HOUSE DOCKET, NO. 3421 FILED ON: 1/17/2025

HOUSE . . . . . No. 4111

The Commonwealth of Massachusetts

PRESENTED BY:

Adrianne 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:
Adrianne Pusateri Ramos	*14th Essex*	*1/17/2025*
Sally P. Kerans	*13th Essex*	*2/26/2025*

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HOUSE . . . . . No. 4111

By Representative Ramos of North Andover, a petition (accompanied by bill, House, No. 4111) of Adrianne 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:

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

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

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

"Commissioner", the commissioner of the department of environmental protection.

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

"Department", the department of environmental protection.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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