

1 AN ACT concerning safety.

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

4 Section 1. Short title. This Act may be cited as the
5 Portable and Medium-Format Battery Stewardship Act.

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

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

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

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

23 (4) Jurisdictions around the world have successfully

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

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

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

12 "Agency-sponsored household battery recycling program"
13 means a household battery recycling program sponsored by the
14 Agency where the Agency provides for the transport,
15 processing, recycling, and other end-of-life management for
16 household-generated batteries collected by Agency collection
17 partners under grant funding provided by the U.S. Department
18 of Energy on or after January 1, 2024.

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

25 "Battery stewardship organization" means a producer that

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

5 "Battery Stewardship Program" means a program implemented
6 by a battery stewardship organization consistent with an
7 approved battery stewardship plan.

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

17 "Covered battery" means a portable battery or a
18 medium-format battery.

19 "Covered battery" does not include:

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

25 (2) a battery that contains an electrolyte as a free
26 liquid;

1 (3) a lead-acid battery weighing greater than 11
2 pounds;

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

5 (5) a battery in a battery-containing product that is
6 not intended or designed to be easily removable from the
7 battery-containing product; and

8 (6) a battery that is a component of a motor vehicle or
9 intended for use exclusively in motor vehicles.

10 "Easily removable" means designed by the manufacturer to
11 be removable by the user of the product with no more than
12 commonly used household tools.

13 "Medium-format battery" means the following primary or
14 rechargeable covered batteries:

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

19 (2) for primary batteries, a battery weighing at least
20 4.4 pounds but not more than 25 pounds.

21 "Motor vehicle" includes automobiles, vans, trucks,
22 tractors, motorcycles, and motorboats as defined in subsection
23 (h) of Section 22.23 of the Environmental Protection Act. For
24 purposes of this Act, "motor vehicle" also includes
25 all-terrain vehicles as defined in Section 1-101.8 of the
26 Illinois Vehicle Code and watercraft as defined in Section 1-2

1 of the Boat Registration and Safety Act.

2 "Portable battery" means the following primary or
3 rechargeable covered batteries:

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

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

9 "Primary battery" means a battery that is not capable of
10 being recharged.

11 "Producer" means the following:

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

14 (A) If the battery is sold, offered for sale, or
15 distributed in or into this State under the brand of
16 the battery manufacturer, the producer is the person
17 that manufactures the battery.

18 (B) If the battery is sold, offered for sale, or
19 distributed in or into this State under a retail brand
20 or under a brand owned by a person other than the
21 manufacturer, the producer is the brand owner.

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

1 trademark is registered in this State.

2 (D) If there is no person in the United States to
3 whom subparagraph (A), (B), or (C) of this paragraph
4 (1) applies, the producer is the person who is the
5 importer of record for the battery into the United
6 States.

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

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

16 (A) If the battery-containing product is sold,
17 offered for sale, or distributed in or into this State
18 under the brand of the product manufacturer, the
19 producer is the person that manufactures the product.

20 (B) If the battery-containing product is sold,
21 offered for sale, or distributed in or into this State
22 under a retail brand or under a brand owned by a person
23 other than the manufacturer, the producer is the brand
24 owner.

25 (C) If there is no person to whom subparagraph (A)
26 or (B) of this paragraph (2) applies, the producer is

1 the person that is the licensee of a brand or trademark
2 under which the product is sold, offered for sale, or
3 distributed in or into this State, whether or not the
4 trademark is registered in this State.

5 (D) If there is no person described in
6 subparagraph (A), (B), or (C) of this paragraph (2)
7 within the United States, the producer is the person
8 who is the importer of record for the product into the
9 United States.

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
20 contained in or supplied with the battery-containing
21 product are supplied by a producer that has joined a
22 registered battery stewardship organization as the
23 producer for that covered battery under this Act. Such
24 a producer of 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 battery-containing product containing one or
2 more covered batteries and the battery stewardship
3 organization of which the battery producer is a
4 member.

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

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

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

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

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

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

11 Section 15. Requirement that producers implement a
12 stewardship plan.

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

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

24 Section 20. Role of retailers.

1 (a) Beginning July 1, 2026, a retailer may not sell, offer
2 for sale, distribute, or otherwise make available for sale a
3 covered battery or battery-containing product containing one
4 or more covered batteries unless the producer of the covered
5 battery or battery-containing product is identified as a
6 participant in a battery stewardship organization whose plan
7 has been approved by the Agency.

8 (b) A retailer is not in violation of the requirements of
9 subsection (a) of this Section if the website made available
10 by the Agency under Section 55 lists, as of the date a product
11 is made available for retail sale, the producer or brand of
12 covered battery or battery-containing product containing one
13 or more covered batteries sold by the retailer as a
14 participant in an approved plan or the implementer of an
15 approved plan.

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

1 battery must certify to the retailers of its product that the
2 battery contained in the battery-containing product is marked
3 consistently with the requirements of Section 65.

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

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

22 Section 25. Stewardship plan components.

23 (a) By July 1, 2025, each battery stewardship organization
24 must submit to the Agency for approval a plan for covered
25 batteries. The Agency shall review and approve a plan based on

1 whether it:

2 (1) lists and provides contact information for each
3 producer, battery brand, and battery-containing product
4 brand covered in the plan, including identifying producers
5 who have contractually accepted responsibility as a
6 producer in accordance with paragraph (3) of the
7 definition of producer in this Act;

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

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

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

22 (5) describes how the battery stewardship organization
23 will make available to collection sites, for voluntary
24 use, signage, written materials, and other promotional
25 materials that collection sites may use to inform
26 consumers of the available end-of-life management options

1 for covered batteries collected by the battery stewardship
2 organization;

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

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

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

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

25 (10) describes how the program will collect all
26 covered battery chemistries and brands on a free,

1 continuous, convenient, visible, and accessible basis, and
2 consistent with the requirements of Section 40, including
3 a description of how the statewide convenience standard
4 will be met and a list of collection sites supported by the
5 battery stewardship program, including the address of
6 collection sites supported by the battery stewardship
7 program;

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

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

21 (13) establishes collection rate goals for each of the
22 first 3 years of implementation of the battery stewardship
23 plan that are based on the estimated total weight of
24 primary and rechargeable covered batteries that have been
25 sold in the State in the previous 3 calendar years by the
26 producers participating in the battery stewardship plan;

1 (14) identifies proposed service providers, such as
2 sorters, transporters, and processors, to be used by the
3 program for the final disposition of batteries and
4 proposed provisions for recordkeeping, tracking, and
5 documenting the fate of collected covered batteries;

6 (15) details how the program will achieve a recycling
7 efficiency rate, calculated in accordance with Section 50,
8 of at least 60% for rechargeable batteries and at least
9 70% for primary batteries; and

10 (16) proposes goals for increasing public awareness of
11 the program and describes how the public education and
12 outreach components of the program under Section 45 will
13 be implemented.

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

22 (c) A battery stewardship organization must provide plan
23 amendments to the Agency for approval when proposing changes
24 to the performance goals under Section 30 based on the
25 up-to-date experience of the program or when there is a change
26 to the method of financing plan implementation under Section

1 35. This does not include changes to the fees or fee structure
2 established in the plan, or the addition or removal of a
3 collection location to the battery stewardship program because
4 of changes to an Agency-sponsored household battery recycling
5 program.

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

24 (e) When a stewardship plan or an amendment to an approved
25 plan is submitted under this Section, the Agency shall make
26 the proposed plan or amendment available for public review and

1 comment for at least 30 days.

2 (f) A battery stewardship organization must provide
3 written notification to the Agency within 30 days of a
4 producer beginning or ceasing to participate in a battery
5 stewardship organization or of adding or removing a processor
6 or transporter.

7 Section 30. Performance goals.

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

- 11 (1) the collection rate for batteries in Illinois;
12 (2) the recycling efficiency rate of the program; and
13 (3) public awareness of the program.

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

- 16 (1) target collection rates for primary batteries and
17 for rechargeable batteries;
18 (2) target recycling efficiency rates of at least 60%
19 for rechargeable batteries and at least 70% for primary
20 batteries; and
21 (3) goals for public awareness, convenience, and
22 accessibility that meet or exceed the minimum requirements
23 established in Section 40.

24 Section 35. Funding.

1 (a) A battery stewardship organization implementing a
2 battery stewardship plan on behalf of producers must develop
3 and administer a system to collect charges from participating
4 producers to cover the costs of plan implementation,
5 including:

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

7 (2) education and outreach;

8 (3) program evaluation; and

9 (4) payment of the administrative fees to the Agency
10 under Section 55.

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

16 (c) Each battery stewardship organization must meet the
17 collection goals established in the approved stewardship plan
18 as specified in Section 25.

19 (d) A battery stewardship organization shall not reduce or
20 cease collection, education and outreach, or other activities
21 implemented under an approved plan based on achievement of
22 program performance goals.

23 (e) A battery stewardship organization must reimburse
24 local governments for demonstrable costs incurred as a result
25 of a local government facility or solid waste handling
26 facility serving as a collection site for a program including,

1 but not limited to, associated labor costs and other costs
2 associated with accessibility and collection site standards
3 such as storage.

4 (f) A battery stewardship organization shall at a minimum
5 provide collection sites with appropriate containers for
6 covered batteries subject to its program, training, signage,
7 safety guidance, and educational materials, at no cost to the
8 collection sites.

9 Section 40. Collection and management requirements.

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

22 (b) (1) For each collection site used by the program, each
23 battery stewardship organization must provide suitable
24 collection containers for covered batteries that are
25 segregated from other solid waste or make mutually agreeable

1 alternative arrangements for the collection of batteries at
2 the site. The location of collection containers at each
3 collection site used by the program must be within view of a
4 responsible person and must be accompanied by signage that is
5 made available to the collection site by the battery
6 stewardship organization and informs customers regarding the
7 end-of-life management options for batteries provided by the
8 collection site under this Act. Each collection site must meet
9 applicable federal, State, and local regulatory requirements.

10 (2) Medium-format batteries may be collected only at
11 household hazardous waste collection sites or other staffed
12 collection sites that meet applicable federal, State, and
13 local regulatory requirements to manage medium-format
14 batteries.

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

18 (B) Each battery stewardship organization must provide for
19 the collection, with qualified staff as specified in
20 subparagraph (A), of damaged and defective batteries at each
21 permanent household hazardous waste facility and at each
22 household hazardous waste collection event scheduled by the
23 Agency.

24 (C) As used in this subsection, "damaged and defective
25 batteries" means batteries that have been damaged or
26 identified by the manufacturer as being defective for safety

1 reasons and that have the potential of producing a dangerous
2 evolution of heat, fire, or short circuit, as referred to in 49
3 CFR 173.185(f) as of January 1, 2023, or as updated by the
4 Illinois Pollution Control Board by rule to maintain
5 consistency with federal standards.

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

23 (2) For portable batteries, each battery stewardship
24 organization must provide statewide collection opportunities
25 that include:

26 (A) at least one permanent collection site for

1 portable batteries within a 15-mile radius for at least
2 95% of State residents; and

3 (B) at least one permanent collection site, collection
4 service, or collection event for portable batteries in
5 addition to those required in subparagraph (A) for every
6 30,000 residents of a county.

7 (3) For medium-format batteries, a battery stewardship
8 organization must provide statewide collection opportunities
9 that include:

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

12 (B) reasonable geographic dispersion of collection
13 sites throughout the State;

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

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

24 (4) The collection location requirements set forth in
25 paragraphs (2) and (3) of this subsection may be satisfied by
26 collection locations participating in an Agency-sponsored

1 household battery recycling program.

2 (d) A battery stewardship organization shall ensure the
3 minimum number of collection sites specified in subsection (c)
4 of this Section are established by no later than December 31,
5 2028.

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

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

25 (3) Battery stewardship programs must use as a site for a
26 collection event for covered batteries any retailer,

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

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

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

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

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

26 (4) Stewardship programs are not required to provide for

1 the collection of batteries still contained in covered
2 electronic devices that are subject to the requirements of the
3 Consumer Electronics Recycling Act.

4 Section 45. Education and outreach requirements.

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

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

9 (2) the development and distribution of periodic press
10 releases and articles;

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

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

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

22 (6) the development and implementation of outreach and
23 educational resources that are conceptually,
24 linguistically, and culturally accurate for the
25 communities served and reach the State's diverse ethnic

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

5 (b) Each battery stewardship organization must provide:

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

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

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

23 (2) A battery stewardship organization may seek
24 reimbursement from the producer of the recalled battery for
25 expenses incurred in the collection, transportation, or
26 processing of those batteries.

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

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

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

19 Section 50. Reporting requirements.

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

25 (1) The report must include an independent financial

1 assessment of a program implemented by the battery
2 stewardship organization, including a breakdown of the
3 program's expenses, such as collection expenses, recycling
4 expenses, education expenses, and overhead expenses.

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

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

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

25 (5) The report must include a calculation of the
26 recycling efficiency rates, as measured consistent with

1 subsection (b) of this Section.

2 (6) The report must include a list of all facilities
3 used in the processing or disposition of batteries,
4 including identification of the facilities' location and
5 whether the facility is located domestically, in an
6 organization for economic cooperation and development
7 country, or in a country that meets organization for
8 economic cooperation and development operating standards,
9 and for domestic facilities provide a summary of any
10 violations of environmental laws and regulations over the
11 previous 3 years at each facility.

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

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

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

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

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

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

24 (13) The report must include a list of all collection
25 sites and an address for each listed site, and an
26 up-to-date map indicating the location of all collection

1 sites used to implement the program, with links to
2 appropriate websites where there are existing websites
3 associated with a site.

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

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

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

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

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

24 (d) Proprietary information submitted to the Agency under
25 this Act is exempted from disclosure as provided under
26 paragraphs (g) and (mm) of subsection (1) of Section 7 of the

1 Freedom of Information Act.

2 Section 55. Fee and Agency role.

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

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

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

15 (2) reviewing annual reports submitted under Section
16 50 within 90 days after submission to ensure compliance
17 with that Section;

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

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

1 Section 60. Penalties and civil actions.

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

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

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

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

26 (e) Any person who knowingly makes a false, fictitious, or

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

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

12 Section 65. Marking requirements for batteries.

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

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

23 (2) beginning January 1, 2029, marked with proper
24 labeling to ensure proper collection and recycling, by
25 identifying the chemistry of the battery and including an

1 indication that the battery should not be disposed of as
2 household waste.

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

7 Section 70. General battery disposal and collection
8 requirements.

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

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

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

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

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

22 (2) All covered batteries may be collected,
23 transported, and processed only in accordance with this
24 Act, unless the batteries are regulated as hazardous waste
25 as described in paragraph (2) of subsection (a) of this

1 Section.

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

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

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

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

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

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

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

25 Section 75. Assessment of battery-containing products and

1 their batteries.

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

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

17 (c) The assessment must consider:

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

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

23 (3) challenges posed by the potential collection,
24 management, and transport of battery-containing products,
25 including challenges associated with removing batteries
26 that were not intended or designed to be easily removable

1 from products, other than by the manufacturer; and

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

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

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

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

21 (2) the determination of the cost and structure of a
22 battery stewardship plan; and

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

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

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

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

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

23 (415 ILCS 5/22.23d rep.)

24 Section 90. The Environmental Protection Act is amended by
25 repealing Section 22.23d.

1 Section 95. Agency-sponsored household battery recycling
2 program. If the Agency receives funding to support an
3 Agency-sponsored household battery recycling program that
4 operates concurrently with the Battery Stewardship Program
5 that is the subject of this Act, the costs of collecting and
6 managing batteries through the Agency-sponsored household
7 battery recycling program shall not be the responsibility of
8 the battery stewardship organization.

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

13 Section 99. Effective date. This Act takes effect upon
14 becoming law, except that Section 90 takes effect on January
15 1, 2028.