

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Commerce and Tourism

BILL: SB 800

INTRODUCER: Senator McClain

SUBJECT: Requirements for Battery Manufacturers

DATE: March 24, 2025

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Carroll</u>	<u>Rogers</u>	<u>EN</u>	<u>Favorable</u>
2.	<u>Renner</u>	<u>McKay</u>	<u>CM</u>	<u>Pre-meeting</u>
3.	_____	_____	<u>RC</u>	_____

I. Summary:

SB 800 prohibits a battery manufacturer or marketer from selling products that are powered by a lithium battery, medium-format battery, portable battery, or primary battery, unless the battery is removable or contained in a battery pack, the battery or packaging is labeled with a recycling symbol, or the product’s instruction manual or packaging provides information on recycling or disposal.

The bill takes effect July 1, 2025.

II. Present Situation:

Batteries: Types, Dangers, and Regulation

Billions of single-use and rechargeable batteries are bought, used, and disposed of in the U.S. every year.¹ The increasing use of small, portable electronics, power tools, and “smart” products like appliances and automobiles has created an increase in the demand for batteries.² There are many different types of batteries that contain different chemical elements, including metals like

¹ Florida Department of Environmental Protection (DEP), *Battery Recycling and Disposal*, 1 (2016), available at <https://floridadep.gov/sites/default/files/Battery%20Recycling%20and%20Disposal-web.pdf>; U.S. Environmental Protection Agency (EPA), *Used Household Batteries*, <https://www.epa.gov/recycle/used-household-batteries> (last visited March 24, 2025).

² EPA, *Used Household Batteries*.

mercury, lead, cadmium, nickel, and silver, as well as critical minerals³ like cobalt, lithium, and graphite.⁴

Single-use batteries include alkaline and zinc-carbon batteries, button-cell or coin batteries, and lithium batteries.⁵ Rechargeable batteries include nickel cadmium, lithium-ion, nickel metal hydride, nickel-zinc, and small, sealed lead-acid batteries. Automotive batteries include lead-acid and medium- and large-scale lithium-ion batteries.⁶

Rechargeable lithium-ion batteries are in increasing demand because they can store high amounts of energy in a smaller battery than other types of batteries.⁷ Lithium-ion batteries are being used in many consumer electronics, electric vehicles, and stationary energy storage.⁸

Battery Labeling, Collection, and Disposal

Battery disposal must be managed correctly to reduce environmental, safety, and health risks.⁹ While some batteries can be disposed of in household trash or municipal recycling, others can cause significant environmental contamination from heavy metals and other toxic substances.¹⁰ Improperly disposed batteries, especially lithium-ion batteries, can be dangerous fire hazards.¹¹ The U.S. Environmental Protection Agency (EPA) classifies certain lithium-ion batteries on the market today as hazardous waste due to their ignitability and reactive properties.¹²

Many stores that sell batteries, phones, or electronics, as well as local hazardous waste facilities, will take used batteries for recycling.¹³ See the Florida Department of Environmental

³ The U.S. Geological Survey (USGS) designates mineral commodities as “critical minerals” if the minerals have a significant role in national security, economy, renewable energy development, and infrastructure. USGS, *U.S. Geological Survey Releases 2022 List of Critical Minerals*, <https://www.usgs.gov/news/national-news-release/us-geological-survey-releases-2022-list-critical-minerals> (last visited March 24, 2025). See Congressional Research Service, *Critical Mineral Resources: The U.S. Geological Survey (USGS) Role in Research and Analysis* (Feb. 21, 2025), available at <https://crsreports.congress.gov/product/pdf/R/R48005> (last visited March 24, 2025).

⁴ EPA, *Used Household Batteries*.

⁵ *Id.*

⁶ *Id.*

⁷ EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions*, 1 (May 24, 2023), available at <https://rcrapublic.epa.gov/files/14957.pdf> (last visited March 24, 2025).

⁸ *Id.*

⁹ EPA, *Used Household Batteries*.

¹⁰ *Id.*; DEP, *Battery Recycling and Disposal* at 1.

¹¹ EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions* at 6; EPA, *Used Lithium-Ion Batteries*, <https://www.epa.gov/recycle/used-lithium-ion-batteries#businesses> (last visited March 24, 2025).

¹² EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions* at 3. There is a wide variety of lithium-ion battery chemistries, which affects whether a given lithium-ion battery exhibits a hazardous waste characteristic that would place it under the purview of federal hazardous waste laws. If a lithium-ion battery has a hazardous waste characteristic, its disposal may be regulated under the federal Resource Conservation and Recovery Act (RCRA). RCRA regulates hazardous waste generators, however hazardous wastes discarded by households are generally exempt. Due to the dangers posed by lithium-ion batteries, the EPA recommends that all household lithium-ion batteries be dropped off at battery collection sites or household hazardous waste collection facilities. *Id.* at 6-7; 42 U.S.C. §6903; EPA, *Used Lithium-Ion Batteries*.

¹³ DEP, *Battery Recycling and Disposal* at 1. Information about recycling batteries can be found through local household hazardous waste program websites, at Call2Recycle, or Earth 911. DEP, *Household Hazardous Waste*, <https://floridadep.gov/waste/permitting-compliance-assistance/content/household-hazardous-waste> (last visited March 24, 2025); *Call2Recycle Homepage*, <https://www.call2recycle.org/> (last visited March 24, 2025); *Earth911 Homepage*, https://search.earth911.com/?utm_source=earth911-header (last visited March 24, 2025).

Protection’s (DEP’s) graphic below for the types of batteries that may be disposed of in household trash and the types of batteries that should be recycled or sent to a hazardous waste facility.¹⁴



The federal Bipartisan Infrastructure Law of 2021 directed the EPA to develop best practices for the collection of small, medium, and large format batteries for recycling.¹⁵ The best practices will:

- Be technically and economically feasible for state, Tribal, and local governments;
- Be environmentally sound and safe for waste management workers; and
- Optimize the value and use of material derived from recycling batteries.¹⁶

Also as a result of the Bipartisan Infrastructure Law of 2021, the EPA is working to compile a set of voluntary labeling guidelines for various battery chemistries and types, which will be finalized in 2026.¹⁷ Currently, lead-acid, nickel cadmium, and lithium-ion batteries are subject to

¹⁴ DEP, *Battery Recycling and Disposal* at 1.

¹⁵ EPA, *Lithium Battery Recycling Regulatory Status and Frequently Asked Questions* at 8; EPA, *Battery Collection Best Practices and Battery Labeling Guidelines*, <https://www.epa.gov/infrastructure/battery-collection-best-practices-and-battery-labeling-guidelines> (last visited March 24, 2025).

¹⁶ EPA, *Battery Collection Best Practices and Battery Labeling Guidelines*.

¹⁷ *Id.*

national labeling requirements.¹⁸ Any button-cell and coin batteries and the products that contain them are also subject to warning labels for child safety.¹⁹

Florida Battery Sales Regulation

Florida law prohibits a cell manufacturer²⁰ or marketer²¹ from selling any consumer or non-consumer product that is powered by a rechargeable battery unless the battery or product meets certain criteria.²² A rechargeable battery is defined as any small, nonvehicular, rechargeable nickel-cadmium or sealed lead-acid battery that weighs less than 25 pounds and is not used for memory backup.²³ The manufacturer or marketer must meet the following criteria:

- For consumer products, the battery can be easily removed by the consumer, or the battery is contained in a battery pack that is separate from the product and can be easily removed.
- For non-consumer products, the battery can be removed or is contained in a battery pack that is separate from the product.
- The product or the battery, or the packaging if the product is a consumer product, is labeled with a recycling symbol and includes the term “Cd” for nickel-cadmium batteries or “Pb” for small, sealed lead batteries to indicate the chemical composition of the battery.
- The instruction manual for the product or the packaging if the product is a consumer product clearly states that the sealed lead or nickel-cadmium battery must be recycled or disposed of properly.²⁴

If the Secretary of DEP determines that a consumer or non-consumer product’s design would result in significant danger to public health and safety if it were to be removable, the Secretary may authorize the sale of the product without compliance with that requirement.²⁵

¹⁸ EPA, *White Paper Summarizing Existing Battery Labeling Requirements and Standards*, 6 (Jan. 2025), available at <https://www.epa.gov/system/files/documents/2025-01/battery-labeling-requirements-and-standards-white-paper.pdf> (last visited March 24, 2025). National labeling requirements have been codified by the Mercury-Containing and Rechargeable Battery Management Act of 1996, which resulted in a partnership between the EPA and the Rechargeable Battery Recycling Corporation (now Call2Recycle) to certify a label for rechargeable batteries, and Reese’s Law of 2022, which provided safety labeling requirements. *Id.* at 6-7. In addition to national labeling standards, there are also voluntary battery labeling standards, including globally recognized industry standards from organizations like SAE International, Battery Council International, and the Automotive Recyclers Association. *Id.* at 11-14.

¹⁹ *Id.* at 6.

²⁰ “Cell” is defined as a galvanic or voltaic device weighing 25 pounds or less that consists of an enclosed or sealed container containing a positive and negative electrode in which one or both electrodes consist primarily of cadmium or lead and which container includes a gel or liquid starved electrolyte. Section 403.7192(1)(a), F.S. A “cell manufacturer” is an entity that manufactures cells in the U.S. or imports into the U.S. cells or units for which no unit management program has been put into effect by the actual manufacturer of the cell or unit. Section 403.7192(1)(b), F.S. A “unit” is a cell, a rechargeable battery, or a rechargeable product with nonremovable rechargeable batteries. Section 403.7192(1)(c), F.S. A “unit management program” is a program or system for the collection, recycling, or disposal of units put in place by a marketer in accordance with law. Section 403.7192(1)(d), F.S.

²¹ A “marketer” is any person who manufactures, sells, distributes, assembles, or affixes a brand name or private label or licenses the use of a brand name on a unit or rechargeable product. This does not include someone engaged in the retail sale of a unit or rechargeable product. Section 403.7192(1)(e), F.S.

²² Section 403.7192(4)(a), F.S.

²³ Section 403.7192(1)(d), F.S. This definition includes a battery pack that contains a rechargeable battery. *Id.*

²⁴ Section 403.7192(4), F.S.

²⁵ Section 403.7192(5), F.S.

III. Effect of Proposed Changes:

Section 1 amends s. 403.7192, F.S., concerning batteries. The bill defines “lithium battery” as a rechargeable battery that uses lithium ions as the primary component of its electrode. It defines “primary battery” as a battery that is not capable of being recharged.

The bill defines “medium-format battery” as a primary or rechargeable covered battery that is:

- A primary battery that weighs at least 4.4 pounds but not more than 25 pounds or
- A rechargeable battery that weighs at least 11 pounds, but not more than 25 pounds, and has a rating of at least 300 watt-hours, but not more than 2,000 watt-hours.

The bill also defines “portable battery” as a primary or rechargeable covered battery that is:

- A primary battery that weighs no more than 4.4 pounds or
- A rechargeable battery that weighs no more than 11 pounds and has a rating of no more than 300 watt-hours.

The bill prohibits a cell²⁶ manufacturer or marketer from selling or offering any consumer product or non-consumer product that is powered by a lithium battery, medium-format battery, portable battery, or primary battery, unless the battery is removable or contained in a battery pack, the battery or packaging is labeled with a specified recycling symbol, or the product’s instruction manual or packaging provides information on recycling or disposal.²⁷ Current law only prohibits a cell manufacturer or marketer from selling or offering any consumer product or non-consumer product powered by a rechargeable battery, unless it meets the specified requirements.

Section 2 provides an effective date of July 1, 2025.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

²⁶ “Cell” is defined in footnote 20 of this analysis.

²⁷ A detailed description of these requirements can be found in the “Florida Battery Sales Regulation” section on page four of this analysis.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Indeterminate.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 403.7192 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.