

AN ACT concerning safety.

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

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

Section 5. Findings. The General Assembly finds that:

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

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

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

(4) Jurisdictions around the world have successfully

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

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

"Agency" means the Illinois Environmental Protection Agency.

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

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

"Battery stewardship organization" means a producer that

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

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

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

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

"Covered battery" does not include:

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

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

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

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

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

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

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

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

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

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

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

of the Boat Registration and Safety Act.

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

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

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

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

"Producer" means the following:

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

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

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

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

trademark is registered in this State.

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

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

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

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

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

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

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

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

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

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

of the battery-containing product containing one or more covered batteries and the battery stewardship organization of which the battery producer is a member.

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

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

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

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

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

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

Section 15. Requirement that producers implement a stewardship plan.

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

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

Section 20. Role of retailers.

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

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

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

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

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

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

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

Section 25. Stewardship plan components.

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

whether it:

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

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

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

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

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

for covered batteries collected by the battery stewardship organization;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(d) The Agency shall review stewardship plans and stewardship plan amendments for compliance with this Act and shall approve, disapprove, or conditionally approve the plans or plan amendments in writing within 120 days of their receipt. If the Agency disapproves a stewardship plan or plan amendment submitted by a battery stewardship organization, the Agency shall explain how the stewardship plan or plan amendment does not comply with this Act. The battery stewardship organization shall resubmit to the Agency a revised stewardship plan or plan amendment or notice of plan withdrawal within 60 days of the date the written notice of disapproval is issued, and the Agency shall review the revised stewardship plan or plan amendment within 90 days of resubmittal. If a revised stewardship plan is disapproved by the Agency, a producer operating under the stewardship plan shall not be in compliance with this Act until the Agency approves a stewardship plan submitted by a battery stewardship organization that covers the producer's products.

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

comment for at least 30 days.

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

Section 30. Performance goals.

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

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

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

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

Section 35. Funding.

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

- (1) battery collection, transporting, and processing;
- (2) education and outreach;
- (3) program evaluation; and
- (4) payment of the administrative fees to the Agency under Section 55.

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

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

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

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

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

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

Section 40. Collection and management requirements.

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

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

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

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

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

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

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

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

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

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

(A) at least one permanent collection site for

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

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

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

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

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

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

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

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

household battery recycling program.

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

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

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

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

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

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

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

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

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

(4) Stewardship programs are not required to provide for

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

Section 45. Education and outreach requirements.

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

- (1) the development and maintenance of a website;
- (2) the development and distribution of periodic press releases and articles;
- (3) the development and placement of advertisements for use on social media or other relevant media platforms;
- (4) the development of promotional materials about the program and the restriction on the disposal of covered batteries in Section 70 to be used by persons, including, but not limited to, retailers, government agencies, waste and recycling collectors, and nonprofit organizations;
- (5) the development and distribution of collection site safety training procedures that are in compliance with State law to collection sites to help ensure proper management of covered batteries at collection sites; and
- (6) the development and implementation of outreach and educational resources that are conceptually, linguistically, and culturally accurate for the communities served and reach the State's diverse ethnic

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

(b) Each battery stewardship organization must provide:

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

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

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

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

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

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

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

Section 50. Reporting requirements.

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

- (1) The report must include an independent financial

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

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

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

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

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

subsection (b) of this Section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Freedom of Information Act.

Section 55. Fee and Agency role.

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

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

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

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

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

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

Section 60. Penalties and civil actions.

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

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

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

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

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

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

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

Section 65. Marking requirements for batteries.

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

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

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

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

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

Section 70. General battery disposal and collection requirements.

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

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

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

(b) On and after January 1, 2028:

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

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

Section.

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

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

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

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

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

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

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

Section 75. Assessment of battery-containing products and

their batteries.

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

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

(c) The assessment must consider:

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

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

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

from products, other than by the manufacturer; and

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

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

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

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

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

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

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

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

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

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

(415 ILCS 5/22.23d rep.)

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

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

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

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