

1 A bill to be entitled
2 An act relating to battery collection and disposal;
3 providing a short title; repealing s. 403.7192, F.S.,
4 relating to battery requirements for consumers,
5 manufacturers, and sellers; creating s. 403.71911,
6 F.S.; providing definitions; prohibiting, beginning on
7 a specified date, producers or retailers from selling,
8 offering for sale, or distributing for sale any
9 battery or battery containing product unless certain
10 conditions are met; providing applicability; requiring
11 battery stewardship organizations to submit specified
12 battery stewardship plans to the Department of
13 Environmental Protection by a specified date;
14 requiring that proposed amendments to approved plans
15 be submitted to the department; requiring battery
16 stewardship organizations with approved plans to
17 submit new plans to the department for approval within
18 a specified timeframe; requiring such plans to include
19 certain audits and corrective measures; requiring the
20 department to approve, conditionally approve, or deny
21 such plans or amendments within a specified timeframe;
22 providing requirements for the approval or denial of
23 such plans and amendments; providing requirements for
24 the implementation of approved battery stewardship
25 plans; authorizing battery stewardship organizations

26 to issue warnings to, suspend, or terminate collection
27 sites or services under specified conditions;
28 requiring battery stewardship organizations to provide
29 certain notice to the department; providing conditions
30 under which battery stewardship organizations are not
31 required to provide for the collection of certain
32 batteries; providing requirements for the promotion of
33 approved battery stewardship plans; requiring battery
34 stewardship organizations to submit annual reports to
35 the department beginning on a specified date;
36 prohibiting producers, retailers, or battery
37 stewardship organizations from charging consumers
38 certain point-of-sale fees; requiring the department
39 to post certain information on its website; providing
40 an exemption from certain liability for producers,
41 retailers, and battery stewardship organizations;
42 providing for household and mail-back collection
43 services for covered batteries; providing requirements
44 for the collection, disposal, and processing of
45 batteries beginning on a specified date; providing an
46 exemption from certain liability for solid waste
47 facilities and collectors; prohibiting battery
48 stewardship organizations from refusing to accept
49 covered batteries under certain conditions; providing
50 penalties; requiring the proceeds from such penalties

be deposited in the Legal Affairs Revolving Trust Fund of the Department of Legal Affairs and used for specified enforcement; providing for civil actions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. This act may be cited as the "Safe Battery Collection and Recovery Act."

Section 2. Section 403.7192, Florida Statutes, is repealed.

Section 3. Section 403.71911, Florida Statutes, is created to read:

403.71911 Safe battery collection and recovery.—

(1) As used in this section, the term:

(a) "Battery containing product" means a product that contains or is packaged with a covered battery. The term does not include computers, small-scale servers, computer monitors, electronic keyboards and mice, printers, fax machines, scanners, televisions, digital video disc players and recorders, video cassette recorders, digital converter boxes, cable receivers, satellite receivers, portable digital music players, and video game consoles.

(b) "Battery stewardship organization" means an organization designated by a producer or a group of five or more

76 producers that directly implements a battery stewardship plan
77 approved by the department under this section.

78 (c) "Covered battery" means a portable battery or a medium
79 format battery. The term does not include:

80 1. A battery that is contained in a medical device
81 regulated under the Federal Food, Drug, and Cosmetic Act, 21
82 U.S.C. ss. 301 et seq., and that is not designed or marketed for
83 sale or resale at retail locations for personal use;

84 2. A battery that contains an electrolyte as a free liquid
85 or a product that contains such a battery;

86 3. A battery designed to power a motor vehicle, part of a
87 motor vehicle, or a component part of a motor vehicle assembled
88 by or for a vehicle manufacturer or franchised dealer, including
89 replacement parts for use in a motor vehicle;

90 4. A battery in a product that is not intended or designed
91 to be easily removed from the product;

92 5. A battery or battery containing product that is being
93 recalled for safety reasons; or

94 6. A battery or battery containing product offered for
95 resale by a business that, as part of its operations, offers
96 products for resale to other businesses or to consumers.

97 (d) "Damaged and defective batteries" means batteries that
98 have been damaged or that have been identified by the
99 manufacturer as being defective for safety reasons and that have
100 the potential to produce a dangerous evolution of heat or fire

101 or short circuit, as referred to in 49 CFR 173.185(f) as of
102 January 1, 2023, or as updated by rule to maintain consistency
103 with federal standards.

104 (e) "Department" means the Department of Environmental
105 Protection.

106 (f) "Lithium-ion battery" means a rechargeable energy
107 storage device, weighing less than 25 pounds, that uses lithium
108 ions to move between a positive electrode made of lithium-
109 containing compounds and a negative electrode facilitating
110 energy storage and release through an intercalation process.

111 (g) "Medium format battery" means:

112 1. For batteries that are not capable of being recharged,
113 a battery that weighs more than 4.4 pounds but less than 25
114 pounds; or

115 2. For rechargeable batteries, a battery that weighs more
116 than 11 pounds or has a rating of more than 300 watt-hours, or
117 both, but does not weigh more than 25 pounds or have a rating of
118 more than 2,000 watt-hours.

119 (h) "Portable battery" means:

120 1. For batteries that are not capable of being recharged,
121 a battery that weighs no more than 4.4 pounds; or

122 2. For rechargeable batteries, a battery that weighs less
123 than 11 pounds and that has a rating of no more than 300 watt-
124 hours.

125 (i)1. "Producer" means a person who sells, offers for

126 sale, or distributes for sale in this state a covered battery or
127 battery containing product and who is:

128 a. If the covered battery or battery containing product is
129 sold under a brand owned by the manufacturer of the battery or
130 product, the person who manufactures the battery or product;

131 b. If the covered battery or battery containing product is
132 sold under a retail brand or under a brand owned by a person
133 other than the manufacturer of the battery or product, the
134 person who owns the brand;

135 c. The licensee of a brand or trademark under which the
136 covered battery or battery containing product is sold, offered
137 for sale, or distributed for sale in this state, regardless of
138 whether the trademark is registered in this state;

139 d. The importer of record for the covered battery or
140 battery containing product into the United States for the
141 purpose of selling, offering for sale, or distributing for sale
142 in this state the battery or product; or

143 e. A person with a commercial presence in this state who
144 first sells, offers for sale, or distributes for sale in this
145 state the covered battery or battery containing product.

146 2. The term does not include a person who only sells,
147 offers for sale, or distributes for sale in this state a battery
148 containing product if the battery is supplied by another
149 producer that has designated a battery stewardship organization
150 to implement a battery stewardship plan and certifies this fact

151 in writing to the person who only sells, offers for sale, or
152 distributes for sale the battery containing product.

153 (j) "Rechargeable battery" means a battery that contains
154 one or more voltaic or galvanic cells electrically connected to
155 produce electric energy and is designed to be recharged.

156 (k) "Recovery" means the collection, accumulation, and
157 transport of covered batteries or battery-containing products
158 for the purpose of a recycling process.

159 (l) "Recycling" means the separation, dismantling, or
160 processing recovered batteries or battery-containing products or
161 materials, components, or commodities contained in electronic
162 waste for the purpose of preparing batteries for use or reuse in
163 new products or components.

164 1. The term includes the manual and mechanical separation
165 of electronic waste to recover materials, components, or
166 commodities contained therein for the purpose of reuse or
167 recycling and changing the physical composition of electronic
168 waste to segregate components for purposes of recycling those
169 components.

170 2. The term does not include:

- 171 a. Destruction by incineration or other processes;
172 b. Energy recovery or energy generation by means of
173 combustion, gasification, pyrolysis, or other means;
174 c. Land disposal of recyclable materials; or
175 d. Reuse, repair, or any other process through which

batteries are returned in their original form.

(m) "Recycling efficiency rate" means the percentage calculated by dividing the weight of components and materials recovered by a battery stewardship organization by the weight of covered batteries collected by the battery stewardship organization.

(n) "Retailer" means a person who sells or offers for sale a covered battery in 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.

(2) Beginning January 1, 2028, a producer or retailer may not sell, offer for sale, or distribute for sale in this state any covered battery or battery containing product unless the producer of the covered battery or battery containing product is a member of a battery stewardship organization operating under a battery stewardship plan approved by the department under this section. This subsection does not apply to a retailer if the website maintained by the department under this section lists, as of the date a battery or product is made available for retail sale, the producer or brand of the battery or product as being covered by an approved battery stewardship plan.

(3) Beginning January 1, 2028, a producer or retailer may not sell, offer for sale, or distribute for sale in this state any covered battery or battery containing product unless the

covered battery or battery in the battery containing product is
marked with an identification of the producer of the battery.
This subsection does not apply if the battery is less than one-
half inch in diameter or does not contain a surface with a
length that exceeds one-half inch.

(4) Beginning January 1, 2029, a producer or retailer may
not sell, offer for sale, or distribute for sale in this state
any covered battery or battery containing product unless the
covered battery or battery in the battery containing product is
marked to ensure proper collection and recycling by an
identification of the chemistry of the battery and an indication
that the battery should not be disposed of as household waste.
This subsection does not apply if the battery is less than one-
half inch in diameter or does not contain a surface with a
length that exceeds one-half inch.

(5) (a) By January 1, 2027, each battery stewardship
organization shall submit a battery stewardship plan to the
department for review and approval.

(b) A battery stewardship plan may not have a term of more
than 5 years and must include all of the following:

1. The names and contact information for each producer
member of the organization.

2. The brands of all of the covered batteries that the
organization's producer members sell, offer for sale, or
distribute for sale in this state.

226 3. Strategies for achieving target recycling efficiency
227 rates of at least 60 percent for rechargeable batteries and at
228 least 70 percent for batteries that are not capable of being
229 recharged.

230 4. Strategies for informing retailers of the prohibitions
231 under this section.

232 5. Education and outreach strategies for promoting
233 consumer awareness of safe battery collection and disposal.

234 6. A process for making available to collection sites for
235 voluntary use signage, written materials, and other promotional
236 materials to inform consumers of the available end-of-life
237 management options for covered batteries collected under the
238 battery stewardship plan.

239 7. Collection site safety training related to covered
240 battery collection activities, including operating protocols to
241 reduce risks of spills or fires, response protocols in the event
242 of a spill or fire, and protocols for safe management of damaged
243 and defective batteries.

244 8. A method for fully funding the organization's plan in a
245 manner that equitably distributes the plan's costs among the
246 members of the organization.

247 9. Provisions for collecting covered batteries at no cost
248 regardless of the brand or producer of the covered battery on a
249 continuous, convenient, visible, and accessible basis.

250 10. The addresses of collection sites that will accept

covered batteries under the plan and the criteria used to determine whether an entity may serve as a collection site.

11. The names of proposed service providers, including sorters, transporters, and processors, to be used for the final disposition of batteries.

12. Strategies for working with material recovery facilities and secondary processors to properly process and transport for recycling any covered batteries improperly sent to the facilities through waste or recycling streams.

13. Provisions for recordkeeping, tracking, and documenting the management and disposition of collected covered batteries.

14. Any anticipated delay in managing medium format batteries.

(c) A battery stewardship organization shall submit proposed amendments to an approved plan to the department for approval.

(6)(a) A battery stewardship organization with an approved battery stewardship plan under this section shall submit a new plan to the department for approval no less than once every 5 years.

(b) After 5 years of implementation of a plan, a battery stewardship organization or a producer member of such organization shall hire an independent third party to conduct a one-time audit of the battery stewardship plan and plan

276 operation. The auditor shall examine the effectiveness of the
277 plan in collecting and recycling covered batteries. The auditor
278 shall also examine the cost-effectiveness of the plan and
279 compare it to the collection cost-effectiveness of other battery
280 stewardship organizations or producer members of such
281 organizations. A copy of the audit must be included with the
282 plan.

283 (c) If the target recycling efficiency rates under the
284 previously approved plan have not been met, the new plan must
285 include corrective measures that may include improvements to the
286 collection site network or increased expenditures dedicated to
287 education and outreach.

288 (7) Within 120 days after receipt of a proposed battery
289 stewardship plan or a proposed amendment, the department shall
290 approve, conditionally approve, or deny the plan or amendment.
291 If the plan or amendment is denied:

292 (a) The department shall notify the battery stewardship
293 organization of the denial in writing and explain how the
294 proposed plan or amendment does not comply with this section;

295 (b) The battery stewardship organization shall submit a
296 revised plan or amendment or notice of plan or amendment
297 withdrawal within 60 days after receipt of the denial; and

298 (c) The department shall approve or deny the revised plan
299 or amendment within 90 days after receipt of the revised plan or
300 amendment. The denial of a revised plan or amendment may be

301 appealed to the department in accordance with rules of the
302 department.

303 (8) (a) A battery stewardship organization implementing an
304 approved battery stewardship plan shall do all of the following:

305 1. Be responsible for all costs associated with
306 implementing the plan.

307 2. Reimburse local governmental units for demonstrable
308 costs incurred as a result of a local government facility or
309 solid waste facility serving as a collection site under the
310 plan.

311 3. Collect charges from participating producers sufficient
312 to cover the costs of implementing the plan.

313 4. Provide for the collection of all covered batteries
314 from any person, regardless of the chemistry or brand of the
315 battery, on a free, continuous, convenient, visible, and
316 accessible basis.

317 5. Provide to collection sites at no cost suitable
318 collection containers for covered batteries that are segregated
319 from other solid waste or make alternative arrangements for the
320 collection of such batteries at the site with the agreement of
321 the collection site.

322 6. Ensure that medium format batteries are collected only
323 at household hazardous waste collection sites or other staffed
324 collection sites that meet applicable federal, state, and local
325 requirements for managing medium format batteries.

326 7. Provide for the collection of damaged and defective
327 batteries by persons trained to handle and ship such batteries
328 at collection sites, permanent household hazardous waste
329 facilities, and household hazardous waste collection events
330 hosted by the department.

331 8. Ensure statewide collection opportunities for all
332 covered batteries.

333 9. Coordinate activities with electronic waste recyclers
334 and other battery stewardship organizations to provide efficient
335 delivery of services and avoid unnecessary duplication of effort
336 and expenses. A battery stewardship organization shall use
337 existing public and private waste collection services and
338 facilities, transporters, consolidators, processors, and
339 retailers if cost effective, mutually agreeable, and otherwise
340 practical.

341 10. For portable batteries, provide all of the following
342 within 3 years after approval of the battery stewardship plan:

343 a. At least one permanent collection site within a 15-mile
344 radius for at least 95 percent of state residents; and

345 b. At least one permanent collection site, collection
346 service, or collection event for every 30,000 residents of a
347 county.

348 11. For medium format batteries, provide within 3 years
349 after approval of the battery stewardship plan:

350 a. At least 10 permanent collection sites in this state.

351 The sites must be reasonably dispersed throughout the state; and

352 b. A collection event at least once every 3 years in each
353 county that does not have a permanent collection site for the
354 collection of all medium format batteries, including damaged and
355 defective medium format batteries.

356 12. Use as a collection site or the site of a collection
357 event any entity that meets the criteria for such under an
358 approved battery stewardship plan and that requests to serve as
359 a collection site or collection event.

360 (b) A battery stewardship organization implementing an
361 approved battery stewardship plan may issue a warning to,
362 suspend, or terminate a collection site or service that does not
363 comply with the criteria contained in the approved plan or that
364 poses an immediate concern to health and safety.

365 (c) A battery stewardship organization operating under a
366 plan approved by the department under this section shall notify
367 the department within 90 days after a producer begins or ceases
368 participation in the organization or within 90 days after adding
369 or removing a processor or transporter under the approved plan.

370 (9) A battery stewardship organization is not required to
371 provide for the collection of covered batteries that remain in
372 battery containing products at the time of delivery to a
373 collection site or collection event or batteries or battery
374 containing products that are recalled for safety reasons. A
375 battery stewardship organization may seek reimbursement from the

376 producer of a battery or battery containing product that is
377 recalled for safety reasons for the costs incurred in
378 collecting, transporting, or processing such batteries and
379 products.

380 (10) A battery stewardship organization implementing an
381 approved battery stewardship plan shall do all of the following
382 to promote the implementation of the plan:

383 (a) Develop and maintain a website.

384 (b) Develop and place advertisements on social media or
385 other relevant media platforms.

386 (c) Develop promotional materials about safe battery
387 collection and disposal and the restrictions on disposing of
388 covered batteries under this section.

389 (d) Develop and distribute collection site safety training
390 procedures to collection sites to help ensure proper management
391 of covered batteries at collection sites.

392 (e) Provide consumer-focused educational materials, to
393 each collection site used under the plan, that are accessible by
394 customers of retailers that sell covered batteries or battery
395 containing products.

396 (f) Provide safety information related to covered battery
397 collection activities to the operator of each collection site
398 used under the plan, including appropriate protocols to reduce
399 risks of spills or fires, to respond to a spill or fire, and to
400 manage a collected damaged or defective battery.

401 (g) Provide educational materials to the operator of each
402 collection site used under the plan for the management of
403 recalled batteries.

404 (h) Upon request by a retailer or other potential
405 collection site, provide educational materials describing
406 collection opportunities for covered batteries.

407 (i) Coordinate with other battery stewardship
408 organizations implementing a battery stewardship plan in
409 providing education and outreach pursuant to this section.

410 (j) During the first year of implementing a battery
411 stewardship plan and once every 5 years thereafter, conduct a
412 survey of public awareness of the outreach efforts undertaken
413 pursuant to this section. The battery stewardship organization
414 shall submit the results of the surveys to the department.

415 (11) Beginning June 1, 2029, and every June 1 thereafter,
416 a battery stewardship organization implementing a battery
417 stewardship plan shall submit a report to the department that
418 includes all of the following:

419 (a) A summary financial statement documenting the
420 financing of the plan and an analysis of plan costs and
421 expenditures, including an analysis of the plan's expenses.

422 (b) The weight, by chemistry, of covered batteries
423 collected under the plan.

424 (c) The total weight of materials recycled from covered
425 batteries collected under the plan, by recycling method.

426 (d) A calculation of the recycling efficiency rate under
427 the plan.

428 (e) A list of all facilities used to process or dispose of
429 covered batteries under the plan and a summary of any violations
430 of environmental laws and regulations during the previous 3
431 years for each facility.

432 (f) For each facility used for the final disposition of
433 covered batteries under the plan, a description of how the
434 facility recycled or otherwise managed batteries and battery
435 components.

436 (g) The weight and chemistry of covered batteries sent to
437 each facility used for the final disposition of such batteries.
438 This information may be approximated based on extrapolations of
439 national or regional data for plans implemented in other states.

440 (h) The estimated aggregate sales, by weight and
441 chemistry, of covered batteries, including covered batteries
442 contained in or packaged with battery containing products, sold
443 in this state by the battery stewardship organization's
444 participating producers for each of the previous 3 calendar
445 years.

446 (i) A description of how collected batteries were managed
447 and recycled, including a discussion of best available
448 technologies and the recycling efficiency rate.

449 (j) A description of education and outreach efforts
450 supporting implementation of the plan, including:

451 1. A summary of such education and outreach provided to
452 consumers, collection sites, manufacturers, distributors, and
453 retailers to promote the collection and recycling of covered
454 batteries;

455 2. A description of how such education and outreach met
456 the requirements of this section;

457 3. Samples of such education and outreach materials;

458 4. A summary of coordinated efforts for such education and
459 outreach with any other battery stewardship organizations
460 implementing a battery stewardship plan; and

461 5. A summary of any changes made during the previous
462 calendar year to such education and outreach activities.

463 (k) A list of all collection sites used to implement the
464 plan, an address for each listed site, a link to the website of
465 each listed site, if available, and a map indicating the current
466 location of each site.

467 (l) A description of methods used to collect, transport,
468 and recycle covered batteries under the plan.

469 (m) A summary of progress made toward the performance
470 goals under the plan, and if applicable, an explanation of why
471 performance goals were not met.

472 (n) An evaluation of the effectiveness of education and
473 outreach activities.

474 (o) If a battery stewardship organization has disposed of
475 covered batteries through energy recovery, incineration, or

476 landfilling during the preceding calendar year of plan
477 implementation, the steps the organization has taken to make the
478 recycling of covered batteries cost-effective, when possible, or
479 to otherwise increase battery recycling efficiency rates.

480 (12) A producer, retailer, or battery stewardship
481 organization may not charge a point-of-sale fee to consumers to
482 cover the costs of implementing an approved battery stewardship
483 plan.

484 (13) The department shall include all of the following on
485 its website:

486 (a) Copies of all approved battery stewardship plans and
487 any amendments to such plans.

488 (b) The names of the producer members covered under an
489 approved battery stewardship plan.

490 (c) A list of brands of covered batteries covered under an
491 approved battery stewardship plan.

492 (d) A copy of each annual report submitted to the
493 department under this section.

494 (14) A producer, retailer, or battery stewardship
495 organization is not liable for any claim of a violation of
496 antitrust laws or laws relating to fraudulent, deceptive, or
497 unfair methods of competition or trade practices arising from
498 conduct that complies with a battery stewardship plan approved
499 under this section.

500 (15) (a) This section does not prevent or prohibit a person

501 from offering or performing a household collection service or a
502 mail-back service for covered batteries or a recycler located in
503 this state from offering a collection service for covered
504 batteries independently of a battery stewardship organization
505 if:

506 1. The services are performed and facilities are operated
507 in compliance with all applicable federal, state, and local
508 laws; and

509 2. All batteries collected by the person or recycler from
510 customers in this state are provided to a battery stewardship
511 organization implementing an approved battery stewardship plan.

512 (b) After providing collected batteries to a battery
513 stewardship organization, any transport and processing of such
514 batteries by the battery stewardship organization shall be done
515 at the battery stewardship organization's expense. A battery
516 stewardship organization may refuse to accept batteries from any
517 such person or recycler if the department is notified of the
518 reason for such refusal.

519 (c) A person or recycler under this subsection may keep
520 the covered batteries collected from customers in this state for
521 purposes of recycling if such person or recycler provides data
522 for such collection and recycling to the department. Such data
523 must include all of the following:

524 1. The weight, by chemistry, of covered batteries
525 collected.

526 2. The weight of materials recycled from covered batteries
527 collected, in total and by method of battery recycling.

528 3. A recycling efficiency rate calculation.

529 4. A list of all facilities used in the processing or
530 disposition of covered batteries and a summary of any violations
531 of environmental laws and regulations during the previous 3
532 years at each facility.

533 5. A description of how each facility used for the final
534 disposition of covered batteries recycled or otherwise managed
535 batteries and battery components.

536 6. The weight and chemistry of covered batteries sent to
537 each facility used for the final disposition of such batteries.
538 A person or recycler may not receive compensation from a battery
539 stewardship organization for any batteries collected,
540 transported, or recycled under this subsection.

541 (16) Beginning January 1, 2028, all of the following
542 apply:

543 (a) A person may dispose of a covered battery only by
544 delivery to a collection site or collection event operated under
545 an approved battery stewardship plan, unless the battery is
546 regulated as hazardous waste.

547 (b) A person may not knowingly cause or allow the mixing
548 of a covered battery with recyclable materials that are intended
549 for processing and sorting at a material recovery facility.

550 (c) A person may not knowingly cause or allow the mixing

551 of a covered battery with municipal waste that is intended for
552 disposal at a landfill.

553 (d) A person may not knowingly cause or allow the disposal
554 of a covered battery in a landfill.

555 (e) A person may not knowingly cause or allow the mixing
556 of a covered battery with waste that is intended for burning or
557 incineration.

558 (f) A person may not knowingly cause or allow the burning
559 or incineration of a covered battery.

560 (17)(a) An owner or operator of a solid waste facility may
561 not be found in violation of this section if the facility has
562 posted in a conspicuous location a sign stating that covered
563 batteries are managed through collection sites established by a
564 battery stewardship organization and are not accepted for
565 disposal at the facility.

566 (b) A solid waste collector may not be found in violation
567 of this section for a covered battery placed in a disposal
568 container by a third party.

569 (18) Unless the department is notified of the reason, a
570 battery stewardship organization may not refuse to accept
571 covered batteries that are inadvertently received by a recycling
572 or solid waste facility if the batteries are properly packaged.

573 (19)(a) A person who violates this section is subject to a
574 civil penalty of \$1,000 for each violation.

575 (b) A person who knowingly makes a false material

576 statement to the department related to a battery stewardship
577 plan submitted commits a felony of the third degree, punishable
578 as provided in s. 775.082, s. 775.083, or s. 775.084.

579 (c) In addition to any other penalty, the Attorney General
580 or the state attorney of the county in which a violation occurs
581 may bring an action to enjoin a person from violating this
582 section.

583 (d) A civil penalty collected under this section shall be
584 deposited into the Legal Affairs Revolving Trust Fund of the
585 Department of Legal Affairs and allocated solely to the
586 Department of Legal Affairs for the purpose of enforcing this
587 section.

588 (20) (a) A battery stewardship organization implementing an
589 approved battery stewardship plan may bring a civil action to
590 recover reasonable attorney fees and costs and damages from a
591 producer who sells or otherwise makes available in this state
592 covered batteries or battery containing products not included in
593 an approved battery stewardship plan in violation of this
594 section. Such action may only be brought against a defendant
595 producer if the battery stewardship organization incurs costs in
596 this state, including reasonable attorney fees and costs and
597 reasonable incremental administrative costs in excess of \$1,000
598 to collect, transport, and recycle or otherwise dispose of the
599 covered batteries or battery containing products of a
600 nonparticipating producer.

601 (b) A battery stewardship organization implementing an
602 approved battery stewardship plan may bring a civil action
603 against a producer of a recalled battery to recover costs
604 associated with handling the recalled battery, including
605 attorney fees and costs.

606 (c) A battery stewardship organization implementing an
607 approved battery stewardship plan may bring a civil action
608 against another battery stewardship organization that
609 underperforms on its battery collection obligations under this
610 section by failing to collect and provide for the end-of-life
611 management of batteries in an amount roughly equivalent to costs
612 imposed on the plaintiff battery stewardship organization by
613 virtue of the failures of the defendant battery stewardship
614 organization, plus attorney fees and cost.

615 **Section 4.** This act shall take effect July 1, 2026.