

HOUSE No. 4111

The Commonwealth of Massachusetts

PRESENTED BY:

Adrienne Pusateri Ramos

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to creating a battery recycling program.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Adrienne Pusateri Ramos</i>	<i>14th Essex</i>	<i>1/17/2025</i>
<i>Sally P. Kerans</i>	<i>13th Essex</i>	<i>2/26/2025</i>

HOUSE No. 4111

By Representative Ramos of North Andover, a petition (accompanied by bill, House, No. 4111) of Adrienne Pusateri Ramos and Sally P. Kerans for legislation to create a battery recycling program. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to creating a battery recycling program.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Chapter 21A of the General laws is hereby amended by adding the following section:-

2 Section 32. (a) For the purposes of this section the following words shall, unless the
3 context clearly requires otherwise, have the following meanings:

4 “Battery manufacturer”, every person, firm or corporation that: (i) produces rechargeable
5 batteries sold or distributed in the commonwealth or packages such batteries for sale in the
6 commonwealth, except that if such production or packaging is for a distributor having the right
7 to produce or otherwise package that same brand of battery in the commonwealth, then such
8 distributor shall be deemed to be the battery manufacturer; or (ii) imports rechargeable batteries
9 into the United States that are sold or distributed in the commonwealth.

10 “Commissioner”, the commissioner of the department of environmental protection.

11 “Consumer”, any person who purchases 1 or more rechargeable batteries or products
12 containing such batteries at the time of sale for personal use.

13 “Department”, the department of environmental protection.

14 “Food store”, a store selling primarily food and food products for consumption or use off
15 the premises that occupies less than 14,000 square feet of display space.

16 “Lithium-ion battery”, a type of rechargeable battery that uses the reversible intercalation
17 of Li⁺ ions into electronically conducting solids to store energy.

18 “Place of business”, the location at which a retailer sells or offers for sale to consumers
19 rechargeable batteries or products containing such batteries at the time of sale.

20 “Rechargeable battery”, any rechargeable nickel-cadmium, sealed lead, lithium ion,
21 nickel metal hydride battery or any other such dry cell battery capable of being recharged
22 weighing less than 25 pounds or battery packs containing such batteries; but shall not include a
23 battery used as the principal electric power source for a vehicle including, but not limited to, an
24 automobile, boat, truck, tractor, golf cart or wheelchair for storage of electricity generated by an
25 alternative power source, such as solar or wind-driven generators or for memory backup that is
26 an integral component of an electronic device.

27 “Retailer”, a person, firm or corporation that engages in the sale of rechargeable batteries
28 or products containing such batteries to a consumer in the commonwealth including, but not
29 limited to, transactions conducted through sales outlets, catalogs, by mail, telephone or the
30 internet. A retailer shall not include a food store.

31 (b) No person shall knowingly dispose of rechargeable batteries as solid waste at any
32 time in the commonwealth.

33 (c)(1) Rechargeable batteries shall be returned to a retailer that sells such batteries that
34 are similar in shape, size and function to those to be disposed of. Rechargeable batteries
35 contained in electronic products shall be removed prior to disposal of such product.

36 (2) Retailers having a place of business in the commonwealth shall accept from
37 consumers, at any time during normal business hours, rechargeable batteries of a similar size and
38 shape as the retailer offers for sale. Retailers shall take up to 10 such batteries per day from any
39 person regardless of whether such person purchases replacement batteries and retailers shall also
40 accept as many such batteries as a consumer purchases from the retailer.

41 (3) Retailers shall conspicuously post and maintain, at or near the point of entry to the
42 place of business, a legible sign, not less than 8½ inches by 11 inches in size, stating that used
43 rechargeable batteries of the size and shape sold or offered for sale by the retailer may not enter
44 the solid waste stream and that the retail establishment is a collection site for recycling such
45 batteries. Such sign shall state the following in letters at least 1 inch in height: "It is illegal to
46 dispose of rechargeable batteries in the commonwealth as solid waste. We accept used
47 rechargeable batteries for return to the manufacturer".

48 (4) Retailers selling rechargeable batteries to consumers in the commonwealth through
49 nonretail outlets such as through catalogs or by mail, telephone or the internet shall provide at
50 the time of purchase or delivery to the consumer notice of an opportunity to return used
51 rechargeable batteries at no cost to the consumer for reuse or recycling.

52 (5) Retailers shall conspicuously maintain, at a location within the retail establishment
53 that is convenient for use by consumers, collection boxes or other suitable receptacles, supplied
54 by the manufacturer, into which consumers may safely deposit used rechargeable batteries.

55 (d) Every battery manufacturer or any combination of battery manufacturers working
56 together, shall, at the battery manufacturer's own expense, arrange for the return of and recycling
57 of all used rechargeable batteries collected by retailers. Every battery manufacturer or any
58 combination of battery manufacturers working together, shall be responsible for, at a minimum,
59 the following:

60 (i) submitting a plan to the commissioner that identifies the methods by which the battery
61 manufacturer will safely collect, transport and recycle rechargeable batteries collected by
62 retailers at the expense of the battery manufacturer and provide retailers with information on the
63 safe handling and storage of rechargeable batteries;

64 (ii) submitting to the department an annual report that shall include, but not be limited to,
65 the: (A) amount of rechargeable batteries received and recycled either by number or by weight;
66 and (B) the costs of receiving and recycling rechargeable batteries; and

67 (iii) educating the citizens of the commonwealth regarding the appropriate ways to
68 recycle rechargeable batteries.

69 (e) The battery manufacturer battery manufacturer's collection, transportation and
70 recycling plan pursuant to subsection (d) shall be submitted to the commissioner within 90 days
71 of the effective date of this section.

72 (f) The commissioner shall approve or reject any battery manufacturer's collection,
73 transportation and recycling plans pursuant to subsection (d) within 90 days of submission and, if
74 rejected, inform the battery manufacturer in writing as to any deficiencies in said plan. Battery
75 manufacturers shall amend and resubmit to the commissioner any rejected plans for
76 reconsideration within 60 days of notification of the rejection of said plan. The commissioner
77 shall approve or reject resubmitted plan within 30 days of resubmission.

78 (g) Any person who violates the provisions of this section shall be liable for a civil
79 penalty in the amount of: (i) \$50 for the 1st violation; (ii) \$100 for a 2nd violation committed
80 within 12 months of a prior violation; and (iii) \$200 for a 3rd or subsequent violation committed
81 within 12 months of any prior violation.

82 (h) Any retailer who violates the provisions of this section shall be liable for a civil
83 penalty in the amount of: (i) \$500 for the 1st violation; (ii) \$1,000 for a 2nd violation committed
84 within 12 months of a prior violation; and (iii) \$10,000 for a 3rd or subsequent violation
85 committed within 12 months of any prior violation.

86 (i) Any battery manufacturer who violates the provisions of this section shall be liable for
87 a civil penalty in the amount of: (i) \$4,000 for the 1st violation; (ii) \$8,000 for a 2nd violation
88 committed within 12 months of a prior violation; and (iii) \$10,000 for a 3rd or subsequent
89 violation committed within 12 months of any prior violation.

90 (j) Civil penalties under this section shall be assessed by the: (i) commissioner after a
91 hearing or opportunity to be heard; or (ii) court in any action or proceeding. In addition to any
92 civil penalties, any person, retailer or battery manufacturer may by similar process be enjoined
93 from continuing such violation.

94 (k) Subject to appropriation, the department shall establish a lithium-ion battery recycling
95 program and recycling facility in the commonwealth designed to receive lithium-ion batteries
96 and separate components for recycling into new batteries.

97 (l) Retailers shall be in compliance with this section no later than 180 days after the
98 effective date of this section.

99 (m) The department shall promulgate any rules and regulations needed to implement this
100 section.

101 (n) The commissioner shall prepare an annual report analyzing the information provided
102 by battery manufacturers pursuant to clause (ii) of subsection (d). The annual report shall be
103 submitted, not later than December 31 of each year, to the governor; the chairs of the joint
104 committee on environment and natural resources and the clerks of the house of representatives
105 and senate.