

SENATE BILL NO. 1210

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURGER.

3831S.011

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 701, RSMo, by adding thereto one new section relating to battery recycling.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 701, RSMo, is amended by adding thereto
2 one new section, to be known as section 701.155, to read as
3 follows:

701.155. 1. This section shall be known and may be
2 cited as the "Lithium Battery Recycling and Safety Act".

3 2. As used in this section, the following terms shall
4 mean:

5 (1) "Battery", a medium-format rechargeable battery
6 with a rating between three hundred to two thousand watt-
7 hours, a lithium-ion rechargeable battery that uses lithium
8 ions to store energy, or a portable battery that can be
9 carried by hand and is used to charge or operate electronic
10 devices. A battery does not mean:

11 (a) A battery contained within a medical device;

12 (b) A battery that contains an electrolyte as a free
13 liquid;

14 (c) A lead-acid battery of any size;

15 (d) A battery that is a component of a motor vehicle
16 or intended for use exclusively in a motor vehicle; or

17 (e) A battery that is not intended or designed to be
18 removed from any product that is manufactured, distributed,
19 or sold in the state;

20 (2) "Battery recycling program" or "program", a
21 battery recycling program sponsored by the department where
22 the department provides or contracts for the transport,
23 processing, or recycling of batteries;

24 (3) "Collection site", any location, event, or other
25 department-approved collection service at which batteries
26 are accepted into the battery recycling program;

27 (4) "Department", the department of natural resources;

28 (5) "Director", the director of the department of
29 natural resources or the director's designee;

30 (6) "Manufacturer", a person or entity that designs,
31 creates, develops, and produces batteries. A manufacturer
32 does not mean a person or entity who sells batteries;

33 (7) "Recycler", a person or entity engaged in the
34 process of collecting elements from batteries, including,
35 but not limited to, heavy metals and chemicals by physical
36 or chemical recycling methods;

37 (8) "Representative organization", a nonprofit
38 organization established to implement the battery recycling
39 program.

40 3. Any manufacturer or recycler of batteries in the
41 state shall establish or join a representative
42 organization. The representative organization shall develop
43 and submit to the director for the director's approval a
44 plan for the establishment of a battery recycling program no
45 less than every five years. The plan shall:

46 (1) List contact information of each manufacturer or
47 recycler of batteries and battery brands covered by the
48 program;

49 (2) Describe the education and communication
50 strategies used to promote participation in the battery
51 recycling program;

52 (3) Describe the methods of funding the battery
53 recycling program in a manner that equitably distributes the
54 program's costs between the members of the representative
55 organization;

56 (4) Establish battery collection rate goals for every
57 year for the first three years after the implementation of
58 the program that are based on the estimated total weight of
59 batteries that have been sold in the state in the previous
60 three calendar years prior to the implementation of the
61 program;

62 (5) Identify proposed battery collection service
63 providers, including sorters, transporters, or processors to
64 be used by the program for the final disposition of
65 batteries;

66 (6) Establish a goal for the number and geographic
67 distribution of sites for the collection of batteries;

68 (7) Describe how the program will compensate service
69 providers for activities conducted under the program,
70 including, but not limited to, collection, transportation,
71 and final disposition of batteries;

72 (8) Describe the public outreach methods used to
73 increase the public awareness of the program; and

74 (9) List any other information the department deems
75 relevant.

76 4. The department shall enforce the representative
77 organization's compliance with the plan under subsection 2
78 of this section and may, by regulation or by using existing
79 regulations promulgated under sections 260.230, 260.240, and
80 260.249, establish enforcement procedures and penalties.

81 5. After the program is implemented, a manufacturer or
82 recycler shall not manufacture or recycle batteries in the

83 state unless the manufacturer or recycler participates in a
84 battery recycling program.

85 6. After the program is implemented, all batteries
86 shall only be disposed into receptacles at collection sites
87 approved by the program. A battery shall not be disposed
88 into any household waste or household recycle receptacle or
89 container.

90 7. Nothing in this section shall prevent or prohibit a
91 manufacturer or recycler from offering a fee-based,
92 household collection, or a mail back service for end-of-life
93 batteries independently of a battery recycling program under
94 this section, provided that such manufacturer's or
95 recycler's services under this subsection shall be
96 performed, and such manufacturer or recycler's facilities
97 are operated, in compliance with all applicable federal,
98 state, and local laws and regulations.

99 8. Any person may report violations of this section to
100 the department. If the department finds that a manufacturer
101 or recycler violated provisions of this section, the
102 department shall ask the attorney general to commence a
103 civil action in a court of competent jurisdiction. If the
104 court finds that the manufacturer or recycler violated
105 provisions of this section, the court may grant injunctive
106 relief, damages, attorney fees, and any such other relief
107 the court finds appropriate.

108 9. By June 1, 2028, and by June first of each
109 following year, a representative organization shall submit
110 an annual report to the department covering the preceding
111 calendar year of the battery recycling program. The report
112 shall contain the following:

113 (1) An independent financial assessment of the program
114 by a third-party assessor, including a breakdown of the

program's expenses, including, but not limited to, collection expenses, recycling expenses, and public outreach expenses;

(2) Annual weight of batteries collected under the program;

(3) The collection rate achieved under the program, including a description of how the collection rate was calculated;

(4) A list of all facilities used in the collection, transportation, processing, or disposition of batteries;

(5) An estimated aggregate sales of batteries sold in the state; and

(6) Any other information the department deems relevant.

10. The report under subsection 9 of this section shall be posted on the department's website and on the website of the representative organization.

11. The department may promulgate rules to implement the provisions of this section. Any rule or portion of a rule, as that term is defined in section 536.010, that is created under the authority delegated in this section shall become effective only if it complies with and is subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This section and chapter 536 are nonseverable and if any of the powers vested with the general assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove and annul a rule are subsequently held unconstitutional, then the grant of rulemaking authority and any rule proposed or adopted after August 28, 2026, shall be invalid and void.

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