

1 AN ACT relating to battery stewardship.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF SUBCHAPTER 50 OF KRS CHAPTER
4 224 IS CREATED TO READ AS FOLLOWS:

5 (1) *As used in this section and Section 2 of this Act:*

6 (a) "Battery-containing product":

1. Means a product that contains or is packaged with a covered battery;
and

2. Does not include computers, small-scale servers, computer monitors, electronic keyboards and mice, printers, fax machines, scanners, televisions, digital video disc players and recorders, video cassette recorders, digital converter boxes, cable receivers, satellite receivers, portable digital music players, or video game consoles;

(b) *"Covered battery"*:

1. Means a portable battery or a medium format battery; and

2. *Does not include a battery:*

a. That is contained in a medical device regulated under the federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 et seq., and is not designed or marketed for sale or resale at retail locations for personal use;

b. That contains an electrolyte as a free liquid or a product that contains such a battery;

c. Designed to power a motor vehicle, part of a motor vehicle, or a component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

d. In a product that is not intended or designed to be easily

removable from the product;

e. Or battery-containing product that is being recalled for safety
reasons; or

f. Or battery-containing product offered for resale by a business that, as part of its operations, offers products for resale to other businesses or to consumers;

(c) "Medium format battery" means:

1. For batteries that are not capable of being recharged, a battery that weighs more than four and four-tenths (4.4) pounds but not more than twenty-five (25) pounds; or

2. For rechargeable batteries, a battery that weighs more than eleven (11) pounds or has a rating of more than three hundred (300) watt-hours, or both, but that does not weigh more than twenty-five (25) pounds or have a rating of more than two thousand (2,000) watt-hours;

(d) "Portable battery" means:

1. For batteries that are not capable of being recharged, a battery that weighs no more than four and four-tenths (4.4) pounds; or

2. For rechargeable batteries, a battery that weighs no more than eleven (11) pounds and has a rating of no more than three hundred (300) watt-hours;

(e) "Rechargeable battery" means a battery that contains one (1) or more voltaic or galvanic cells electrically connected to produce electric energy and that is designed to be recharged;

(f) "Recovery" means the collection, accumulation, and transportation of covered batteries or battery-containing products for the purpose of introducing them into a recycling process; and

(g) "Voluntary battery stewardship organization" means a voluntary organization designated by the cabinet to directly implement a covered battery stewardship plan approved by the cabinet.

4 (2) A person shall not place or cause to be placed a covered battery in a curbside,
5 commercial front load, or roll-off container that is used for either solid waste
6 disposal or recycling.

7 ➔ SECTION 2. A NEW SECTION OF SUBCHAPTER 50 OF KRS CHAPTER
8 224 IS CREATED TO READ AS FOLLOWS:

9 **(1) No later than March 31, 2027, the cabinet shall establish the Covered Battery**
10 **Stewardship Program in order to:**

11 (a) Educate the public on the prohibition on covered battery disposal in Section
12 1 of this Act;

13 **(b) Foster the creation of voluntary battery stewardship organizations in the**
14 **Commonwealth;**

15 (c) Oversee the implementation of a voluntary take-back program for recovery
16 *of rechargeable covered batteries in an efficient and safe manner;*

17 (d) Investigate the feasibility of establishing a voluntary take-back program for
18 imbedded batteries;

19 (e) *Promote a market for the recovery of covered batteries; and*

20 (f) Prevent damage to solid waste collection equipment and disposal facilities
21 due to the improper disposal of covered batteries.

22 (2) To facilitate the establishment of the Covered Battery Stewardship Program, the
23 cabinet shall collaborate with, at a minimum, the following stakeholders or
24 representatives thereof:

27 (b) *Material recyclers, as defined in KRS 177.905:*

1 (c) Solid waste collectors and solid waste disposal facilities;

2 (d) Municipalities;

3 (e) Counties;

4 (f) Voluntary battery stewardship organizations, if any; and,

5 (g) Waste management districts established under KRS Chapter 109.

6 (3) Once the program is established, the cabinet shall publish, update, and maintain
7 on its website:

8 (a) A listing of covered battery collection sites that will accept covered batteries
9 for recovery; and

10 (b) Contact information for transporters that will accept covered batteries for
11 transportation to a collection site or recovery facility.

12 (4) (a) To be designated as a voluntary battery stewardship organization by the
13 cabinet, the registrant shall submit its registration in the form and manner
14 as the cabinet may require. For approval, at a minimum, the registration
15 shall include the following:

16 1. The business structure of the voluntary battery stewardship
17 organization;

18 2. The names and contact information for all officers of, and
19 participants in, the voluntary battery stewardship organization; and

20 3. Evidence that the voluntary battery stewardship organization is
21 currently in good standing with the Secretary of State.

22 (b) Within ten (10) business days of receiving a complete registration, the
23 cabinet shall inform the registrant that the registration is approved.

24 (5) After the cabinet has approved its registration under subsection (4) of this
25 section, but before operation, a voluntary battery stewardship organization shall
26 submit to the cabinet a voluntary battery stewardship organization plan for
27 approval or disapproval, which shall contain, at a minimum:

1 (a) Requirements for participating retailers of covered batteries or battery-
2 containing products to conspicuously display on their products notice of
3 the:
4 1. Prohibition on covered battery disposal in Section 1 of this Act; and
5 2. Website address maintained by the cabinet pursuant to subsection (3)
6 of this section;

7 (b) Requirements for participating covered battery manufacturers or producers
8 to ensure that the covered battery:
9 1. Including a battery in a battery-containing product, is marked with an
10 identification of the manufacturer or producer of the battery; and
11 2. Is marked to ensure proper collection and recovery by identifying the
12 chemistry of the battery and including an indication that the battery
13 should not be disposed of as household waste;

14 (c) Consumer awareness goals and a description of the education and outreach
15 strategy that the voluntary battery stewardship organization will implement;

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

21 (e) Provisions for recordkeeping, tracking, and documenting the management
22 and disposition of collected covered batteries; and,

23 (f) A method for fully funding the voluntary battery stewardship organization's
24 plan in a manner that equitably distributes the plan's costs among the
25 members of the battery stewardship organization, without adding a point-of-
26 sale cost or fee to the consumer.

27 (6) Each voluntary battery stewardship organization shall submit to the cabinet on or

1 before June 30, 2027, and each June 30 thereafter, a report that includes:

2 (a) The weight, by chemistry, of covered batteries collected;

3 (b) The weight of materials recovered from covered batteries collected, in total,
4 and by method of battery recovery;

5 (c) A calculation of the recovery efficiency rate;

6 (d) Identification of all facilities utilized by the organization for recovery or
7 other management of covered batteries and battery components and a
8 description of how the facility recovered or otherwise managed covered
9 batteries and battery components;

10 (e) The weight and chemistry, using approximations or actual amount, of
11 covered batteries sent to each facility that is used for the final disposition of
12 batteries; and

13 (f) A detailed description of education and outreach efforts supporting plan
14 implementation and an evaluation of the effectiveness of education and
15 outreach activities.