

# SB3686



## 103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB3686

Introduced 2/9/2024, by Sen. David Koehler

### SYNOPSIS AS INTRODUCED:

New Act

Creates the Portable Battery Stewardship Act. Requires those who sell or distribute covered batteries or battery-containing products in the State to implement and participate in a battery stewardship plan. Details the role of retailers in the State and stewardship plan components. States goals for the stewardship program. Provides for funding of the program. Provides requirements for the collection and management of batteries covered by this Act. Details the education and outreach requirements of the program. Outlines the Agency's role. Details the penalties for violations of the Act. Details requirements for the marking, disposal, and collection of batteries covered by this Act. Provides for the collection of batteries independent of a battery stewardship program. Defines terms. Effective immediately.

LRB103 37456 JAG 67578 b

A BILL FOR

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the  
5 Portable 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 disposal options  
13 will continue to persist.

14 (3) Ensuring the proper handling, recycling, and  
15 end-of-life management of used batteries prevents the  
16 release of toxic materials into the environment and  
17 removes materials from the waste stream that, if  
18 mishandled, may present safety concerns to workers, such  
19 as by igniting fires at solid waste handling facilities.  
20 For this reason, batteries should not be placed into  
21 commingled recycling containers or disposed of by  
22 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 batteries. Since it is difficult for customers to  
4 differentiate between types and chemistries of batteries,  
5 it is the best practice for battery stewardship programs  
6 to collect all battery types and chemistries. Furthermore,  
7 it is appropriate for larger batteries used in emerging  
8 market sectors, such as electric vehicles, solar power  
9 arrays, and data centers, to be managed to ensure  
10 environmentally positive outcomes similar to those  
11 achieved by a battery stewardship program, both because of  
12 the potential economic value of large batteries used for  
13 these purposes and because of the anticipated profusion of  
14 these larger batteries as these market sectors mature.

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

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

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

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

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

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

12 "Covered battery" means a portable battery or, beginning  
13 January 1, 2028, a medium-format battery.

14 "Covered battery" does not include:

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

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

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

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

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

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

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

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

14 "Large-format battery" means:

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

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

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

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

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

26 "Portable battery" means the following primary or

1 rechargeable covered batteries:

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

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

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

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

13 (1) For covered batteries:

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

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

20 (C) If there is no person to whom subparagraph (A)  
21 or (B) of this paragraph (1) applies, the producer is  
22 the person that is the licensee of a brand or trademark  
23 under which the battery is used in a commercial  
24 enterprise, sold, offered for sale, or distributed in  
25 or into this State, whether or not the trademark is  
26 registered in this State.

1 (D) If there is no person in the United States to  
2 whom subparagraph (A), (B), or (C) of this paragraph  
3 (1) applies, the producer is the person who is the  
4 importer of record for the battery into the United  
5 States for use in a commercial enterprise that sells,  
6 offers for sale, or distributes the battery in this  
7 State.

8 (E) If there is no person with a commercial  
9 presence within the State to whom subparagraph (A),  
10 (B), (C), or (D) of this paragraph (1) applies, the  
11 producer is the person who first sells, offers for  
12 sale, or distributes the battery in or into this  
13 State.

14 (2) For covered battery-containing products:

15 (A) If the battery-containing product is sold  
16 under the brand of the product manufacturer, the  
17 producer is the person that manufactures the product.

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

22 (C) If there is no person to whom subparagraph (A)  
23 or (B) of this paragraph (2) applies, the producer is  
24 the person that is the licensee of a brand or trademark  
25 under which the product is used in a commercial  
26 enterprise, sold, offered for sale, or distributed in

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

3 (D) If there is no person described in  
4 subparagraph (A), (B), or (C) of this paragraph (2)  
5 within the United States, the producer is the person  
6 who is the importer of record for the product into the  
7 United States for use in a commercial enterprise that  
8 sells, offers for sale, or distributes the product in  
9 this State.

10 (E) If there is no person described in  
11 subparagraph (A), (B), (C), or (D) of this paragraph  
12 (2) with a commercial presence within the State, the  
13 producer is the person who first sells, offers for  
14 sale, or distributes the product in or into this  
15 State.

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



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

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

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

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

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

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

1           daily cover.

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

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

11           Section 15. Requirement that producers implement a  
12 stewardship plan.       (a) Beginning January 1, 2026, a  
13 producer selling, making available for sale, or distributing  
14 covered batteries or battery-containing products in or into  
15 the State of Illinois shall participate in an approved  
16 Illinois State battery stewardship plan through participation  
17 in and appropriate funding of a battery stewardship  
18 organization.

19           (b) Beginning January 1, 2026, a producer that does not  
20 participate in a battery stewardship organization and battery  
21 stewardship plan may not sell covered batteries or  
22 battery-containing products covered by this Act in or into the  
23 State.

24           Section 20. Role of retailers.

1           (a) Beginning July 1, 2026, for portable batteries, and  
2           July 1, 2028, for medium-format batteries, a retailer may not  
3           sell, offer for sale, distribute, or otherwise make available  
4           for sale a covered battery or battery-containing product  
5           unless the producer of the covered battery or  
6           battery-containing product certifies to the retailer that the  
7           producer participates in a battery stewardship organization  
8           whose plan has been approved by the Agency.

9           (b) A retailer is in compliance with the requirements of  
10          subsection (a) of this Section and is not subject to penalties  
11          under Section 60 as long as the website made available by the  
12          Agency under Section 55 lists, as of the date a product is made  
13          available for retail sale, the producer or brand of covered  
14          battery or battery-containing product sold by the retailer as  
15          a participant in an approved plan or the implementer of an  
16          approved plan.

17          (c) Retailers of covered batteries or battery-containing  
18          products are not required to make retail locations available  
19          to serve as collection sites for a stewardship program  
20          operated by a battery stewardship organization. Retailers that  
21          serve as a collection site must comply with the requirements  
22          for collection sites, consistent with Section 40.

23          (d) A retailer may not sell, offer for sale, distribute,  
24          or otherwise make available for sale covered batteries, unless  
25          those batteries are marked consistently with the requirements  
26          of Section 65. A producer of a battery-containing product

1 containing a covered battery must certify to the retailers of  
2 its product that the battery contained in the  
3 battery-containing product is marked consistently with the  
4 requirements of Section 65. A retailer may rely on this  
5 certification for purposes of compliance with this Act.

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

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

24 Section 25. Stewardship plan components.

25 (a) By July 1, 2025, each battery stewardship organization

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

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

11 (2) proposes performance goals, consistent with  
12 Section 30, including establishing performance goals for  
13 each of the next 3 upcoming calendar years of program  
14 implementation;

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

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

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

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

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

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

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

26 (9) describes the financing methods used to implement

1 the plan, consistent with Section 35;

2 (10) describes how the program will collect all  
3 covered battery chemistries and brands on a free,  
4 continuous, convenient, visible, and accessible basis, and  
5 consistent with the requirements of Section 40, including  
6 a description of how the statewide convenience standard  
7 will be met and a list of collection sites, including the  
8 address of collection sites;

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

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

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

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

1 efficiency rate, calculated in accordance with Section 50,  
2 of at least 60% for rechargeable batteries and at least  
3 70% for primary batteries; and

4 (15) proposes goals for increasing public awareness of  
5 the program and describes how the public education and  
6 outreach components of the program under Section 45 will  
7 be implemented.

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

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



1 approval:

2 (1) If there are significant changes to the methods of  
3 collection, transport, or end-of-life management of  
4 covered batteries under Section 40 that are not provided  
5 for in the plan. The Agency may identify the types of  
6 significant changes that require a new plan to be  
7 submitted to the Agency for approval. For purposes of this  
8 subsection, adding or removing a processor or transporter  
9 under the plan is not considered a significant change that  
10 requires a plan resubmittal.

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

14 (3) No less than every 5 years.

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

18 (4) When proposing changes to the performance goals  
19 under Section 30 based on the up-to-date experience of the  
20 program;

21 (5) When there is a change to the method of financing  
22 plan implementation under Section 35. This does not  
23 include changes to the fees or fee structure established  
24 in the plan; or

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

1 the Agency.

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

8 (e) No earlier than 5 years after the initial approval of a  
9 plan, the Agency may require a battery stewardship  
10 organization to submit a revised plan, which may include  
11 improvements to the collection site network or increased  
12 expenditures dedicated to education and outreach if the  
13 approved plan has not met the performance goals under Section  
14 30.

15 Section 30. Goals.

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

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

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

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

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

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

7           Section 35. Funding.

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

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

13                 (2) education and outreach;

14                 (3) program evaluation; and

15                 (4) payment of the administrative fees to the Agency  
16          under Section 55.

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

22          (c) Each battery stewardship organization is responsible  
23          for all costs of participating covered battery collection,  
24          transportation, processing, education, administration, agency  
25          reimbursement, recycling, and end-of-life management in

1 accordance with the requirements of this Act and  
2 environmentally sound management practices.

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

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

9 (f) A battery stewardship organization must reimburse  
10 local governments for demonstrable costs incurred as a result  
11 of a local government facility or solid waste handling  
12 facility serving as a collection site for a program including,  
13 but not limited to, associated labor costs and other costs  
14 associated with accessibility and collection site standards  
15 such as storage.

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

21 Section 40. Collection and management requirements.

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

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

9 (b) (1) For each collection site utilized by the program,  
10 each battery stewardship organization must provide suitable  
11 collection containers for covered batteries that are  
12 segregated from other solid waste or make mutually agreeable  
13 alternative arrangements for the collection of batteries at  
14 the site. The location of collection containers at each  
15 collection site used by the program must be within view of a  
16 responsible person and must be accompanied by signage made  
17 available to the collection site by the battery stewardship  
18 organization that informs customers regarding the end-of-life  
19 management options for batteries provided by the collection  
20 site under this Act. Each collection site must meet applicable  
21 federal, State, and local regulatory requirements and adhere  
22 to the operations manual and other safety information provided  
23 to the collection site by the battery stewardship  
24 organization.

25 (2) Medium-format batteries may be collected only at  
26 household hazardous waste collection sites or other staffed

1 collection sites that meet applicable federal, State, and  
2 local regulatory requirements to manage medium-format  
3 batteries.

4 (c) (1) Damaged and defective batteries are intended to be  
5 collected at collection sites staffed by persons trained to  
6 handle and ship those batteries.

7 (2) Each battery stewardship organization must provide for  
8 collection of damaged and defective batteries in each county  
9 of the State, either through collection sites or collection  
10 events with qualified staff as specified in paragraph (1).  
11 Collection events should be provided periodically throughout  
12 the year where practicable, but must be provided at least once  
13 per year at a minimum, in each county in which there are not  
14 permanent collection sites providing for the collection of  
15 damaged and defective batteries.

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

23 (d) (1) Each battery stewardship organization implementing  
24 a battery stewardship plan shall ensure statewide collection  
25 opportunities for all covered batteries. Battery stewardship  
26 organizations shall coordinate activities with other program

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

14 (2) For portable batteries, each battery stewardship  
15 organization must provide statewide collection opportunities  
16 that include, but are not limited to, the provision of:

17 (A) at least one permanent collection site for  
18 portable batteries within a 15-mile radius for at least  
19 95% of State residents;

20 (B) at least one permanent collection site, collection  
21 service, or collection event for portable batteries in  
22 addition to those required in subparagraph (i) for every  
23 30,000 residents of a county.

24 (C) collection opportunities for portable batteries at  
25 special locations where batteries are often spent and  
26 replaced, such as supervised locations at parks with

1 stores and campgrounds; and

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

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

7 (B) reasonable geographic dispersion of collection  
8 sites throughout the State;

9 (C) a permanent collection site in each county of at  
10 least 200,000 persons, as determined by the most recent  
11 population estimate of the office of financial management;  
12 and

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

20 (e)(1) Battery stewardship programs must use existing  
21 public and private waste collection services and facilities,  
22 including battery collection sites that are established  
23 through other battery collection services, transporters,  
24 consolidators, processors, and retailers, where  
25 cost-effective, mutually agreeable, and otherwise practicable.

26 (2) Battery stewardship programs must use as a collection



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

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

26 (4) A battery stewardship organization may issue a

1 warning, suspend, or terminate a collection site or service  
2 that does not adhere to the collection site criteria in the  
3 approved plan or that poses an immediate health and safety  
4 concern.

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

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

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

14 (4) Stewardship programs are not required to provide for  
15 the collection of batteries still contained in covered  
16 electronic products under the Consumer Electronics Recycling  
17 Act.

18 Section 45. Education and outreach requirements.

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

22 (1) and maintenance of a website;

23 (2) and distribution of periodic press releases and  
24 articles;

25 (3) and placement of advertisements for use on social

1 media or other relevant media platforms;

2 (4) of promotional materials about the program and the  
3 restriction on the disposal of covered batteries in  
4 Section 70 to be used by persons, including, but not  
5 limited to, retailers, government agencies, waste and  
6 recycling collectors, and nonprofit organizations;

7 (5) and distribution of collection site safety  
8 training procedures that are in compliance with State law  
9 to collection sites to help ensure proper management of  
10 covered batteries at collection sites; and

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

18 (b) Each battery stewardship organization must provide:

19 (1) consumer-focused educational promotional  
20 materials to each collection site used by the program and  
21 accessible by customers of retailers that sell covered  
22 batteries or battery-containing products; and

23 (2) safety information related to covered battery  
24 collection activities to the operator of each collection  
25 site, including appropriate protocols to reduce risks of  
26 spills or fires, response protocols in the event of a

1 spill or fire, and response protocols in the event of  
2 detection of a damaged or defective battery.

3 (c)(1) Each battery stewardship organization must provide  
4 educational materials to the operator of each collection site  
5 for the management of recalled batteries, which are not  
6 intended to be part of collection as provided under Section  
7 40, to help facilitate transportation and processing of  
8 recalled batteries.

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

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

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

24 (f) During the first year of program implementation and  
25 every 5 years thereafter, each battery stewardship  
26 organization must carry out a survey of public awareness

1 regarding the requirements of the program established under  
2 this Act, including the provisions of Section 70. Each battery  
3 stewardship organization must share the results of the public  
4 awareness surveys with the Agency.

5 Section 50. Reporting requirements.

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

10 (1) an independent financial assessment of a program  
11 implemented by the battery stewardship organization,  
12 including a breakdown of the program's expenses, such as  
13 collection, recycling, education, and overhead, when  
14 required by the Agency;

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

1 multiple states may submit a financial Statement including  
2 all covered states, as long as the Statement breaks out  
3 financial information pertinent to Illinois;

4 (3) the weight, by chemistry, of covered batteries  
5 collected under the program;

6 (4) the weight of materials recycled from covered  
7 batteries collected under the program, in total, and by  
8 method of battery recycling;

9 (5) a calculation of the recycling efficiency rates,  
10 as measured consistent with subsection (b) of this  
11 Section;

12 (6) for each facility used for the final disposition  
13 of batteries, a description of how the facility recycled  
14 or otherwise disposed of batteries and battery components;

15 (7) the weight and chemistry of batteries sent to each  
16 facility used for the final disposition of batteries. The  
17 information in this subsection (a) may be approximated for  
18 program operations in Illinois based on extrapolations of  
19 national or regional data for programs in operation in  
20 multiple states;

21 (8) the collection rate achieved under the program,  
22 including a description of how this collection rate was  
23 calculated and how it compares to the collection rate  
24 goals under Section 30;

25 (9) the estimated aggregate sales, by weight and  
26 chemistry, of batteries and batteries contained in or with

1 battery-containing products sold in Illinois by  
2 participating producers for each of the previous 3  
3 calendar years;

4 (10) a description of the manner in which the  
5 collected batteries were managed and recycled, including a  
6 discussion of best available technologies and the  
7 recycling efficiency rate;

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

22 (12) a list of all collection sites and an address for  
23 each listed site, and an up-to-date map indicating the  
24 location of all collection sites used to implement the  
25 program, with links to appropriate websites where there  
26 are existing websites associated with a site;

1           (13) a description of methods used to collect,  
2           transport, and recycle covered batteries by the battery  
3           stewardship organization;

4           (14) a summary on progress made toward the program  
5           performance goals established under Section 30, and an  
6           explanation of why performance goals were not met, if  
7           applicable; and

8           (15) an evaluation of the effectiveness of education  
9           and outreach activities.

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

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

17                 (1) whether the facility is located domestically, in  
18                 an organization for economic cooperation and development  
19                 country, or in a country that meets organization for  
20                 economic cooperation and development operating standards;  
21                 and

22                 (2) what facilities processed the batteries, and for  
23                 domestic facilities a summary of any violations of  
24                 environmental laws and regulations over the previous 3  
25                 years at each facility.

26          (d) If a battery stewardship organization has disposed of



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

8 (e) A producer or battery stewardship organization that  
9 submits information or records to the Agency under this Act  
10 may request that the information or records be made available  
11 only for the confidential use of the Agency, the Director of  
12 the Agency, or the appropriate division of the Agency. The  
13 Director of the Agency must consider the request and if this  
14 action is not detrimental to the public interest and is  
15 otherwise in accordance with the policies and purposes of the  
16 Freedom of Information Act, the Director must grant the  
17 request for the information to remain confidential as  
18 authorized in the Freedom of Information Act.

19 Section 55. Fee and Agency role.

20 (a) The Agency shall be paid an annual fee of \$50,000 by  
21 one or more battery stewardship organizations, with cost  
22 allocation between multiple battery stewardship organizations  
23 to be assigned proportional to each organization's share of  
24 program costs. The fee shall cover the Agency's full costs of  
25 implementing, administering, and enforcing this Act. The

1 annual fee shall be deposited into the Solid Waste Management  
2 Fund to be used for costs associated with the administration  
3 of this Act.

4 (b) The responsibilities of the Agency in implementing,  
5 administering, and enforcing this Act include, but are not  
6 limited to:

7 (1) reviewing submitted stewardship plans and plan  
8 amendments and making determinations as to whether to  
9 approve the plan or plan amendment;

10 (A) the Agency must provide a letter of approval  
11 for the plan or plan amendment if it provides for the  
12 establishment of a stewardship program that meets the  
13 requirements of Sections 15 through;

14 (B) if a plan or plan amendment is rejected, the  
15 Agency must provide the reasons for rejecting the plan  
16 to the battery stewardship organization. The battery  
17 stewardship organization must submit a new plan within  
18 60 days after receipt of the letter of disapproval;  
19 and

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

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

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

6           (B) upon the date the first plan is approved, the  
7 Agency must post on its website a list of producers and  
8 their brands for which the Agency has approved a plan. The  
9 Agency must update the list of producers and brands  
10 participating under an approved program plan based on  
11 information provided to the Agency from battery  
12 stewardship organizations; and

13           (4) providing technical assistance to producers and  
14 retailers related to the requirements of this Act and  
15 issuing orders or imposing civil penalties authorized  
16 under Section 60 where the technical assistance efforts do  
17 not lead to compliance by a producer or retailer.

18           Section 60. Penalties and civil actions.

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

24           (b) The penalties provided for in this Section may be  
25 recovered in a civil action brought in the name of the People

1 of the State of Illinois by the State's Attorney of the county  
2 in which the violation occurred or by the Attorney General.  
3 Any penalties collected under this Section in an action in  
4 which the Attorney General has prevailed shall be deposited  
5 into the Environmental Protection Trust Fund, to be used in  
6 accordance with the provision of the Environmental Protection  
7 Trust Fund Act.

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

13 (d) The penalties and injunctions provided in this Act are  
14 in addition to any penalties, injunctions, or other relief  
15 provided under any other State law. Nothing in this Act bars a  
16 cause of action by the State for any other penalty,  
17 injunction, or other relief provided by any other law.

18 (e) Any person who knowingly makes a false, fictitious, or  
19 fraudulent material Statement, orally or in writing, to the  
20 Agency, related to or required by this Act or any rule adopted  
21 under this Act commits a Class 4 felony, and each such  
22 Statement or writing shall be considered a separate Class 4  
23 felony. A person who, after being convicted under this  
24 subsection, violates this subsection a second or subsequent  
25 time commits a Class 3 felony.

26 (f) No penalty may be assessed on an individual or

1 resident for the improper disposal of covered batteries as  
2 described in Section 70 in a noncommercial or residential  
3 setting.

4 Section 65. Marking requirements for batteries.

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

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

14 (2) beginning January 1, 2029, marked with proper  
15 labeling to ensure proper collection and recycling, by  
16 identifying the chemistry of the battery and including an  
17 indication that the battery should not be disposed of as  
18 household waste.

19 (b) A producer shall certify to its customers, or to the  
20 retailer if the retailer is not the customer, that the  
21 requirements of this Section have been met, as provided in  
22 Section 20.

23 (c) The Agency may amend, by rule, the requirements of  
24 subsection (a) of this Section to maintain consistency with  
25 the labeling requirements or voluntary standards for batteries

1 established in federal law.

2 Section 70. General battery disposal and collection  
3 requirements. On and after January 1, 2026, for portable  
4 batteries and January 1, 2028, for medium-format batteries, or  
5 the first date on which an approved plan begins to be  
6 implemented under this Act by a battery stewardship  
7 organization, whichever comes first:

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

10 (A) disposal using the collection sites  
11 established by or included in the programs created by  
12 this Act; or

13 (B) for covered batteries generated by persons  
14 that are regulated generators of covered batteries  
15 under federal or State hazardous or solid waste laws,  
16 disposal in a manner consistent with the requirements  
17 of those laws.

18 (2) (A) A fee may not be charged at the time unwanted  
19 covered batteries are delivered or collected for  
20 management.

21 (B) All covered batteries may only be collected,  
22 transported, and processed in a manner that meets the  
23 standards established for a battery stewardship  
24 organization in a plan approved by the Agency, unless the  
25 batteries are being managed as described in subsection

1           subparagraph (B) or paragraph (1) of this Section.

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

5           (D) A person may not place covered batteries in or on a  
6 container for mixed recyclables unless there is a separate  
7 location or compartment for the covered battery that  
8 complies with local government collection standards or  
9 guidelines.

10          (E) An owner or operator of a solid waste facility may  
11 not be found in violation of this Section if the facility  
12 has posted in a conspicuous location a sign stating that  
13 covered batteries must be managed through collection sites  
14 established by a battery stewardship organization and are  
15 not accepted for disposal.

16          (F) A solid waste collector may not be found in  
17 violation of this Section for a covered battery placed in  
18 a disposal container by the generator of the covered  
19 battery.

20          Section 75. Assessment of battery-containing products and  
21 their batteries.

22          (a) By July 1, 2027, the battery stewardship organization  
23 must complete an assessment of the opportunities and  
24 challenges associated with the end-of-life management of  
25 batteries not intended or designed to be easily removed by a

1 customer that are contained in battery-containing products,  
2 including medical devices, and in electronic products that are  
3 not covered electronic products managed under an approved plan  
4 implemented under the Consumer Electronics Recycling Act.

5 (b) The battery stewardship organization must consult with  
6 the Agency and interested stakeholders in completing the  
7 assessment. The assessment must identify any adjustments to  
8 the stewardship program requirements established in this Act  
9 that would maximize public health, safety, and environmental  
10 benefits.

11 (c) The assessment must consider:

12 (1) the different categories and uses of  
13 battery-containing products;

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

17 (3) challenges posed by the potential collection,  
18 management, and transport of battery-containing products,  
19 including challenges associated with removing batteries  
20 that were not intended or designed to be easily removable  
21 from products, other than by the manufacturer; and

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

26 (d) By October 1, 2027, the Agency must submit a report to



1 the General Assembly containing the findings of the assessment  
2 required in this Section.

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

12 (1) the creation, implementation, or management of a  
13 battery stewardship organization and any battery  
14 stewardship plan regardless of whether it is submitted,  
15 denied, or approved;

16 (2) the determination of the cost and structure of a  
17 battery stewardship plan; and

18 (3) the types or quantities of batteries being  
19 recycled or otherwise managed under this Act.

20 Section 85. Collection of batteries independent of a  
21 battery stewardship program. Nothing in this Act shall prevent  
22 or prohibit a person from offering or performing a fee-based,  
23 household collection, or a mail back program for end-of-life  
24 portable batteries or medium-format batteries independently of

1 a battery stewardship program, provided that such person meets  
2 the following requirements:

3 (1) such person's services must be performed, and such  
4 person's facilities must be operated in compliance with  
5 all applicable federal, State, and local laws and  
6 requirements, including, but not limited to, all  
7 applicable U.S. Department of Transportation regulations,  
8 and all applicable provisions of the Environmental  
9 Protection Act;

10 (2) such person must make available all batteries  
11 collected by such person from its Illinois customers to  
12 the battery stewardship organization; and

13 (3) after consolidation of portable or medium-format  
14 batteries at the person's facilities, the costs for  
15 transporting such batteries to the battery stewardship  
16 organization's designated sorters or processors shall be  
17 at the battery stewardship organization's expense.

18 Section 97. Severability. If any provision of this Act or  
19 its application to any person or circumstance is held invalid,  
20 the remainder of the act or the application of the provision to  
21 other persons or circumstances is not affected.

22 Section 99. Effective date. This Act takes effect upon  
23 becoming law.