



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 3686

2 AMENDMENT NO. _____. Amend Senate Bill 3686 by replacing
3 everything after the enacting clause with the following:

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 continue to
14 persist.

15 (3) Ensuring the proper handling, recycling, and
16 end-of-life management of used portable and medium-format

1 batteries prevents the release of toxic materials into the
2 environment and removes materials from the waste stream
3 that, if mishandled, may present safety concerns to
4 workers, such as by igniting fires at solid waste handling
5 facilities. For this reason, batteries should not be
6 placed into commingled recycling containers or disposed of
7 by traditional garbage collection containers.

8 (4) Jurisdictions around the world have successfully
9 implemented battery stewardship laws that have helped
10 address the challenges posed by the end-of-life management
11 of portable and medium-format batteries. Since it is
12 difficult for customers to differentiate between types and
13 chemistries of batteries, it is the best practice for
14 battery stewardship programs to collect all battery types
15 and chemistries.

16 Section 10. Definitions. As used in this Act, unless the
17 context clearly requires otherwise.

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

20 "Battery-containing product" means a product sold, offered
21 for sale, or distributed in or into this State that contains or
22 is packaged with rechargeable or primary batteries that are
23 covered batteries. "Battery-containing product" does not
24 include a covered electronic device subject to the
25 requirements of the Consumer Electronics Recycling Act.

1 "Battery stewardship organization" means a producer that
2 directly implements a battery stewardship plan required under
3 this Act or a nonprofit organization designated by a producer
4 or group of producers to implement a battery stewardship plan
5 required under this Act.

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

15 "Covered battery" means a portable battery or a
16 medium-format battery.

17 "Covered battery" does not include:

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

23 (2) a battery that contains an electrolyte as a free
24 liquid;

25 (3) a lead-acid battery weighing greater than 11
26 pounds;

1 (4) a battery subject to the provisions of Section
2 22.23 of the Environmental Protection Act; and

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

6 "Easily removable" means designed by the manufacturer to
7 be removable by the user of the product with no more than
8 commonly used household tools.

9 "Medium-format battery" means the following primary or
10 rechargeable covered batteries:

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

15 (2) for primary batteries, a battery weighing at least
16 4.4 pounds but not more than 25 pounds.

17 "Portable battery" means the following primary or
18 rechargeable covered batteries:

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

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

24 "Primary battery" means a battery that is not capable of
25 being recharged.

26 "Producer" means the following:

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

3 (A) If the battery is sold, offered for sale, or
4 distributed in or into this State under the brand of
5 the battery manufacturer, the producer is the person
6 that manufactures the battery.

7 (B) If the battery is sold, offered for sale, or
8 distributed in or into this State under a retail brand
9 or under a brand owned by a person other than the
10 manufacturer, the producer is the brand owner.

11 (C) If there is no person to whom subparagraph (A)
12 or (B) of this paragraph (1) applies, the producer is
13 the person that is the licensee of a brand or trademark
14 under which the battery is sold, offered for sale, or
15 distributed in or into this State, whether or not the
16 trademark is registered in this State.

17 (D) If there is no person in the United States to
18 whom subparagraph (A), (B), or (C) of this paragraph
19 (1) applies, the producer is the person who is the
20 importer of record for the battery into the United
21 States.

22 (E) If there is no person with a commercial
23 presence within the State to whom subparagraph (A),
24 (B), (C), or (D) of this paragraph (1) applies, the
25 producer is the person who first sells, offers for
26 sale, or distributes the battery in or into this

1 State.

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

5 (A) If the battery-containing product is sold,
6 offered for sale, or distributed in or into this State
7 under the brand of the product manufacturer, the
8 producer is the person that manufactures the product.

9 (B) If the battery-containing product is sold,
10 offered for sale, or distributed in or into this State
11 under a retail brand or under a brand owned by a person
12 other than the manufacturer, the producer is the brand
13 owner.

14 (C) If there is no person to whom subparagraph (A)
15 or (B) of this paragraph (2) applies, the producer is
16 the person that is the licensee of a brand or trademark
17 under which the product is sold, offered for sale, or
18 distributed in or into this State, whether or not the
19 trademark is registered in this State.

20 (D) If there is no person described in
21 subparagraph (A), (B), or (C) of this paragraph (2)
22 within the United States, the producer is the person
23 who is the importer of record for the product into the
24 United States.

25 (E) If there is no person described in
26 subparagraph (A), (B), (C), or (D) of this paragraph

1 (2) with a commercial presence within the State, the
2 producer is the person who first sells, offers for
3 sale, or distributes the product in or into this
4 State.

5 (F) A producer does not include any person who
6 only manufactures, sells, offers for sale,
7 distributes, or imports into the State a
8 battery-containing product if the only batteries
9 contained in or supplied with the battery-containing
10 product are supplied by a producer that has joined a
11 registered battery stewardship organization as the
12 producer for that covered battery under this Act. Such
13 a producer of covered batteries that are included in a
14 battery-containing product must provide written
15 certification of that membership to both the producer
16 of the battery-containing product containing one or
17 more covered batteries and the battery stewardship
18 organization of which the battery producer is a
19 member.

20 (3) A person is the producer of a covered battery or
21 battery-containing product containing one or more covered
22 batteries sold, offered for sale, or distributed in or
23 into this State, as defined in this Section, except if
24 another party has contractually accepted responsibility as
25 a responsible producer and has joined a registered battery
26 stewardship organization as the producer for that covered

1 battery or battery-containing product containing one or
2 more covered batteries under this Act.

3 "Program" means a program implemented by a battery
4 stewardship organization consistent with an approved battery
5 stewardship plan.

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

9 "Recycling" means recycling, reclamation, or reuse as
10 defined in Section 3.380 of the Environmental Protection Act.
11 For purposes of this Act, "recycling" does not include:

12 (1) combustion;

13 (2) incineration;

14 (3) energy generation;

15 (4) fuel production; or

16 (5) beneficial reuse in the construction and operation
17 of a solid waste landfill, including use of alternative
18 daily cover.

19 "Recycling efficiency rate" means the ratio of the weight
20 of components and materials recycled by a program operator
21 from covered batteries to the weight of covered batteries as
22 collected by the program operator.

23 "Retailer" means a person who sells covered batteries or
24 battery-containing products containing one or more covered
25 batteries in or into this State or offers or otherwise makes
26 available covered batteries or battery-containing products

1 containing one or more covered batteries to a customer,
2 including other businesses, in this State.

3 Section 15. Requirement that producers implement a
4 stewardship plan.

5 (a) Beginning January 1, 2026, a producer selling, making
6 available for sale, or distributing covered batteries or
7 battery-containing products containing one or more covered
8 batteries in or into the State of Illinois shall participate
9 in an approved Illinois State battery stewardship plan through
10 participation in and funding of a battery stewardship
11 organization.

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

16 Section 20. Role of retailers.

17 (a) Beginning July 1, 2026, a retailer may not sell, offer
18 for sale, distribute, or otherwise make available for sale a
19 covered battery or battery-containing product containing one
20 or more covered batteries unless the producer of the covered
21 battery or battery-containing product is identified as a
22 participant in a battery stewardship organization whose plan
23 has been approved by the Agency.

24 (b) A retailer is not in violation of the requirements of

1 subsection (a) of this Section if the website made available
2 by the Agency under Section 55 lists, as of the date a product
3 is made available for retail sale, the producer or brand of
4 covered battery or battery-containing product containing one
5 or more covered batteries sold by the retailer as a
6 participant in an approved plan or the implementer of an
7 approved plan.

8 (c) Retailers of covered batteries or battery-containing
9 products containing one or more covered batteries are not
10 required to make retail locations available to serve as
11 collection sites for a stewardship program operated by a
12 battery stewardship organization. Retailers that serve as a
13 collection site must comply with the requirements for
14 collection sites, consistent with Section 40.

15 (d) A retailer may not sell, offer for sale, distribute,
16 or otherwise make available for sale covered batteries, unless
17 those batteries are marked consistently with the requirements
18 of Section 65. A producer of a product containing a covered
19 battery must certify to the retailers of its product that the
20 battery contained in the battery-containing product is marked
21 consistently with the requirements of Section 65.

22 (e) A retailer selling or offering covered batteries or
23 battery-containing products containing one or more covered
24 batteries for sale in the State may provide information,
25 provided to the retailer by the battery stewardship
26 organization, regarding available end-of-life management

1 options for covered batteries collected by the battery
2 stewardship organization. The information that a battery
3 stewardship organization must make available to retailers for
4 voluntary use by retailers must include, but is not limited
5 to, in-store signage, written materials, and other promotional
6 materials that retailers may use to inform customers of the
7 available end-of-life management options for covered batteries
8 collected by the battery stewardship organization.

9 (f) Retailers, producers, or battery stewardship
10 organizations shall not charge a specific point-of-sale fee to
11 consumers to cover the administrative or operational costs of
12 the battery stewardship organization or the battery
13 stewardship program.

14 Section 25. Stewardship plan components.

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

19 (1) lists and provides contact information for each
20 producer, battery brand, and battery-containing product
21 brand covered in the plan, including identifying producers
22 who have contractually accepted responsibility as a
23 producer in accordance with paragraph (3) of the
24 definition of producer in this Act;

25 (2) proposes performance goals, consistent with

1 Section 30, including establishing performance goals for
2 each of the next 3 upcoming calendar years of program
3 implementation;

4 (3) describes how the battery stewardship organization
5 will make retailers aware of their obligation to sell only
6 covered batteries and battery-containing products
7 containing one or more covered batteries of producers
8 participating in an approved plan;

9 (4) describes the education and communications
10 strategy being implemented to promote participation in the
11 approved covered battery stewardship program and provide
12 the information necessary for effective participation of
13 consumers, retailers, and others;

14 (5) describes how the battery stewardship organization
15 will make available to collection sites, for voluntary
16 use, signage, written materials, and other promotional
17 materials that collection sites may use to inform
18 consumers of the available end-of-life management options
19 for covered batteries collected by the battery stewardship
20 organization;

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

25 (7) includes collection site safety training
26 procedures related to covered battery collection

1 activities at collection sites, including a description of
2 operating protocols to reduce risks of spills or fires,
3 response protocols in the event of a spill or fire, and
4 protocols for safe management of damaged batteries that
5 are returned to collection sites;

6 (8) describes the method to establish and administer a
7 means for fully funding the program in a manner that
8 equitably distributes the program's costs among the
9 producers that are part of the battery stewardship
10 organization. For producers that choose meet the
11 requirements of this Act individually, without joining a
12 battery stewardship organization, the plan must describe
13 the proposed method to establish and administer a means
14 for fully funding the program;

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

17 (10) describes how the program will collect all
18 covered battery chemistries and brands on a free,
19 continuous, convenient, visible, and accessible basis, and
20 consistent with the requirements of Section 40, including
21 a description of how the statewide convenience standard
22 will be met and a list of collection sites, including the
23 address of collection sites;

24 (11) provides explanation for any delay anticipated by
25 the battery stewardship organization for the
26 implementation of the management of medium-format

1 batteries such that implementation will begin later than
2 January 1, 2026, including a delay in the ability to
3 collect, package, transport, or process medium-format
4 batteries in accordance with the requirements of this Act,
5 and establishes an expected date of compliance for
6 management of medium-format batteries that is not later
7 than January 1, 2028 if a delay occurs;

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

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

17 (14) identifies proposed service providers, such as
18 sorters, transporters, and processors, to be used by the
19 program for the final disposition of batteries and
20 proposed provisions for recordkeeping, tracking, and
21 documenting the fate of collected covered batteries;

22 (15) details how the program will achieve a recycling
23 efficiency rate, calculated in accordance with Section 50,
24 of at least 60% for rechargeable batteries and at least
25 70% for primary batteries; and

26 (16) proposes goals for increasing public awareness of

1 the program and describes how the public education and
2 outreach components of the program under Section 45 will
3 be implemented.

4 (b) A battery stewardship organization must submit a new
5 plan to the Agency for approval no less than every 5 years. If
6 the performance goals under Section 30 of this Act and as
7 approved in the plan have not been met, the new plan shall
8 include corrective measures to be implemented by the battery
9 stewardship organization to meet the performance goals, which
10 may include improvements to the collection site network or
11 increased expenditures dedicated to education and outreach.

12 (c) A battery stewardship organization must provide plan
13 amendments to the Agency for approval when proposing changes
14 to the performance goals under Section 30 based on the
15 up-to-date experience of the program or when there is a change
16 to the method of financing plan implementation under Section
17 35. This does not include changes to the fees or fee structure
18 established in the plan.

19 (d) The Agency shall review stewardship plans and
20 stewardship plan amendments for compliance with this Act and
21 shall approve, disapprove, or conditionally approve the plans
22 or plan amendments in writing within 120 days of their
23 receipt. If the Agency disapproves a stewardship plan or plan
24 amendment submitted by a battery stewardship organization, the
25 Agency shall explain how the stewardship plan or plan
26 amendment does not comply with this Act. The battery

1 stewardship organization shall resubmit to the Agency a
2 revised stewardship plan or plan amendment or notice of plan
3 withdrawal within 60 days of the date the written notice of
4 disapproval is issued, and the Agency shall review the revised
5 stewardship plan or plan amendment within 90 days of
6 resubmittal. If a revised stewardship plan is disapproved by
7 the Agency, a producer operating under the stewardship plan
8 shall not be in compliance with this Act until the Agency
9 approves a stewardship plan submitted by a battery stewardship
10 organization that covers the producer's products.

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

15 (f) A battery stewardship organization must provide
16 written notification to the Agency within 30 days of a
17 producer beginning or ceasing to participate in a battery
18 stewardship organization or of adding or removing a processor
19 or transporter.

20 Section 30. Performance goals.

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

- 24 (1) the collection rate for batteries in Illinois;
25 (2) the recycling efficiency rate of the program; and

1 (3) public awareness of the program.

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

4 (1) target collection rates for primary batteries and
5 for rechargeable batteries;

6 (2) target recycling efficiency rates of at least 60%
7 for rechargeable batteries and at least 70% for primary
8 batteries; and

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

12 Section 35. Funding.

13 (a) A battery stewardship organization implementing a
14 battery stewardship plan on behalf of producers must develop
15 and administer a system to collect charges from participating
16 producers to cover the costs of plan implementation,
17 including:

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

19 (2) education and outreach;

20 (3) program evaluation; and

21 (4) payment of the administrative fees to the Agency
22 under Section 55.

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.

3 (d) Each battery stewardship organization must meet the
4 collection goals established in the approved stewardship plan
5 as specified in Section 25.

6 (e) A battery stewardship organization shall not reduce or
7 cease collection, education and outreach, or other activities
8 implemented under an approved plan based on achievement of
9 program performance goals.

10 (f) 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.

17 (g) A battery stewardship organization shall at a minimum
18 provide collection sites with appropriate containers for
19 covered batteries subject to its program, training, signage,
20 safety guidance, and educational materials, at no cost to the
21 collection sites.

22 Section 40. Collection and 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 (d) of this Section, each battery stewardship plan
5 must arrange for the collection of each chemistry and brand of
6 covered battery from any person, business, governmental
7 agency, or nonprofit organization at each collection site that
8 counts toward satisfaction of the collection site criteria in
9 subsection (d) of this Section.

10 (b) (1) 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 that is
18 made available to the collection site by the battery
19 stewardship organization and informs customers regarding the
20 end-of-life management options for batteries provided by the
21 collection site under this Act. Each collection site must meet
22 applicable federal, State, and local regulatory requirements.

23 (2) Medium-format batteries may be collected only at
24 household hazardous waste collection sites or other staffed
25 collection sites that meet applicable federal, State, and
26 local regulatory requirements to manage medium-format

1 batteries.

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

5 (B) Each battery stewardship organization must provide for
6 the collection, with qualified staff, of damaged and defective
7 batteries at each permanent household hazardous waste facility
8 and at each household hazardous waste collection event
9 scheduled by the Agency as specified in paragraph (1).

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

18 (c) (1) Each battery stewardship organization implementing
19 a battery stewardship plan shall ensure statewide collection
20 opportunities for all covered batteries. Battery stewardship
21 organizations shall coordinate activities with other program
22 operators, including covered battery collection and recycling
23 programs and electronic waste recyclers, with regard to the
24 proper management or recycling of collected covered batteries,
25 for purposes of providing the efficient delivery of services
26 and avoiding unnecessary duplication of effort and expense.

1 Statewide collection opportunities must be determined by
2 geographic information modeling that considers permanent
3 collection sites. A program may rely, in part, on collection
4 events to supplement the permanent collection services
5 required in (2) and (3) of this subsection. However, only
6 permanent collection services specified in (2) and (3) of this
7 subsection qualify toward the satisfaction of the requirements
8 of this subsection.

9 (2) For portable batteries, each battery stewardship
10 organization must provide statewide collection opportunities
11 that include:

12 (A) at least one permanent collection site for
13 portable batteries within a 15-mile radius for at least
14 95% of State residents; and

15 (B) at least one permanent collection site, collection
16 service, or collection event for portable batteries in
17 addition to those required in subparagraph (i) for every
18 30,000 residents of a county.

19 (3) For medium-format batteries, a battery stewardship
20 organization must provide statewide collection opportunities
21 that include:

22 (A) at least 10 permanent collection sites in
23 Illinois;

24 (B) reasonable geographic dispersion of collection
25 sites throughout the State;

26 (C) a permanent collection site in each county of at

1 least 200,000 persons, as determined by the most recent
2 federal decennial census; and

3 (D) service to areas without a permanent collection
4 site. A battery stewardship organization must ensure that
5 there is a collection event at least once every 3 years in
6 each county of the State which does not have a permanent
7 collection site. Such collection events must provide for
8 the collection of all medium-format batteries, including
9 damaged and defective batteries.

10 (d) A battery stewardship organization shall ensure the
11 minimum number of collection sites specified in subsection (c)
12 of this Section are established by no later than December 31,
13 2026 for portable batteries and by no later than December 31,
14 2028 for medium-format batteries.

15 (e)(1) Battery stewardship programs must use existing
16 public and private waste collection services and facilities,
17 including battery collection sites that are established
18 through other battery collection services, transporters,
19 consolidators, processors, and retailers, if cost-effective,
20 mutually agreeable, and otherwise practicable.

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

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

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

21 (4) A battery stewardship organization may issue a
22 warning, suspend, or terminate a collection site or service
23 that does not adhere to the collection site criteria in the
24 approved plan or that poses an immediate health and safety
25 concern.

26 (f) (1) Stewardship programs are not required to provide

1 for the collection of battery-containing products.

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

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

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

13 Section 45. Education and outreach requirements.

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

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

18 (2) the development and distribution of periodic press
19 releases and articles;

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

22 (4) the development of promotional materials about the
23 program and the restriction on the disposal of covered
24 batteries in Section 70 to be used by persons, including,
25 but not limited to, retailers, government agencies, waste

1 and recycling collectors, and nonprofit organizations;

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

6 (6) the development and implementation of outreach and
7 educational resources that are conceptually,
8 linguistically, and culturally accurate for the
9 communities served and reach the State's diverse ethnic
10 populations, including through meaningful consultation
11 with communities that bear disproportionately higher
12 levels of adverse environmental and social justice
13 impacts.

14 (b) Each battery stewardship organization must provide:

15 (1) consumer-focused educational promotional
16 materials to each collection site used by the program and
17 accessible by customers of retailers that sell covered
18 batteries or battery-containing products containing one or
19 more covered batteries; and

20 (2) safety information related to covered battery
21 collection activities to the operator of each collection
22 site, including appropriate protocols to reduce risks of
23 spills or fires, response protocols in the event of a
24 spill or fire, and response protocols in the event of
25 detection of a damaged or defective battery.

26 (c) (1) Each battery stewardship organization must provide

1 educational materials to the operator of each collection site
2 for the management of recalled batteries, which are not
3 intended to be part of collection as provided under this Act,
4 to help facilitate transportation and processing of recalled
5 batteries.

6 (2) A battery stewardship organization may seek
7 reimbursement from the producer of the recalled battery for
8 expenses incurred in the collection, transportation, or
9 processing of those batteries.

10 (d) Upon request by a retailer or other potential
11 collector, the battery stewardship organization must provide
12 the retailer or other potential collector educational
13 materials describing collection opportunities for batteries.

14 (e) If multiple battery stewardship organizations are
15 implementing plans approved by the Agency, the battery
16 stewardship organizations must coordinate in carrying out
17 their education and outreach responsibilities under this
18 Section and must include in their annual reports to the Agency
19 under Section 50 a summary of their coordinated education and
20 outreach efforts.

21 (f) During the first year of program implementation and
22 every 5 years thereafter, each battery stewardship
23 organization must carry out a survey of public awareness
24 regarding the requirements of the program established under
25 this Act, including the provisions of Section 70. Each battery
26 stewardship organization must share the results of the public

1 awareness surveys with the Agency.

2 Section 50. Reporting requirements.

3 (a) By June 1, 2027, and each June 1st thereafter, each
4 battery stewardship organization must submit an annual report
5 to the Agency covering the preceding calendar year of battery
6 stewardship plan implementation. The report must include the
7 following:

8 (1) The report must include an independent financial
9 assessment of a program implemented by the battery
10 stewardship organization, including a breakdown of the
11 program's expenses, such as collection expenses, recycling
12 expenses, education expenses, and overhead expenses.

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

1 states, as long as the Statement breaks out financial
2 information pertinent to Illinois.

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

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

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

11 (6) The report must include a list of all facilities
12 used in the processing or disposition of batteries,
13 including identification of the facilities' location and
14 whether the facility is located domestically, in an
15 organization for economic cooperation and development
16 country, or in a country that meets organization for
17 economic cooperation and development operating standards,
18 and for domestic facilities provide a summary of any
19 violations of environmental laws and regulations over the
20 previous 3 years at each facility.

21 (7) The report must include for each facility used for
22 the final disposition of batteries, a description of how
23 the facility recycled or otherwise managed batteries and
24 battery components.

25 (8) The report must include the weight and chemistry
26 of batteries sent to each facility used for the final

1 disposition of batteries. The information in this
2 subdivision (a)(8) may be approximated for program
3 operations in Illinois based on extrapolations of national
4 or regional data for programs in operation in multiple
5 states.

6 (9) The report must include the collection rate
7 achieved under the program, including a description of how
8 this collection rate was calculated and how it compares to
9 the collection rate goals under Section 30.

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

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

19 (12) The report must include a description of
20 education and outreach efforts supporting plan
21 implementation including, but not limited to, a summary of
22 education and outreach provided to consumers, collection
23 sites, manufacturers, distributors, and retailers by the
24 program operator for the purpose of promoting the
25 collection and recycling of covered batteries, a
26 description of how that education and outreach met the

1 requirements of Section 45, samples of education and
2 outreach materials, a summary of coordinated education and
3 outreach efforts with any other battery stewardship
4 organizations implementing a plan approved by the Agency,
5 and a summary of any changes made during the previous
6 calendar year to education and outreach activities.

7 (13) The report must include a list of all collection
8 sites and an address for each listed site, and an
9 up-to-date map indicating the location of all collection
10 sites used to implement the program, with links to
11 appropriate websites where there are existing websites
12 associated with a site.

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

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

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

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

25 (c) If a battery stewardship organization has disposed of
26 covered batteries through energy recovery, incineration, or

1 landfilling during the preceding calendar year of program
2 implementation, the annual report must specify the steps that
3 the battery stewardship organization will take to make the
4 recycling of covered batteries cost-effective, where possible,
5 or to otherwise increase battery recycling rates achieved by
6 the battery stewardship organization.

7 (d) Proprietary information submitted to the Agency under
8 this Act is exempted from disclosure as provided under
9 paragraphs (g) and (mm) of subsection (1) of Section 7 of the
10 Freedom of Information Act.

11 Section 55. Fee and Agency role.

12 (a) By July 1, 2025, and by July 1 of each year thereafter,
13 each battery stewardship organization shall pay to the Agency
14 an annual fee of \$100,000. The fee shall cover the Agency's
15 full costs of implementing, administering, and enforcing this
16 Act. The annual fee shall be deposited into the Solid Waste
17 Management Fund to be used for costs associated with the
18 administration of this Act.

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

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

24 (2) reviewing annual reports submitted under Section
25 50 within 90 days after submission to ensure compliance

1 with that Section;

2 (3) maintaining a website that lists producers and
3 their brands that are participating in an approved plan,
4 and that makes available to the public each plan, plan
5 amendment, and annual report received by the Agency under
6 this Act; and

7 (4) providing technical assistance to producers and
8 retailers related to the requirements of this Act.

9 Section 60. Penalties and civil actions.

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

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

24 (c) The Attorney General or the State's Attorney of a
25 county in which a violation occurs may institute a civil

1 action for an injunction, prohibitory or mandatory, to
2 restrain violations of this Act or to require such actions as
3 may be necessary to address violations of this Act.

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

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

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

21 Section 65. Marking requirements for batteries.

22 (a) Except as otherwise provided in rules adopted by
23 Illinois Pollution Control Board under subsection (b), a
24 producer or retailer may sell, offer for sale, or distribute
25 in or into Illinois a covered battery or battery-containing

1 product containing one or more covered batteries only if the
2 battery is:

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

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

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

16 Section 70. General battery disposal and collection
17 requirements.

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

21 (1) delivery to a collection site, event, or program
22 established by or included in the programs created by this
23 Act; or

24 (2) for covered batteries that are hazardous waste as
25 defined under federal or State hazardous or solid waste

1 laws, management in a manner consistent with the
2 requirements of those laws.

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

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

6 (2) All covered batteries may be collected,
7 transported, and processed only in accordance with this
8 Act, unless the batteries are regulated as hazardous waste
9 as described in subdivision (A) (1) of this Section.

10 (3) No person may knowingly cause or allow the mixing
11 of a covered battery with recyclable materials that are
12 intended for processing and sorting at a material recovery
13 facility.

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

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

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

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

24 (8) An owner or operator of a solid waste facility may
25 not be found in violation of this Section if the facility
26 has 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 (9) A solid waste collector may not be found in
5 violation of this Section for a covered battery placed in
6 a disposal container by a third party.

7 Section 75. 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 portable and medium-format batteries that are not intended or
13 designed to be easily removed by a customer and that are
14 contained either in battery-containing products, including
15 medical devices, or in electronic products that are not
16 covered electronic devices subject to the requirements of the
17 Consumer Electronics Recycling Act.

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

24 (c) The assessment must consider:

25 (1) the different categories and uses of

1 battery-containing products;

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

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

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

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

16 Section 80. 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
2 stewardship plan regardless of whether it is submitted,
3 denied, or 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
7 recycled or otherwise managed under this Act.

8 Section 85. 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 Environmental
21 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 transport to and
2 processing of such batteries by the battery stewardship
3 organization's designated sorters or processors shall be
4 at the battery stewardship organization's expense.

5 (415 ILCS 5/22.23d rep.)

6 Section 90. The Environmental Protection Act is amended by
7 repealing Section 22.23d.

8 Section 97. Severability. If any provision of this Act or
9 its application to any person or circumstance is held invalid,
10 the remainder of the act or the application of the provision to
11 other persons or circumstances is not affected.

12 Section 99. Effective date. This Act takes effect upon
13 becoming law, except that Section 90 takes effect on January
14 1, 2028."