeable covered batteries that have been
7 sold in the State in the previous 3 calendar years by the
8 producers participating in the battery stewardship plan;

9 (14) identifies proposed service providers, such as
10 sorters, transporters, and processors, to be used by the
11 program for the final disposition of batteries and
12 proposed provisions for recordkeeping, tracking, and
13 documenting the fate of collected covered batteries;

14 (15) details how the program will achieve a recycling
15 efficiency rate, calculated in accordance with Section 50,
16 of at least 60% for rechargeable batteries and at least
17 70% for primary batteries; and

18 (16) proposes goals for increasing public awareness of
19 the program and describes how the public education and
20 outreach components of the program under Section 45 will
21 be implemented.

22 (b) A battery stewardship organization must submit a new
23 plan to the Agency for approval no less than every 5 years. If
24 the performance goals under Section 30 of this Act and as
25 approved in the plan have not been met, the new plan shall
26 include corrective measures to be implemented by the battery

1 stewardship organization to meet the performance goals, which
2 may include improvements to the collection site network or
3 increased expenditures dedicated to education and outreach.

4 (c) A battery stewardship organization must provide plan
5 amendments to the Agency for approval when proposing changes
6 to the performance goals under Section 30 based on the
7 up-to-date experience of the program or when there is a change
8 to the method of financing plan implementation under Section
9 35. This does not include changes to the fees or fee structure
10 established in the plan.

11 (d) The Agency shall review stewardship plans and
12 stewardship plan amendments for compliance with this Act and
13 shall approve, disapprove, or conditionally approve the plans
14 or plan amendments in writing within 120 days of their
15 receipt. If the Agency disapproves a stewardship plan or plan
16 amendment submitted by a battery stewardship organization, the
17 Agency shall explain how the stewardship plan or plan
18 amendment does not comply with this Act. The battery
19 stewardship organization shall resubmit to the Agency a
20 revised stewardship plan or plan amendment or notice of plan
21 withdrawal within 60 days of the date the written notice of
22 disapproval is issued, and the Agency shall review the revised
23 stewardship plan or plan amendment within 90 days of
24 resubmittal. If a revised stewardship plan is disapproved by
25 the Agency, a producer operating under the stewardship plan
26 shall not be in compliance with this Act until the Agency

1 approves a stewardship plan submitted by a battery stewardship
2 organization that covers the producer's products.

3 (e) When a stewardship plan or an amendment to an approved
4 plan is submitted under this Section, the Agency shall make
5 the proposed plan or amendment available for public review and
6 comment for at least 30 days.

7 (f) A battery stewardship organization must provide
8 written notification to the Agency within 30 days of a
9 producer beginning or ceasing to participate in a battery
10 stewardship organization or of adding or removing a processor
11 or transporter.

12 Section 30. Performance goals.

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

- 16 (1) the collection rate for batteries in Illinois;
17 (2) the recycling efficiency rate of the program; and
18 (3) public awareness of the program.

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

- 21 (1) target collection rates for primary batteries and
22 for rechargeable batteries;
23 (2) target recycling efficiency rates of at least 60%
24 for rechargeable batteries and at least 70% for primary
25 batteries; and

1 (3) goals for public awareness, convenience, and
2 accessibility that meet or exceed the minimum requirements
3 established in Section 40.

4 Section 35. Funding.

5 (a) A battery stewardship organization implementing a
6 battery stewardship plan on behalf of producers must develop
7 and administer a system to collect charges from participating
8 producers to cover the costs of plan implementation,
9 including:

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

11 (2) education and outreach;

12 (3) program evaluation; and

13 (4) payment of the administrative fees to the Agency
14 under Section 55.

15 (b) Each battery stewardship organization is responsible
16 for all costs of participating covered battery collection,
17 transportation, processing, education, administration, agency
18 reimbursement, recycling, and end-of-life management in
19 accordance with the requirements of this Act.

20 (c) Each battery stewardship organization must meet the
21 collection goals established in the approved stewardship plan
22 as specified in Section 25.

23 (d) A battery stewardship organization shall not reduce or
24 cease collection, education and outreach, or other activities
25 implemented under an approved plan based on achievement of

1 program performance goals.

2 (e) A battery stewardship organization must reimburse
3 local governments for demonstrable costs incurred as a result
4 of a local government facility or solid waste handling
5 facility serving as a collection site for a program including,
6 but not limited to, associated labor costs and other costs
7 associated with accessibility and collection site standards
8 such as storage.

9 (f) A battery stewardship organization shall at a minimum
10 provide collection sites with appropriate containers for
11 covered batteries subject to its program, training, signage,
12 safety guidance, and educational materials, at no cost to the
13 collection sites.

14 Section 40. Collection and management requirements.

15 (a) Battery stewardship organizations implementing a
16 battery stewardship plan must provide for the collection of
17 all covered batteries, including all chemistries and brands of
18 covered batteries, on a free, continuous, convenient, visible,
19 and accessible basis to any person, business, governmental
20 agency, or nonprofit organization. Except as provided in
21 paragraphs (2) and (3) of subsection (b) of this Section, each
22 battery stewardship plan must arrange for the collection of
23 each chemistry and brand of covered battery from any person,
24 business, governmental agency, or nonprofit organization at
25 each collection site that counts toward satisfaction of the

1 collection site criteria in subsection (c) of this Section.

2 (b) (1) For each collection site used by the program, each
3 battery stewardship organization must provide suitable
4 collection containers for covered batteries that are
5 segregated from other solid waste or make mutually agreeable
6 alternative arrangements for the collection of batteries at
7 the site. The location of collection containers at each
8 collection site used by the program must be within view of a
9 responsible person and must be accompanied by signage that is
10 made available to the collection site by the battery
11 stewardship organization and informs customers regarding the
12 end-of-life management options for batteries provided by the
13 collection site under this Act. Each collection site must meet
14 applicable federal, State, and local regulatory requirements.

15 (2) Medium-format batteries may be collected only at
16 household hazardous waste collection sites or other staffed
17 collection sites that meet applicable federal, State, and
18 local regulatory requirements to manage medium-format
19 batteries.

20 (3) (A) Damaged and defective batteries are intended to be
21 collected at collection sites staffed by persons trained to
22 handle and ship those batteries.

23 (B) Each battery stewardship organization must provide for
24 the collection, with qualified staff as specified in
25 subparagraph (A), of damaged and defective batteries at each
26 permanent household hazardous waste facility and at each

1 household hazardous waste collection event scheduled by the
2 Agency.

3 (C) As used in this subsection, "damaged and defective
4 batteries" means batteries that have been damaged or
5 identified by the manufacturer as being defective for safety
6 reasons and that have the potential of producing a dangerous
7 evolution of heat, fire, or short circuit, as referred to in 49
8 CFR 173.185(f) as of January 1, 2023, or as updated by the
9 Illinois Pollution Control Board by rule to maintain
10 consistency with federal standards.

11 (c)(1) Each battery stewardship organization implementing
12 a battery stewardship plan shall ensure statewide collection
13 opportunities for all covered batteries. Battery stewardship
14 organizations shall coordinate activities with other program
15 operators, including covered battery collection and recycling
16 programs and electronic waste recyclers, with regard to the
17 proper management or recycling of collected covered batteries,
18 for purposes of providing the efficient delivery of services
19 and avoiding unnecessary duplication of effort and expense.
20 Statewide collection opportunities must be determined by
21 geographic information modeling that considers permanent
22 collection sites. A program may rely, in part, on collection
23 events to supplement the permanent collection services
24 required in paragraphs (2) and (3) of this subsection.
25 However, only permanent collection services specified in
26 paragraphs (2) and (3) of this subsection qualify toward the

1 satisfaction of the requirements of this subsection.

2 (2) For portable batteries, each battery stewardship
3 organization must provide statewide collection opportunities
4 that include:

5 (A) at least one permanent collection site for
6 portable batteries within a 15-mile radius for at least
7 95% of State residents; and

8 (B) at least one permanent collection site, collection
9 service, or collection event for portable batteries in
10 addition to those required in subparagraph (A) for every
11 30,000 residents of a county.

12 (3) For medium-format batteries, a battery stewardship
13 organization must provide statewide collection opportunities
14 that include:

15 (A) at least 10 permanent collection sites in
16 Illinois;

17 (B) reasonable geographic dispersion of collection
18 sites throughout the State;

19 (C) a permanent collection site in each county of at
20 least 200,000 persons, as determined by the most recent
21 federal decennial census; and

22 (D) service to areas without a permanent collection
23 site. A battery stewardship organization must ensure that
24 there is a collection event at least once every 3 years in
25 each county of the State which does not have a permanent
26 collection site. Such collection events must provide for

1 the collection of all medium-format batteries, including
2 damaged and defective batteries.

3 (d) A battery stewardship organization shall ensure the
4 minimum number of collection sites specified in subsection (c)
5 of this Section are established by no later than December 31,
6 2026 for portable batteries and by no later than December 31,
7 2028 for medium-format batteries.

8 (e)(1) Battery stewardship programs must use existing
9 public and private waste collection services and facilities,
10 including battery collection sites that are established
11 through other battery collection services, transporters,
12 consolidators, processors, and retailers, if cost-effective,
13 mutually agreeable, and otherwise practicable.

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

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

14 (4) A battery stewardship organization may issue a
15 warning, suspend, or terminate a collection site or service
16 that does not adhere to the collection site criteria in the
17 approved plan or that poses an immediate health and safety
18 concern.

19 (f)(1) Stewardship programs are not required to provide
20 for the collection of battery-containing products.

21 (2) Stewardship programs are not required to provide for
22 the collection of batteries that: (i) are not easily removable
23 from the product other than by the manufacturer; and (ii)
24 remain contained in a battery-containing product at the time
25 of delivery to a collection site.

26 (3) Stewardship programs are required to provide for the

1 collection of loose batteries.

2 (4) Stewardship programs are not required to provide for
3 the collection of batteries still contained in covered
4 electronic devices that are subject to the requirements of the
5 Consumer Electronics Recycling Act.

6 Section 45. Education and outreach requirements.

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

10 (1) the development and maintenance of a website;

11 (2) the development and distribution of periodic press
12 releases and articles;

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

15 (4) the development of promotional materials about the
16 program and the restriction on the disposal of covered
17 batteries in Section 70 to be used by persons, including,
18 but not limited to, retailers, government agencies, waste
19 and recycling collectors, and nonprofit organizations;

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

24 (6) the development and implementation of outreach and
25 educational resources that are conceptually,

1 linguistically, and culturally accurate for the
2 communities served and reach the State's diverse ethnic
3 populations, including through meaningful consultation
4 with communities that bear disproportionately higher
5 levels of adverse environmental and social justice
6 impacts.

7 (b) Each battery stewardship organization must provide:

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

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

19 (c) (1) Each battery stewardship organization must provide
20 educational materials to the operator of each collection site
21 for the management of recalled batteries, which are not
22 intended to be part of collection as provided under this Act,
23 to help facilitate transportation and processing of recalled
24 batteries.

25 (2) A battery stewardship organization may seek
26 reimbursement from the producer of the recalled battery for

1 expenses incurred in the collection, transportation, or
2 processing of those batteries.

3 (d) Upon request by a retailer or other potential
4 collector, the battery stewardship organization must provide
5 the retailer or other potential collector educational
6 materials describing collection opportunities for batteries.

7 (e) If multiple battery stewardship organizations are
8 implementing plans approved by the Agency, the battery
9 stewardship organizations must coordinate in carrying out
10 their education and outreach responsibilities under this
11 Section and must include in their annual reports to the Agency
12 under Section 50 a summary of their coordinated education and
13 outreach efforts.

14 (f) During the first year of program implementation and
15 every 5 years thereafter, each battery stewardship
16 organization must carry out a survey of public awareness
17 regarding the requirements of the program established under
18 this Act, including the provisions of Section 70. Each battery
19 stewardship organization must share the results of the public
20 awareness surveys with the Agency.

21 Section 50. Reporting requirements.

22 (a) By June 1, 2027, and each June 1st thereafter, each
23 battery stewardship organization must submit an annual report
24 to the Agency covering the preceding calendar year of battery
25 stewardship plan implementation. The report must include the

1 following:

2 (1) The report must include an independent financial
3 assessment of a program implemented by the battery
4 stewardship organization, including a breakdown of the
5 program's expenses, such as collection expenses, recycling
6 expenses, education expenses, and overhead expenses.

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

22 (3) The report must include the weight, by chemistry,
23 of covered batteries collected under the program.

24 (4) The report must include the weight of materials
25 recycled from covered batteries collected under the
26 program, in total, and by method of battery recycling.

1 (5) The report must include a calculation of the
2 recycling efficiency rates, as measured consistent with
3 subsection (b) of this Section.

4 (6) The report must include a list of all facilities
5 used in the processing or disposition of batteries,
6 including identification of the facilities' location and
7 whether the facility is located domestically, in an
8 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 for domestic facilities provide a summary of any
12 violations of environmental laws and regulations over the
13 previous 3 years at each facility.

14 (7) The report must include, for each facility used
15 for the final disposition of batteries, a description of
16 how the facility recycled or otherwise managed batteries
17 and battery components.

18 (8) The report must include the weight and chemistry
19 of batteries sent to each facility used for the final
20 disposition of batteries. The information in this
21 subdivision (a)(8) may be approximated for program
22 operations in Illinois based on extrapolations of national
23 or regional data for programs in operation in multiple
24 states.

25 (9) The report must include the collection rate
26 achieved under the program, including a description of how

1 this collection rate was calculated and how it compares to
2 the collection rate goals under Section 30.

3 (10) The report must include the estimated aggregate
4 sales, by weight and chemistry, of batteries and batteries
5 contained in or with battery-containing products sold in
6 Illinois by participating producers for each of the
7 previous 3 calendar years.

8 (11) The report must include a description of the
9 manner in which the collected batteries were managed and
10 recycled, including a discussion of best available
11 technologies and the recycling efficiency rate.

12 (12) The report must include a description of
13 education and outreach efforts supporting plan
14 implementation including, but not limited to, a summary of
15 education and outreach provided to consumers, collection
16 sites, manufacturers, distributors, and retailers by the
17 program operator for the purpose of promoting the
18 collection and recycling of covered batteries, a
19 description of how that education and outreach met the
20 requirements of Section 45, samples of education and
21 outreach materials, a summary of coordinated education and
22 outreach efforts with any other battery stewardship
23 organizations implementing a plan approved by the Agency,
24 and a summary of any changes made during the previous
25 calendar year to education and outreach activities.

26 (13) The report must include a list of all collection

1 sites and an address for each listed site, and an
2 up-to-date map indicating the location of all collection
3 sites used to implement the program, with links to
4 appropriate websites where there are existing websites
5 associated with a site.

6 (14) The report must include a description of methods
7 used to collect, transport, and recycle covered batteries
8 by the battery stewardship organization.

9 (15) The report must include a summary of progress
10 made toward the program performance goals established
11 under Section 30, and an explanation of why performance
12 goals were not met, if applicable.

13 (16) The report must include an evaluation of the
14 effectiveness of education and outreach activities.

15 (b) The weight of batteries or recovered resources from
16 those batteries must only be counted once and may not be
17 counted by more than one battery stewardship organization.

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

26 (d) Proprietary information submitted to the Agency under

1 this Act is exempted from disclosure as provided under
2 paragraphs (g) and (mm) of subsection (1) of Section 7 of the
3 Freedom of Information Act.

4 Section 55. Fee and Agency role.

5 (a) By July 1, 2025, and by July 1 of each year thereafter,
6 each battery stewardship organization shall pay to the Agency
7 an annual fee of \$100,000. The fee shall cover the Agency's
8 full costs of implementing, administering, and enforcing this
9 Act. The annual fee shall be deposited into the Solid Waste
10 Management Fund to be used for costs associated with the
11 administration of this Act.

12 (b) The responsibilities of the Agency in implementing,
13 administering, and enforcing this Act include:

14 (1) reviewing submitted stewardship plans and plan
15 amendments and making determinations as to whether to
16 approve the plan or plan amendment;

17 (2) reviewing annual reports submitted under Section
18 50 within 90 days after submission to ensure compliance
19 with that Section;

20 (3) maintaining a website that lists producers and
21 their brands that are participating in an approved plan,
22 and that makes available to the public each plan, plan
23 amendment, and annual report received by the Agency under
24 this Act; and

25 (4) providing technical assistance to producers and

1 retailers related to the requirements of this Act.

2 Section 60. Penalties and civil actions.

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

8 (b) The penalties provided for in this Section may be
9 recovered in a civil action brought in the name of the People
10 of the State of Illinois by the State's Attorney of the county
11 in which the violation occurred or by the Attorney General.
12 Any penalties collected under this Section in an action in
13 which the Attorney General has prevailed shall be deposited
14 into the Environmental Protection Trust Fund, to be used in
15 accordance with the provisions of the Environmental Protection
16 Trust Fund Act.

17 (c) The Attorney General or the State's Attorney of a
18 county in which a violation occurs may institute a civil
19 action for an injunction, prohibitory or mandatory, to
20 restrain violations of this Act or to require such actions as
21 may be necessary to address violations of this Act.

22 (d) The penalties and injunctions provided in this Act are
23 in addition to any penalties, injunctions, or other relief
24 provided under any other State law. Nothing in this Act bars a
25 cause of action by the State for any other penalty,

1 injunction, or other relief provided by any other law.

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

10 (f) No penalty may be assessed under this Act on an
11 individual or resident for the improper disposal of covered
12 batteries as described in Section 70 in a noncommercial or
13 residential setting.

14 Section 65. Marking requirements for batteries.

15 (a) Except as otherwise provided in rules adopted by
16 Illinois Pollution Control Board under subsection (b), a
17 producer or retailer may sell, offer for sale, or distribute
18 in or into Illinois a covered battery or battery-containing
19 product containing one or more covered batteries only if the
20 battery is:

21 (1) beginning January 1, 2027, marked with an
22 identification of the producer of the battery, unless the
23 battery is less than one-half inch in diameter or does not
24 contain a surface whose length exceeds one-half inch; and

25 (2) beginning January 1, 2029, marked with proper

1 labeling to ensure proper collection and recycling, by
2 identifying the chemistry of the battery and including an
3 indication that the battery should not be disposed of as
4 household waste.

5 (b) The Illinois Pollution Control Board may adopt rules
6 establishing marking requirements for batteries as needed to
7 maintain consistency with the labeling requirements or
8 voluntary standards for batteries established in federal law.

9 Section 70. General battery disposal and collection
10 requirements.

11 (a) On and after January 1, 2028, all persons must manage
12 unwanted covered batteries through one of the following
13 options:

14 (1) delivery to a collection site, event, or program
15 established by or included in the programs created by this
16 Act; or

17 (2) for covered batteries that are hazardous waste as
18 defined under federal or State hazardous or solid waste
19 laws, management in a manner consistent with the
20 requirements of those laws.

21 (b) On and after January 1, 2028:

22 (1) A fee may not be charged at the time covered
23 batteries are delivered or collected for management.

24 (2) All covered batteries may be collected,
25 transported, and processed only in accordance with this

1 Act, unless the batteries are regulated as hazardous waste
2 as described in paragraph (2) of subsection (a) of this
3 Section.

4 (3) No person may knowingly cause or allow the mixing
5 of a covered battery with recyclable materials that are
6 intended for processing and sorting at a material recovery
7 facility.

8 (4) No person may knowingly cause or allow the mixing
9 of a covered battery with municipal waste that is intended
10 for disposal at a sanitary landfill.

11 (5) No person may knowingly cause or allow the
12 disposal of a covered battery in a sanitary landfill.

13 (6) No person may knowingly cause or allow the mixing
14 of a covered battery with waste that is intended for
15 burning or incineration.

16 (7) No person may knowingly cause or allow the burning
17 or incineration of a covered battery.

18 (8) An owner or operator of a solid waste facility may
19 not be found in violation of this Section if the facility
20 has posted in a conspicuous location a sign stating that
21 covered batteries must be managed through collection sites
22 established by a battery stewardship organization and are
23 not accepted for disposal.

24 (9) A solid waste collector may not be found in
25 violation of this Section for a covered battery placed in
26 a disposal container by a third party.

1 Section 75. Assessment of battery-containing products and
2 their batteries.

3 (a) By July 1, 2027, the battery stewardship organization
4 must complete an assessment of the opportunities and
5 challenges associated with the end-of-life management of
6 portable and medium-format batteries that are not intended or
7 designed to be easily removed by a customer and that are
8 contained either in battery-containing products, including
9 medical devices, or in electronic products that are not
10 covered electronic devices subject to the requirements of the
11 Consumer Electronics Recycling Act.

12 (b) The battery stewardship organization must consult with
13 the Agency and interested stakeholders in completing the
14 assessment. The assessment must identify any adjustments to
15 the stewardship program requirements established in this Act
16 that would maximize public health, safety, and environmental
17 benefits.

18 (c) The assessment must consider:

19 (1) the different categories and uses of
20 battery-containing products;

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

24 (3) challenges posed by the potential collection,
25 management, and transport of battery-containing products,

1 including challenges associated with removing batteries
2 that were not intended or designed to be easily removable
3 from products, other than by the manufacturer; and

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

8 (d) By October 1, 2027, the Agency must submit the
9 assessment required in this Section to the General Assembly.

10 Section 80. Antitrust. Producers or battery stewardship
11 organizations acting on behalf of producers that prepare,
12 submit, and implement a battery stewardship program plan under
13 this Act and who are thereby subject to regulation by the
14 Agency are granted immunity from State laws relating to
15 antitrust, restraint of trade, unfair trade practices, and
16 other regulation of trade and commerce, for the limited
17 purpose of planning, reporting, and operating a battery
18 stewardship program, including:

19 (1) the creation, implementation, or management of a
20 battery stewardship organization and any battery
21 stewardship plan regardless of whether it is submitted,
22 denied, or approved;

23 (2) the determination of the cost and structure of a
24 battery stewardship plan; and

25 (3) the types or quantities of batteries being

1 recycled or otherwise managed under this Act.

2 Section 85. Collection of batteries independent of a
3 battery stewardship program. Nothing in this Act shall prevent
4 or prohibit a person from offering or performing a fee-based,
5 household collection, or a mail back program for end-of-life
6 portable batteries or medium-format batteries independently of
7 a battery stewardship program, provided that such person meets
8 the following requirements:

9 (1) such person's services must be performed, and such
10 person's facilities must be operated in compliance with
11 all applicable federal, State, and local laws and
12 requirements, including, but not limited to, all
13 applicable U.S. Department of Transportation regulations,
14 and all applicable provisions of the Environmental
15 Protection Act;

16 (2) such person must make available all batteries
17 collected by such person from its Illinois customers to
18 the battery stewardship organization; and

19 (3) after consolidation of portable or medium-format
20 batteries at the person's facilities, the transport to and
21 processing of such batteries by the battery stewardship
22 organization's designated sorters or processors shall be
23 at the battery stewardship organization's expense.

24 (415 ILCS 5/22.23d rep.)

1 Section 90. The Environmental Protection Act is amended by
2 repealing Section 22.23d.

3 Section 97. Severability. If any provision of this Act or
4 its application to any person or circumstance is held invalid,
5 the remainder of the act or the application of the provision to
6 other persons or circumstances is not affected.

7 Section 99. Effective date. This Act takes effect upon
8 becoming law, except that Section 90 takes effect on January
9 1, 2028.