



Sen. David Koehler

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1 AMENDMENT TO SENATE BILL 3686

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 3686, AS AMENDED,  
3 by replacing everything after the enacting clause with the  
4 following:

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

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

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

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

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

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

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

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

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

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

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

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

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

17 "Covered battery" does not include:

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

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

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

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

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

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

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

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

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

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

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

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

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

26          "Producer" means the following:

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

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

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

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

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

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

1 State.

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

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

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

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

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

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

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

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

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

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

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

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

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

12 (1) combustion;

13 (2) incineration;

14 (3) energy generation;

15 (4) fuel production; or

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

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

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



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

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

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

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

16 Section 20. Role of retailers.

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

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

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

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

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

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

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

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

14 Section 25. Stewardship plan components.

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

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

25 (2) proposes performance goals, consistent with

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (16) proposes goals for increasing public awareness of

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

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

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

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

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

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

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

20 Section 30. Performance goals.

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

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



1 (3) public awareness of the program.

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

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

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

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

12 Section 35. Funding.

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

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

19 (2) education and outreach;

20 (3) program evaluation; and

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

23 (b) Each battery stewardship organization is responsible  
24 for all costs of participating covered battery collection,  
25 transportation, processing, education, administration, agency

1 reimbursement, recycling, and end-of-life management in  
2 accordance with the requirements of this Act.

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

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

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

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

22 Section 40. Collection and management requirements.

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

1 covered batteries, on a free, continuous, convenient, visible,  
2 and accessible basis to any person, business, governmental  
3 agency, or nonprofit organization. Except as provided in  
4 paragraphs (2) and (3) of subsection (b) of this Section, each  
5 battery stewardship plan must arrange for the collection of  
6 each chemistry and brand of covered battery from any person,  
7 business, governmental agency, or nonprofit organization at  
8 each collection site that counts toward satisfaction of the  
9 collection site criteria in subsection (c) of this Section.

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

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

1 batteries.

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

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

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

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

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

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

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

16 (B) at least one permanent collection site, collection  
17 service, or collection event for portable batteries in  
18 addition to those required in subparagraph (A) for every  
19 30,000 residents of a county.

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

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

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

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

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

11 (d) A battery stewardship organization shall ensure the  
12 minimum number of collection sites specified in subsection (c)  
13 of this Section are established by no later than December 31,  
14 2026 for portable batteries and by no later than December 31,  
15 2028 for medium-format batteries.

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

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

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

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

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

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

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

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

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

14 Section 45. Education and outreach requirements.

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

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

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

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

23 (4) the development of promotional materials about the  
24 program and the restriction on the disposal of covered  
25 batteries in Section 70 to be used by persons, including,



1 but not limited to, retailers, government agencies, waste  
2 and recycling collectors, and nonprofit organizations;

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

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

15 (b) Each battery stewardship organization must provide:

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

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

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

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

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

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

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

1 stewardship organization must share the results of the public  
2 awareness surveys with the Agency.

3 Section 50. Reporting requirements.

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

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

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

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

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

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

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

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

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

26 (8) The report must include the weight and chemistry

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 Section 55. Fee and Agency role.

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

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

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

25 (2) reviewing annual reports submitted under Section

1           50 within 90 days after submission to ensure compliance  
2           with that Section;

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

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

10          Section 60. Penalties and civil actions.

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

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

25          (c) The Attorney General or the State's Attorney of a



1 county in which a violation occurs may institute a civil  
2 action for an injunction, prohibitory or mandatory, to  
3 restrain violations of this Act or to require such actions as  
4 may be necessary to address violations of this Act.

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

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

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

22 Section 65. Marking requirements for batteries.

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

1 in or into Illinois a covered battery or battery-containing  
2 product containing one or more covered batteries only if the  
3 battery is:

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

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

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

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

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

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

25 (2) for covered batteries that are hazardous waste as

1 defined under federal or State hazardous or solid waste  
2 laws, management in a manner consistent with the  
3 requirements of those laws.

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

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

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

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

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

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

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

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

26 (8) An owner or operator of a solid waste facility may

1 not be found in violation of this Section if the facility  
2 has posted in a conspicuous location a sign stating that  
3 covered batteries must be managed through collection sites  
4 established by a battery stewardship organization and are  
5 not accepted for disposal.

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

9 Section 75. Assessment of battery-containing products and  
10 their batteries.

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

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

1 (c) The assessment must consider:

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

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

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

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

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

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

1 stewardship program, including:

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

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

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

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

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

24 (2) such person must make available all batteries  
25 collected by such person from its Illinois customers to

1 the battery stewardship organization; and

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

7 (415 ILCS 5/22.23d rep.)

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

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

14 Section 99. Effective date. This Act takes effect upon  
15 becoming law, except that Section 90 takes effect on January  
16 1, 2028."