

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 25-0173.01 Clare Haffner x6137

SENATE BILL 25-163

SENATE SPONSORSHIP

Cutter and Ball, Amabile, Danielson, Daugherty, Hinrichsen, Jodeh, Kipp, Michaelson
Jenet, Roberts, Wallace, Weissman, Winter F.

HOUSE SPONSORSHIP

Brown and Stewart R.,

Senate Committees

Health & Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF BATTERY STEWARDSHIP**
102 **PROGRAMS FOR THE DISPOSAL OF CERTAIN BATTERIES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires an organization, defined in the bill as a battery stewardship organization, to, no later than July 1, 2026, and every 5 years thereafter, submit to the executive director of the department of public health and environment (executive director) a battery stewardship plan (plan), which is a plan for the collection, transportation, processing, and recycling of certain batteries.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

SENATE
3rd Reading Unamended
April 29, 2025

SENATE
Amended 2nd Reading
April 28, 2025

On and after August 1, 2026, a producer selling, making available for sale, or distributing certain batteries or battery-containing products in or into the state must participate in and finance a battery stewardship organization that has submitted a plan to the executive director. On and after July 1, 2028, a retailer is prohibited from selling, offering for sale, distributing, or otherwise making available for sale certain batteries or battery-containing products in the state, unless the producer of the batteries or battery-containing products is participating in a battery stewardship organization that has an approved plan. A retailer is prohibited from charging a point-of-sale fee to consumers to cover the costs of a battery stewardship organization.

The bill specifies what a plan must contain to be approved by the executive director, including, among other things, contact information for participating producers, performance goals, and methods to promote participation in the plan and increase public awareness of the battery stewardship program (program) that will be implemented by the battery stewardship organization pursuant to the plan. In addition, a plan must detail how the battery stewardship organization will arrange for the collection of certain batteries by establishing collection sites that are freely available to any person.

A battery stewardship organization implementing an approved plan is required to develop and administer a system to collect charges from participating producers to cover the costs of implementing the program. In addition, a battery stewardship organization, in consultation with the department of public health and environment (department) and interested stakeholders, must complete an assessment of the opportunities and challenges associated with the end-of-life management of certain batteries, which assessment must be submitted to the general assembly on or before October 1, 2027.

On or before June 1, 2028, and on or before each June 1 thereafter, a battery stewardship organization with an approved plan must submit an annual report to the executive director, which report must include certain information about the preceding year of plan implementation. The bill also requires a battery stewardship organization to carry out promotional activities to increase public awareness of the program. Battery stewardship organizations with approved plans must coordinate to conduct a survey of public awareness of the programs and share the results of the survey with the executive director as part of the annual reports.

On or before December 1, 2026, and on or before each December 1 thereafter, the department must provide each battery stewardship organization with an accounting of the organization's portion of the costs in administering a program, and the battery stewardship organization is required to pay to the department an annual fee based on the department's accounting by July 1 of each year. Fees will be credited to the battery

stewardship fund created in the state treasury.

The bill requires a producer or retailer to mark certain batteries with labels that:

- Identify the producer of the batteries; and
- Include certain information to ensure the proper collection and recycling of the batteries.

Beginning January 1, 2029, a person is required to manage certain unwanted batteries through delivery to a collection site, event, or program established by a battery stewardship program. A person is prohibited from disposing of certain batteries in a landfill.

A producer or battery stewardship organization that violates any of the bill's requirements is liable for a civil penalty of \$7,000 per violation; except that a battery stewardship organization that fails to pay a fee required by the department pursuant to the bill's requirements is liable for a civil penalty that is double the applicable fee.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 10 to article
3 17 of title 25 as follows:

4 **PART 10**

5 **BATTERY STEWARDSHIP PROGRAMS**

6 **25-17-1001. Short title.** THE SHORT TITLE OF THIS PART 10 IS THE
7 "BATTERY STEWARDSHIP ACT".

8 **25-17-1002. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY FINDS THAT:

10 (a) MULTIPLE STUDIES HAVE ESTABLISHED THAT EXPENSIVE AND
11 HAZARDOUS RISKS RESULT FROM THE IMPROPER HANDLING AND DISPOSAL
12 OF BATTERIES. IT IS IN THE PUBLIC INTEREST OF COLORADO RESIDENTS TO
13 REDUCE THE INHERENT RISK OF FIRES THAT CAN OCCUR WHEN BATTERIES
14 ARE IMPROPERLY DISPOSED OF AND TO ENCOURAGE THE RECOVERY OF
15 VALUABLE MATERIALS IN BATTERIES THAT CAN BE PUT BACK INTO THE
16 SUPPLY CHAIN.

17 (b) ACCORDING TO ANALYSES CONDUCTED BY SEVERAL STATE

1 ORGANIZATIONS, ACCESS TO COLLECTION, RECOVERY, AND RECYCLING
2 PROGRAMS FOR PORTABLE SMALL AND MEDIUM-FORMAT BATTERIES IS
3 LIMITED, INCONVENIENT, AND COSTLY FOR MOST COLORADO RESIDENTS.
4 COLORADO COMMUNITIES THAT OPERATE BATTERY COLLECTION EVENTS
5 AND FACILITIES REPORT THAT SUCH EVENTS AND FACILITIES ARE COSTLY
6 FOR LOCAL GOVERNMENTS TO OPERATE.

7 (c) WITHOUT A COORDINATED BATTERY STEWARDSHIP PROGRAM,
8 CONSUMERS WILL CONTINUE TO BE CONFUSED ABOUT PROPER BATTERY
9 DISPOSAL;

10 (d) ENSURING THE PROPER RECOVERY OF USED PORTABLE SMALL
11 AND MEDIUM-FORMAT BATTERIES PREVENTS THE IGNITION OF FIRES AND
12 THE RELEASE OF TOXIC MATERIALS INTO THE ENVIRONMENT; AND

13 (e) IT IS THE BEST PRACTICE FOR A BATTERY STEWARDSHIP
14 PROGRAM TO COLLECT ALL BATTERY TYPES AND CHEMISTRIES, AS
15 EVIDENCED BY SUCCESSFUL BATTERY STEWARDSHIP PROGRAMS
16 OPERATING IN OTHER STATES.

17 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS IN
18 THE PUBLIC INTEREST OF COLORADO TO REQUIRE PRODUCERS OF
19 BATTERIES TO FINANCE AND IMPLEMENT A COORDINATED,
20 STATE-APPROVED SYSTEM THAT INCREASES ACCESS TO THE SAFE DISPOSAL
21 OF BATTERIES IN COLORADO.

22 (3) THE GENERAL ASSEMBLY FURTHER DECLARES THAT BATTERY
23 STEWARDSHIP ORGANIZATIONS ESTABLISHED PURSUANT TO THIS PART 10
24 ARE INDEPENDENT, NONGOVERNMENTAL ENTITIES AND, FOR PURPOSES OF
25 SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION, ARE NOT
26 DISTRICTS, AS DEFINED IN SECTION 20 (2)(b) OF ARTICLE X OF THE STATE
27 CONSTITUTION.

1 **25-17-1003. Definitions - rules.** AS USED IN THIS PART 10, UNLESS
2 THE CONTEXT OTHERWISE REQUIRES:

3 (1) "APPROVED PLAN" MEANS A BATTERY STEWARDSHIP PLAN
4 THAT HAS BEEN APPROVED BY THE EXECUTIVE DIRECTOR PURSUANT TO
5 SECTION 25-17-1005.

6 (2) "BATTERY-CONTAINING PRODUCT" MEANS A PRODUCT SOLD,
7 OFFERED FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE THAT
8 CONTAINS OR IS PACKAGED WITH RECHARGEABLE OR PRIMARY BATTERIES
9 THAT ARE COVERED BATTERIES.

10 (3) "BATTERY STEWARDSHIP ORGANIZATION" OR "ORGANIZATION"
11 MEANS A PRODUCER THAT DIRECTLY IMPLEMENTS A BATTERY
12 STEWARDSHIP PLAN IN ACCORDANCE WITH THIS PART 10 OR A NONPROFIT
13 ORGANIZATION DESIGNATED BY A PRODUCER OR A GROUP OF PRODUCERS
14 TO IMPLEMENT A BATTERY STEWARDSHIP PLAN IN ACCORDANCE WITH THIS
15 PART 10.

16 (4) "BATTERY STEWARDSHIP PLAN" OR "PLAN" MEANS A PLAN FOR
17 THE COLLECTION, TRANSPORTATION, PROCESSING, AND RECYCLING OF
18 COVERED BATTERIES SUBMITTED TO THE EXECUTIVE DIRECTOR PURSUANT
19 TO SECTION 25-17-1005 (1).

20 (5) "BATTERY STEWARDSHIP PROGRAM" OR "PROGRAM" MEANS A
21 PROGRAM IMPLEMENTED BY A BATTERY STEWARDSHIP ORGANIZATION IN
22 ACCORDANCE WITH AN APPROVED PLAN.

23 (6) "COLLECTION RATE" MEANS A PERCENTAGE, BY WEIGHT, OF
24 COVERED BATTERIES THAT A BATTERY STEWARDSHIP ORGANIZATION
25 COLLECTS, WHICH IS CALCULATED BY DIVIDING THE TOTAL WEIGHT OF THE
26 COVERED BATTERIES THAT THE BATTERY STEWARDSHIP ORGANIZATION
27 COLLECTED DURING THE PREVIOUS CALENDAR YEAR BY THE AVERAGE

1 ANNUAL WEIGHT OF COVERED BATTERIES THAT WERE ESTIMATED BY THE
2 ORGANIZATION TO HAVE BEEN SOLD, OFFERED FOR SALE, OR DISTRIBUTED
3 IN OR INTO THE STATE DURING THE PREVIOUS THREE CALENDAR YEARS BY
4 PRODUCERS PARTICIPATING IN AN APPROVED PLAN.

5 (7) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE
6 COMMISSION CREATED IN SECTION 25-15-302 (1)(a).

7 (8) (a) "COVERED BATTERY" MEANS A PORTABLE BATTERY, A
8 MEDIUM-FORMAT BATTERY, OR ANY BATTERY SOLD LOOSE OR AS AN
9 EASILY REMOVABLE BATTERY WITHIN A BATTERY-CONTAINING PRODUCT
10 OR A MOTORIZED DEVICE.

11 (b) "COVERED BATTERY" DOES NOT INCLUDE:

12 (I) A BATTERY CONTAINED WITHIN A MEDICAL DEVICE, AS DEFINED
13 IN 21 U.S.C. SEC. 321 (h) AS OF THE EFFECTIVE DATE OF THIS PART 10; ==

14 (II) A BATTERY THAT CONTAINS AN ELECTROLYTE AS A FREE
15 LIQUID;

16 (III) A LEAD-ACID BATTERY WEIGHING MORE THAN ELEVEN
17 POUNDS;

18 (IV) AN EMBEDDED BATTERY; OR

19 (V) A BATTERY, ASSEMBLED BY OR FOR A VEHICLE
20 MANUFACTURER OR FRANCHISED DEALER, THAT IS DESIGNED TO POWER A
21 MOTOR VEHICLE, A PART OF A MOTOR VEHICLE, OR A COMPONENT PART OF
22 A MOTOR VEHICLE, INCLUDING A REPLACEMENT PART FOR USE IN A MOTOR
23 VEHICLE.

24 (9) "DAMAGED OR DEFECTIVE BATTERY" MEANS A BATTERY THAT
25 HAS BEEN DAMAGED OR IDENTIFIED BY THE MANUFACTURER AS BEING
26 DEFECTIVE FOR SAFETY REASONS AND THAT HAS THE POTENTIAL OF
27 PRODUCING A DANGEROUS EVOLUTION OF HEAT, FIRE, OR SHORT CIRCUIT,

1 AS DESCRIBED IN 49 CFR 173.185 (f), OR AS UPDATED BY THE
2 COMMISSION BY RULE TO MAINTAIN CONSISTENCY WITH FEDERAL
3 STANDARDS.

4 (10) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
5 AND ENVIRONMENT CREATED IN SECTION 25-1-102.

6 (11) "DISPROPORTIONATELY IMPACTED COMMUNITY" HAS THE
7 MEANING SET FORTH IN SECTION 24-4-109 (2)(b)(II).

8 (12) "EASILY REMOVABLE" MEANS A BATTERY THAT IS INTENDED
9 OR DESIGNED BY THE MANUFACTURER TO BE REMOVABLE BY THE USER OF
10 THE BATTERY WITH NO MORE THAN COMMONLY USED HOUSEHOLD TOOLS.

11 (13) "EMBEDDED BATTERY" MEANS A BATTERY THAT IS
12 CONTAINED IN A PRODUCT AND THAT IS NOT DESIGNED TO BE EASILY
13 REMOVABLE.

14 (14) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
15 THE DEPARTMENT.

16 (15) "FUND" MEANS THE BATTERY STEWARDSHIP FUND CREATED
17 IN SECTION 25-17-1012 (2)(a).

18 (16) "HOUSEHOLD HAZARDOUS WASTE FACILITY" MEANS A
19 FACILITY THAT IS SUBJECT TO FEDERAL AND STATE REGULATIONS AND
20 RULES THAT ENSURE THAT THE FACILITY IS COLLECTING UNIVERSAL
21 WASTE, INCLUDING UNIVERSAL WASTE BATTERIES, IN A MANNER THAT
22 PREVENTS THE HARMFUL IMPACT OF IMPROPER DISPOSAL OF THE
23 UNIVERSAL WASTE AND PURSUANT TO FEDERAL AND STATE REGULATIONS
24 AND RULES GOVERNING UNIVERSAL WASTE HANDLERS.

25 (17) "LOCAL GOVERNMENT" MEANS A COUNTY, CITY, TOWN, CITY
26 AND COUNTY, OR SPECIAL DISTRICT WITHIN THE STATE OF COLORADO.

27 (18) "MATERIALS RECOVERY FACILITY" MEANS A FACILITY THAT

1 PROCESSES MATERIALS THAT ARE COLLECTED FOR RECYCLING BEFORE
2 BEING CONVEYED TO END-MARKET BUSINESSES.

3 (19) "MEDIUM-FORMAT BATTERY" MEANS THE FOLLOWING
4 PRIMARY OR RECHARGEABLE COVERED BATTERIES:

5 (a) FOR PRIMARY BATTERIES, A BATTERY WEIGHING AT LEAST
6 FOUR AND FOUR-TENTHS POUNDS AND NO MORE THAN TWENTY-FIVE
7 POUNDS; OR

8 (b) FOR RECHARGEABLE BATTERIES, A BATTERY WEIGHING:

9 (I) MORE THAN ELEVEN POUNDS OR HAVING A RATING OF MORE
10 THAN THREE HUNDRED WATT-HOURS, OR BOTH; AND

11 (II) NO MORE THAN TWENTY-FIVE POUNDS AND HAVING A RATING
12 OF NO MORE THAN TWO THOUSAND WATT-HOURS.

13 (20) "PORTABLE BATTERY" MEANS THE FOLLOWING PRIMARY OR
14 RECHARGEABLE COVERED BATTERIES:

15 (a) FOR PRIMARY BATTERIES, A BATTERY WEIGHING NO MORE
16 THAN FOUR AND FOUR-TENTHS POUNDS; OR

17 (b) FOR RECHARGEABLE BATTERIES, A BATTERY WEIGHING NO
18 MORE THAN ELEVEN POUNDS AND HAVING A RATING OF NO MORE THAN
19 THREE HUNDRED WATT-HOURS.

20 (21) "PRIMARY BATTERY" MEANS A BATTERY THAT IS NOT
21 CAPABLE OF BEING RECHARGED.

22 (22) (a) "PRODUCER" MEANS:

23 (I) FOR COVERED BATTERIES SOLD, OFFERED FOR SALE, OR
24 DISTRIBUTED IN OR INTO THE STATE:

25 (A) IF THE COVERED BATTERY IS SOLD, OFFERED FOR SALE, OR
26 DISTRIBUTED IN OR INTO THE STATE UNDER THE BRAND OF THE BATTERY
27 MANUFACTURER, THE PRODUCER IS THE PERSON THAT MANUFACTURES

1 THE BATTERY;

2 (B) IF THE COVERED BATTERY IS SOLD, OFFERED FOR SALE, OR
3 DISTRIBUTED IN OR INTO THE STATE UNDER A RETAIL BRAND OR UNDER A
4 BRAND OWNED BY A PERSON OTHER THAN THE BATTERY MANUFACTURER,
5 THE PRODUCER IS THE BRAND OWNER;

6 (C) IF THERE IS NO PERSON THAT SUBSECTION (22)(a)(I)(A) OR
7 (22)(a)(I)(B) OF THIS SECTION APPLIES TO, THE PRODUCER IS THE LICENSEE
8 OF THE BRAND OR TRADEMARK UNDER WHICH THE COVERED BATTERY IS
9 SOLD, OFFERED FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE,
10 REGARDLESS OF WHETHER THE TRADEMARK IS REGISTERED IN THE STATE;

11 (D) IF THERE IS NO PERSON IN THE UNITED STATES THAT
12 SUBSECTION (22)(a)(I)(A), (22)(a)(I)(B), OR (22)(a)(I)(C) OF THIS SECTION
13 APPLIES TO, THE PRODUCER IS THE PERSON THAT IS THE IMPORTER OF
14 RECORD FOR THE COVERED BATTERY INTO THE UNITED STATES; AND

15 (E) IF THERE IS NO PERSON WITH A COMMERCIAL PRESENCE IN THE
16 STATE THAT SUBSECTION (22)(a)(I)(A), (22)(a)(I)(B), (22)(a)(I)(C), OR
17 (22)(a)(I)(D) OF THIS SECTION APPLIES TO, THE PRODUCER IS THE PERSON
18 THAT FIRST SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE COVERED
19 BATTERY IN OR INTO THE STATE; AND

20 (II) FOR COVERED BATTERY-CONTAINING PRODUCTS SOLD,
21 OFFERED FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE:

22 (A) IF THE BATTERY-CONTAINING PRODUCT IS SOLD, OFFERED FOR
23 SALE, OR DISTRIBUTED IN OR INTO THE STATE UNDER THE BRAND OF THE
24 PRODUCT MANUFACTURER, THE PRODUCER IS THE PERSON THAT
25 MANUFACTURES THE BATTERY-CONTAINING PRODUCT;

26 (B) IF THE BATTERY-CONTAINING PRODUCT IS SOLD, OFFERED FOR
27 SALE, OR DISTRIBUTED IN OR INTO THE STATE UNDER A RETAIL BRAND OR

1 UNDER A BRAND OWNED BY A PERSON OTHER THAN THE PRODUCT
2 MANUFACTURER, THE PRODUCER IS THE BRAND OWNER;

3 (C) IF THERE IS NO PERSON THAT SUBSECTION (22)(a)(II)(A) OR
4 (22)(a)(II)(B) OF THIS SECTION APPLIES TO, THE PRODUCER IS THE
5 LICENSEE OF THE BRAND OR TRADEMARK UNDER WHICH THE
6 BATTERY-CONTAINING PRODUCT IS SOLD, OFFERED FOR SALE, OR
7 DISTRIBUTED IN OR INTO THE STATE, REGARDLESS OF WHETHER THE
8 TRADEMARK IS REGISTERED IN THE STATE;

9 (D) IF THERE IS NO PERSON IN THE UNITED STATES THAT
10 SUBSECTION (22)(a)(II)(A), (22)(a)(II)(B), OR (22)(a)(II)(C) OF THIS
11 SECTION APPLIES TO, THE PRODUCER IS THE PERSON THAT IS THE IMPORTER
12 OF RECORD FOR THE BATTERY-CONTAINING PRODUCT INTO THE UNITED
13 STATES; AND

14 (E) IF THERE IS NO PERSON WITH A COMMERCIAL PRESENCE IN THE
15 STATE THAT SUBSECTION (22)(a)(II)(A), (22)(a)(II)(B), (22)(a)(II)(C), OR
16 (22)(a)(II)(D) OF THIS SECTION APPLIES TO, THE PRODUCER IS THE PERSON
17 THAT FIRST SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE
18 BATTERY-CONTAINING PRODUCT IN OR INTO THE STATE.

19 (b) "PRODUCER" DOES NOT INCLUDE A PERSON THAT ONLY
20 MANUFACTURES, SELLS, OFFERS FOR SALE, DISTRIBUTES, OR IMPORTS IN OR
21 INTO THE STATE A BATTERY-CONTAINING PRODUCT IF:

22 (I) THE ONLY BATTERIES CONTAINED IN OR SUPPLIED WITH THE
23 BATTERY-CONTAINING PRODUCT ARE SUPPLIED BY A PRODUCER THAT HAS
24 JOINED A BATTERY STEWARDSHIP ORGANIZATION WITH AN APPROVED
25 PLAN ACKNOWLEDGING THAT THE PRODUCER IS THE PRODUCER FOR THAT
26 COVERED BATTERY PURSUANT TO THIS PART 10; AND

27 (II) THE PRODUCER PROVIDES WRITTEN CERTIFICATION TO BOTH

1 THE PERSON DESCRIBED IN THIS SUBSECTION (22)(b) AND THE BATTERY
2 STEWARDSHIP ORGANIZATION OF WHICH THE PRODUCER IS A MEMBER.

3 (c) A PERSON IS NOT THE PRODUCER OF A COVERED BATTERY OR
4 BATTERY-CONTAINING PRODUCT SOLD, OFFERED FOR SALE, OR
5 DISTRIBUTED IN OR INTO THE STATE IF ANOTHER PARTY HAS
6 CONTRACTUALLY ACCEPTED RESPONSIBILITY AS A PRODUCER AND HAS
7 JOINED A BATTERY STEWARDSHIP ORGANIZATION WITH AN APPROVED
8 PLAN ACKNOWLEDGING THAT THE OTHER PARTY IS THE PRODUCER FOR
9 THAT COVERED BATTERY OR BATTERY-CONTAINING PRODUCT PURSUANT
10 TO THIS PART 10.

11 (23) "PROPRIETARY INFORMATION" HAS THE MEANING SET FORTH
12 IN SECTION 25-17-703 (34).

13 (24) "RECHARGEABLE BATTERY" MEANS A BATTERY THAT
14 CONTAINS ONE OR MORE VOLTAIC OR GALVANIC CELLS, WHICH ARE
15 ELECTRICALLY CONNECTED TO PRODUCE ELECTRIC ENERGY AND DESIGNED
16 TO BE RECHARGED.

17 (25) "RECYCLING" HAS THE MEANING SET FORTH IN SECTION
18 25-17-703 (37).

19 (26) "RECYCLING EFFICIENCY RATE" MEANS THE RATIO OF THE
20 WEIGHT OF COMPONENTS AND MATERIALS RECYCLED BY A BATTERY
21 STEWARDSHIP ORGANIZATION FROM COVERED BATTERIES TO THE WEIGHT
22 OF COVERED BATTERIES AS COLLECTED BY THE BATTERY STEWARDSHIP
23 ORGANIZATION.

24 (27) "RETAILER" MEANS A PERSON THAT SELLS COVERED
25 BATTERIES OR BATTERY-CONTAINING PRODUCTS IN OR INTO THE STATE,
26 INCLUDING SALES MADE THROUGH AN INTERNET TRANSACTION, OR OFFERS
27 OR OTHERWISE MAKES AVAILABLE COVERED BATTERIES OR

1 BATTERY-CONTAINING PRODUCTS TO A CUSTOMER IN THE STATE.

2 (28) "UNIVERSAL WASTE" HAS THE MEANING SET FORTH IN 40 CFR
3 273.9.

4 (29) "UNIVERSAL WASTE BATTERY" MEANS A WASTE BATTERY
5 GENERATED BY A NONRESIDENTIAL ENTITY, SUCH AS A BUSINESS, SCHOOL,
6 OR GOVERNMENT AGENCY, THAT IS MANAGED AS UNIVERSAL WASTE
7 REGULATED IN ACCORDANCE WITH THE COMMISSION'S RULES GOVERNING
8 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT.

9 (30) "UNIVERSAL WASTE HANDLER" MEANS THE OWNER OR
10 OPERATOR OF A FACILITY THAT RECEIVES, ACCUMULATES, AND SENDS
11 UNIVERSAL WASTE TO ANOTHER UNIVERSAL WASTE HANDLER, A
12 DESTINATION FACILITY, OR A FOREIGN DESTINATION IN ACCORDANCE WITH
13 THE COMMISSION'S RULES GOVERNING STANDARDS FOR UNIVERSAL WASTE
14 MANAGEMENT.

15 (31) "WRITTEN CERTIFICATION" MEANS WRITTEN CERTIFICATION
16 BY A PRODUCER THAT:

17 (a) THE PRODUCER IS A MEMBER OF A BATTERY STEWARDSHIP
18 ORGANIZATION; AND

19 (b) A COVERED BATTERY OR BATTERY-CONTAINING PRODUCT IS
20 MARKED IN ACCORDANCE WITH SECTION 25-17-1013 OR THE RULES
21 ADOPTED IN ACCORDANCE WITH SECTION 25-17-1013.

22 **25-17-1004. Requirement that producers participate in a**
23 **battery stewardship plan - retailer requirements - no point-of-sale**
24 **fees. (1) ON AND AFTER AUGUST 1, 2027:**

25 (a) A PRODUCER SELLING, MAKING AVAILABLE FOR SALE, OR
26 DISTRIBUTING COVERED BATTERIES OR BATTERY-CONTAINING PRODUCTS
27 IN OR INTO THE STATE SHALL PARTICIPATE IN AND FINANCE A BATTERY

1 STEWARDSHIP ORGANIZATION THAT HAS SUBMITTED A PLAN PURSUANT TO
2 SECTION 25-17-1005 (1)(a); AND

3 (b) EXCEPT AS PROVIDED IN SECTION 25-17-1003 (22)(b) AND
4 (22)(c), A PRODUCER SHALL NOT SELL, MAKE AVAILABLE FOR SALE, OR
5 DISTRIBUTE COVERED BATTERIES OR BATTERY-CONTAINING PRODUCTS IN
6 OR INTO THE STATE UNLESS THAT PRODUCER PARTICIPATES IN A BATTERY
7 STEWARDSHIP ORGANIZATION AND A BATTERY STEWARDSHIP PLAN.

8 (2) (a) ON AND AFTER JULY 1, 2029, A RETAILER SHALL NOT SELL,
9 OFFER FOR SALE, DISTRIBUTE, OR OTHERWISE MAKE AVAILABLE FOR SALE
10 A COVERED BATTERY OR BATTERY-CONTAINING PRODUCT IN THE STATE
11 UNLESS THE PRODUCER OF THE COVERED BATTERY OR
12 BATTERY-CONTAINING PRODUCT IS PARTICIPATING IN A BATTERY
13 STEWARDSHIP ORGANIZATION WITH AN APPROVED PLAN.

14 (b) A RETAILER DOES NOT VIOLATE SUBSECTION (2)(a) OF THIS
15 SECTION IF THE LIST PROVIDED BY THE EXECUTIVE DIRECTOR IN
16 ACCORDANCE WITH SECTION 25-17-1012 (2)(d)(III) INCLUDES, AS OF THE
17 DATE A PRODUCT SOLD BY THE RETAILER IS MADE AVAILABLE FOR RETAIL
18 SALE, THE PRODUCER OR BRAND OF COVERED BATTERY OR
19 BATTERY-CONTAINING PRODUCT AS A PARTICIPANT IN AN APPROVED PLAN.

20 (c) (I) A RETAILER OF A COVERED BATTERY OR A
21 BATTERY-CONTAINING PRODUCT IS NOT REQUIRED TO MAKE A RETAIL
22 LOCATION AVAILABLE TO SERVE AS A COLLECTION SITE FOR A BATTERY
23 STEWARDSHIP PROGRAM.

24 (II) A RETAILER THAT OFFERS A RETAIL LOCATION THAT SERVES AS
25 A COLLECTION SITE MUST COMPLY WITH AN APPROVED BATTERY
26 STEWARDSHIP PLAN AND THE REQUIREMENTS FOR COLLECTION SITES
27 DESCRIBED IN SECTION 25-17-1008.

1 (d) A RETAILER SHALL NOT SELL, OFFER FOR SALE, DISTRIBUTE, OR
2 OTHERWISE MAKE AVAILABLE FOR SALE A COVERED BATTERY OR
3 BATTERY-CONTAINING PRODUCT UNLESS THE COVERED BATTERY OR
4 BATTERY-CONTAINING PRODUCT IS MARKED IN ACCORDANCE WITH
5 SECTION 25-17-1013 OR THE RULES ADOPTED IN ACCORDANCE WITH
6 SECTION 25-17-1013.

7 (e) (I) A BATTERY STEWARDSHIP ORGANIZATION SHALL MAKE
8 INFORMATION AVAILABLE TO A RETAILER FOR VOLUNTARY USE THAT THE
9 RETAILER MAY USE TO INFORM CUSTOMERS OF AVAILABLE END-OF-LIFE
10 MANAGEMENT OPTIONS FOR COVERED BATTERIES COLLECTED BY THE
11 BATTERY STEWARDSHIP ORGANIZATION, WHICH INFORMATION MUST
12 INCLUDE IN-STORE SIGNAGE, WRITTEN MATERIALS, AND OTHER
13 PROMOTIONAL MATERIALS.

14 (II) A RETAILER SELLING, OFFERING FOR SALE, DISTRIBUTING, OR
15 OTHERWISE MAKING AVAILABLE A COVERED BATTERY OR
16 BATTERY-CONTAINING PRODUCT MAY PROVIDE THE INFORMATION
17 DESCRIBED IN SUBSECTION (2)(e)(I) OF THIS SECTION TO CUSTOMERS AND
18 THE PUBLIC.

19 (3) A RETAILER, PRODUCER, OR BATTERY STEWARDSHIP
20 ORGANIZATION SHALL NOT CHARGE A POINT-OF-SALE FEE TO CONSUMERS
21 TO COVER THE ADMINISTRATIVE OR OPERATIONAL COSTS OF A BATTERY
22 STEWARDSHIP ORGANIZATION OR A BATTERY STEWARDSHIP PROGRAM.

23 **25-17-1005. Battery stewardship plans - review and approval**
24 **by the executive director.** (1) NO LATER THAN JULY 1, 2027, AND EVERY
25 FIVE YEARS THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION SHALL
26 SUBMIT TO THE EXECUTIVE DIRECTOR A PLAN FOR THE COLLECTION,
27 TRANSPORTATION, PROCESSING, AND RECYCLING OF COVERED BATTERIES

1 UNDER A BATTERY STEWARDSHIP PROGRAM. THE EXECUTIVE DIRECTOR
2 SHALL REVIEW AND APPROVE, DISAPPROVE, OR CONDITIONALLY APPROVE
3 A PLAN BASED ON WHETHER THE PLAN:

4 (a) LISTS AND PROVIDES CONTACT INFORMATION FOR EACH
5 PRODUCER, COVERED BATTERY BRAND, AND BATTERY-CONTAINING
6 PRODUCT BRAND COVERED BY THE PLAN, INCLUDING IDENTIFYING
7 PRODUCERS THAT HAVE CONTRACTUALLY ACCEPTED RESPONSIBILITY AS
8 A PRODUCER IN ACCORDANCE WITH SECTION 25-17-1003 (22)(c);

9 (b) PROPOSES PERFORMANCE GOALS THAT ARE CONSISTENT WITH
10 SECTION 25-17-1006, INCLUDING ESTABLISHING PERFORMANCE GOALS FOR
11 EACH OF THE FIVE CALENDAR YEARS AFTER THE PLAN IS SUBMITTED TO
12 THE EXECUTIVE DIRECTOR;

13 (c) DESCRIBES HOW THE ORGANIZATION WILL MAKE RETAILERS
14 AWARE OF THE OBLIGATION DESCRIBED IN SECTION 25-17-1004 (2)(a) TO
15 SELL ONLY COVERED BATTERIES AND BATTERY-CONTAINING PRODUCTS OF
16 PRODUCERS PARTICIPATING IN AN APPROVED PLAN;

17 (d) DESCRIBES THE EDUCATION AND COMMUNICATIONS STRATEGY
18 BEING IMPLEMENTED PURSUANT TO SECTION 25-17-1010 TO PROMOTE
19 PARTICIPATION IN THE APPROVED PLAN AND TO PROVIDE THE
20 INFORMATION NECESSARY FOR EFFECTIVE PARTICIPATION OF CONSUMERS,
21 RETAILERS, AND OTHERS;

22 (e) DESCRIBES HOW THE ORGANIZATION WILL MAKE SIGNAGE,
23 WRITTEN MATERIALS, AND OTHER PROMOTIONAL MATERIALS AVAILABLE
24 TO COLLECTION SITES SO THAT COLLECTION SITES MAY USE THE
25 MATERIALS TO INFORM CONSUMERS OF AVAILABLE END-OF-LIFE
26 MANAGEMENT OPTIONS FOR COVERED BATTERIES COLLECTED BY THE
27 ORGANIZATION;

1 (f) LISTS PROMOTIONAL ACTIVITIES TO BE UNDERTAKEN BY THE
2 ORGANIZATION, INCLUDING THE IDENTIFICATION OF CONSUMER
3 AWARENESS GOALS AND STRATEGIES THAT THE ORGANIZATION WILL
4 EMPLOY TO ACHIEVE THESE GOALS WHEN THE PROGRAM IS IMPLEMENTED;

5 (g) INCLUDES COLLECTION SITE SAFETY TRAINING PROCEDURES
6 RELATED TO COVERED BATTERY COLLECTION ACTIVITIES AT COLLECTION
7 SITES, INCLUDING A DESCRIPTION OF OPERATING PROTOCOLS TO REDUCE
8 THE RISK OF A SPILL OR FIRE, RESPONSE PROTOCOLS IN THE EVENT OF A
9 SPILL OR FIRE, AND PROTOCOLS FOR SAFE MANAGEMENT OF DAMAGED OR
10 DEFECTIVE BATTERIES THAT ARE RETURNED TO COLLECTION SITES;

11 (h) DESCRIBES THE METHOD TO ESTABLISH AND ADMINISTER A
12 MEANS FOR FULLY FUNDING THE PROGRAM IN A MANNER THAT EQUITABLY
13 DISTRIBUTES THE PROGRAM'S COSTS AMONG THE PRODUCERS
14 PARTICIPATING IN THE ORGANIZATION, INCLUDING A DESCRIPTION OF THE
15 CHARGES COLLECTED FROM PRODUCERS PURSUANT TO SECTION
16 25-17-1007(1). IF A PRODUCER CHOOSES TO DIRECTLY IMPLEMENT A PLAN
17 INDIVIDUALLY WITHOUT DESIGNATING A NONPROFIT ORGANIZATION, THE
18 PLAN MUST DESCRIBE THE PROPOSED METHOD TO ESTABLISH AND
19 ADMINISTER A MEANS FOR FULLY FUNDING THE PROGRAM.

20 (i) DESCRIBES HOW THE PROGRAM WILL COLLECT ALL COVERED
21 TYPES AND BRANDS OF COVERED BATTERIES ON A FREE, CONTINUOUS,
22 CONVENIENT, VISIBLE, AND ACCESSIBLE BASIS, AND IN ACCORDANCE WITH
23 SECTION 25-17-1008, INCLUDING A DESCRIPTION OF HOW THE STATEWIDE
24 COLLECTION OPPORTUNITIES DESCRIBED IN SECTION 25-17-1008 (4)(b)
25 AND (4)(c) WILL BE MET AND A LIST OF THE NAMES AND ADDRESSES OF
26 COLLECTION SITES PARTICIPATING IN THE PROGRAM;

27 (j) DESCRIBES HOW THE PROGRAM WILL WORK WITH MATERIALS

1 RECOVERY FACILITIES AND SECONDARY PROCESSORS TO PROPERLY
2 PROCESS AND TRANSPORT FOR RECYCLING ANY COVERED BATTERIES
3 IMPROPERLY SENT TO THE FACILITIES THROUGH THE WASTE OR RECYCLING
4 STREAMS;

5 (k) PROVIDES AN EXPLANATION FOR ANY DELAY ANTICIPATED BY
6 THE ORGANIZATION FOR THE IMPLEMENTATION OF THE MANAGEMENT OF
7 MEDIUM-FORMAT BATTERIES SUCH THAT THE IMPLEMENTATION WILL NOT
8 BEGIN WITHIN SIX MONTHS AFTER THE PLAN IS APPROVED, INCLUDING A
9 DELAY IN THE ABILITY TO COLLECT, PACKAGE, TRANSPORT, OR PROCESS
10 MEDIUM-FORMAT BATTERIES IN ACCORDANCE WITH THIS PART 10, AND
11 ESTABLISHES AN EXPECTED DATE OF COMPLIANCE FOR THE MANAGEMENT
12 OF MEDIUM-FORMAT BATTERIES THAT IS NO LATER THAN JANUARY 1,
13 2029, IF A DELAY OCCURS;

14 (l) DESCRIBES THE CRITERIA TO BE USED BY THE PROGRAM TO
15 DETERMINE WHETHER AN ENTITY MAY SERVE AS A COLLECTION SITE FOR
16 COVERED BATTERIES UNDER THE PROGRAM;

17 (m) IDENTIFIES PROPOSED SERVICE PROVIDERS, SUCH AS SORTERS,
18 TRANSPORTERS, AND PROCESSORS, TO BE USED BY THE PROGRAM FOR THE
19 FINAL DISPOSITION OF COVERED BATTERIES AND PROPOSED PROVISIONS
20 FOR RECORD KEEPING, TRACKING, AND DOCUMENTING THE FATE OF
21 COLLECTED COVERED BATTERIES;

22 (n) DETAILS HOW THE PROGRAM WILL ACHIEVE A RECYCLING
23 EFFICIENCY RATE OF AT LEAST SIXTY PERCENT FOR RECHARGEABLE
24 BATTERIES AND AT LEAST SEVENTY PERCENT FOR PRIMARY BATTERIES;

25 (o) PROPOSES GOALS FOR INCREASING PUBLIC AWARENESS OF THE
26 PROGRAM AND DESCRIBES HOW THE PUBLIC EDUCATION AND OUTREACH
27 COMPONENTS OF THE PROGRAM REQUIRED BY SECTION 25-17-1010 WILL

1 BE IMPLEMENTED; AND

2 (p) IF THE PERFORMANCE GOALS DESCRIBED IN SECTION
3 25-17-1006, AND AS APPROVED IN THE BATTERY STEWARDSHIP PLAN,
4 HAVE NOT BEEN MET, INCLUDES CORRECTIVE MEASURES TO BE
5 IMPLEMENTED BY THE ORGANIZATION TO MEET ITS PERFORMANCE GOALS,
6 WHICH MAY INCLUDE IMPROVEMENTS TO THE COLLECTION SITE NETWORK
7 OR INCREASED EXPENDITURES DEDICATED TO EDUCATION AND OUTREACH.

8 (2) A BATTERY STEWARDSHIP ORGANIZATION MUST PROVIDE PLAN
9 AMENDMENTS TO THE EXECUTIVE DIRECTOR FOR APPROVAL WHEN
10 PROPOSING CHANGES TO THE PERFORMANCE GOALS DESCRIBED IN SECTION
11 25-17-1006 BASED ON THE EXPERIENCE OF THE PROGRAM, INCLUDING THE
12 EXPERIENCE OF THE PROGRAM DURING THE SIX MONTHS BEFORE THE
13 SUBMISSION OF THE AMENDMENTS, OR WHEN THERE IS A CHANGE TO THE
14 METHOD OF FINANCING THE PROGRAM PURSUANT TO SECTION 25-17-1007
15 (1).

16 (3) (a) THE EXECUTIVE DIRECTOR SHALL REVIEW BATTERY
17 STEWARDSHIP PLANS AND PLAN AMENDMENTS FOR COMPLIANCE WITH THIS
18 PART 10 AND SHALL APPROVE, DISAPPROVE, OR CONDITIONALLY APPROVE
19 A PLAN OR A PLAN AMENDMENT WITHIN ONE HUNDRED TWENTY DAYS
20 AFTER RECEIPT OF THE PLAN OR PLAN AMENDMENT; EXCEPT THAT, IF
21 MULTIPLE PLANS ARE SUBMITTED, THE REVIEW TIMELINE IS EXTENDED BY
22 SIXTY DAYS.

23 (b) IF THE EXECUTIVE DIRECTOR DISAPPROVES A BATTERY
24 STEWARDSHIP PLAN OR PLAN AMENDMENT, THE EXECUTIVE DIRECTOR
25 SHALL PROVIDE A WRITTEN NOTICE OF DISAPPROVAL EXPLAINING HOW THE
26 PLAN OR PLAN AMENDMENT DOES NOT COMPLY WITH THIS PART 10. THE
27 BATTERY STEWARDSHIP ORGANIZATION SHALL SUBMIT TO THE EXECUTIVE

1 DIRECTOR A REVISED PLAN, PLAN AMENDMENT, OR NOTICE OF PLAN
2 WITHDRAWAL WITHIN SIXTY DAYS AFTER THE DATE THAT THE WRITTEN
3 NOTICE OF DISAPPROVAL IS ISSUED. THE EXECUTIVE DIRECTOR SHALL
4 REVIEW A REVISED PLAN OR PLAN AMENDMENT WITHIN NINETY DAYS
5 AFTER THE ORGANIZATION SUBMITS THE REVISED PLAN, PLAN
6 AMENDMENT, OR NOTICE OF PLAN WITHDRAWAL.

7 (c) IF A REVISED PLAN IS DISAPPROVED BY THE EXECUTIVE
8 DIRECTOR, A PRODUCER OPERATING UNDER THE PLAN IS NOT IN
9 COMPLIANCE WITH THIS PART 10 UNTIL THE EXECUTIVE DIRECTOR
10 APPROVES A PLAN SUBMITTED BY AN ORGANIZATION THAT COVERS THE
11 PRODUCER OR THE PRODUCER'S BATTERY BRAND OR
12 BATTERY-CONTAINING PRODUCT BRAND.

13 (d) IF A PLAN, PLAN AMENDMENT, OR REVISED PLAN IS SUBMITTED
14 TO THE EXECUTIVE DIRECTOR PURSUANT TO THIS SECTION, THE EXECUTIVE
15 DIRECTOR SHALL MAKE THE PLAN, PLAN AMENDMENT, OR REVISED PLAN
16 AVAILABLE FOR PUBLIC REVIEW AND COMMENT FOR AT LEAST THIRTY
17 DAYS.

18 (e) A BATTERY STEWARDSHIP ORGANIZATION SHALL PROVIDE
19 WRITTEN NOTIFICATION TO THE EXECUTIVE DIRECTOR WITHIN THIRTY
20 DAYS AFTER A PRODUCER BEGINS TO PARTICIPATE OR CEASES TO
21 PARTICIPATE IN THE ORGANIZATION OR AFTER THE ADDING OR REMOVING
22 OF A PROCESSOR OR TRANSPORTER.

23 **25-17-1006. Performance goals.** (1) A BATTERY STEWARDSHIP
24 PLAN MUST INCLUDE PERFORMANCE GOALS THAT MEASURE, ON AN
25 ANNUAL BASIS, THE ACHIEVEMENTS OF THE BATTERY STEWARDSHIP
26 PROGRAM, INCLUDING:

27 (a) THE COLLECTION RATE FOR COVERED BATTERIES BY THE

1 PROGRAM, INCLUDING TARGET COLLECTION RATES FOR PRIMARY
2 BATTERIES AND RECHARGEABLE BATTERIES;

3 (b) THE RECYCLING EFFICIENCY RATE OF THE PROGRAM,
4 INCLUDING TARGET RECYCLING EFFICIENCY RATES OF AT LEAST SIXTY
5 PERCENT FOR RECHARGEABLE BATTERIES AND AT LEAST SEVENTY
6 PERCENT FOR PRIMARY BATTERIES; AND

7 (c) PUBLIC AWARENESS OF THE PROGRAM, INCLUDING GOALS FOR
8 PUBLIC AWARENESS, CONVENIENCE, AND ACCESSIBILITY THAT MEET OR
9 EXCEED THE MINIMUM REQUIREMENTS ESTABLISHED IN SECTION
10 25-17-1010.

11 (2) A BATTERY STEWARDSHIP ORGANIZATION SHALL MEET THE
12 PERFORMANCE GOALS ESTABLISHED PURSUANT TO THE ORGANIZATION'S
13 APPROVED PLAN AND SHALL NOT REDUCE OR CEASE COLLECTION,
14 EDUCATION AND OUTREACH, OR OTHER ACTIVITIES IMPLEMENTED UNDER
15 AN APPROVED PLAN BASED ON THE ACHIEVEMENT OF PERFORMANCE
16 GOALS.

17 **25-17-1007. Collection of charges - reimbursement of**
18 **collection sites and electronic waste recyclers.** (1) (a) A BATTERY
19 STEWARDSHIP ORGANIZATION IMPLEMENTING A BATTERY STEWARDSHIP
20 PLAN ON BEHALF OF PRODUCERS SHALL DEVELOP AND ADMINISTER A
21 SYSTEM TO COLLECT CHARGES FROM PARTICIPATING PRODUCERS TO
22 COVER THE COSTS OF PROGRAM IMPLEMENTATION, INCLUDING:

23 (I) COVERED BATTERY COLLECTION, SORTATION,
24 TRANSPORTATION, PROCESSING, AND RECYCLING IN A MANNER THAT IS
25 SAFE FOR PUBLIC HEALTH AND THE ENVIRONMENT;

26 (II) EDUCATION AND OUTREACH;

27 (III) PROGRAM ADMINISTRATION, EVALUATION, AND REPORTING;

1 AND

2 (IV) PAYMENT OF ANNUAL FEES TO THE DEPARTMENT PURSUANT
3 TO SECTION 25-17-1012 (1).

4 (b) A BATTERY STEWARDSHIP ORGANIZATION IS RESPONSIBLE FOR
5 ALL COSTS OF A BATTERY STEWARDSHIP PROGRAM, INCLUDING THE COSTS
6 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

7 (2) (a) A BATTERY STEWARDSHIP ORGANIZATION SHALL
8 REIMBURSE A PARTICIPATING COLLECTION SITE, AS DESCRIBED IN SECTION
9 25-17-1008, FOR:

10 (I) DEMONSTRABLE COSTS INCURRED BY A LOCAL GOVERNMENT
11 SERVING AS A COLLECTION SITE, A SOLID WASTE FACILITY, OR A LOCAL
12 GOVERNMENT'S DESIGNATED COLLECTION SITE AS A RESULT OF
13 IMPLEMENTING A BATTERY STEWARDSHIP PROGRAM, INCLUDING
14 ASSOCIATED LABOR COSTS AND OTHER COSTS ASSOCIATED WITH
15 ACCESSIBILITY AND COLLECTION SITE STANDARDS SUCH AS STORAGE; AND

16 (II) COSTS OF AGREED-UPON EDUCATION AND OUTREACH.

17 (b) NOTWITHSTANDING ANY LAW TO THE CONTRARY, A LOCAL
18 GOVERNMENT IS NOT REQUIRED TO SERVE AS A COLLECTION SITE
19 PURSUANT TO THIS PART 10.

20 (c) A BATTERY STEWARDSHIP ORGANIZATION SHALL, AT A
21 MINIMUM, PROVIDE COLLECTION SITES WITH APPROPRIATE CONTAINERS
22 FOR COVERED BATTERIES SUBJECT TO ITS PROGRAM AS WELL AS TRAINING,
23 SIGNAGE, SAFETY GUIDANCE, AND EDUCATIONAL MATERIALS AT NO COST
24 TO THE COLLECTION SITES.

25 (3) A BATTERY STEWARDSHIP ORGANIZATION SHALL REIMBURSE
26 ELECTRONIC WASTE RECYCLERS FOR THE COSTS TO REMOVE AND RECYCLE
27 COVERED BATTERIES FROM BATTERY-CONTAINING PRODUCTS.

1 **25-17-1008. Collection site requirements - statewide collection**
2 **opportunities - minimum amount of collection sites.** (1) (a) A

3 BATTERY STEWARDSHIP ORGANIZATION IMPLEMENTING A BATTERY
4 STEWARDSHIP PLAN SHALL PROVIDE THE COLLECTION OF COVERED
5 BATTERIES, INCLUDING ALL TYPES AND BRANDS OF COVERED BATTERIES,
6 ON A FREE, CONTINUOUS, CONVENIENT, VISIBLE, AND ACCESSIBLE BASIS TO
7 ANY PERSON.

8 (b) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A
9 BATTERY STEWARDSHIP PLAN MUST ARRANGE FOR THE COLLECTION OF
10 EACH TYPE AND BRAND OF COVERED BATTERY FROM A PERSON AT A
11 COLLECTION SITE IN ACCORDANCE WITH THE STATEWIDE COLLECTION
12 OPPORTUNITIES DESCRIBED IN SUBSECTIONS (4)(b) AND (4)(c) OF THIS
13 SECTION.

14 (2) (a) FOR EACH COLLECTION SITE USED BY A BATTERY
15 STEWARDSHIP PROGRAM, THE BATTERY STEWARDSHIP ORGANIZATION
16 IMPLEMENTING THE PROGRAM SHALL:

17 (I) PROVIDE SUITABLE COLLECTION CONTAINERS FOR COVERED
18 BATTERIES SO THAT THE COVERED BATTERIES ARE SEGREGATED FROM
19 OTHER SOLID WASTE; OR

20 (II) MAKE MUTUALLY AGREEABLE ALTERNATIVE ARRANGEMENTS
21 WITH THE COLLECTION SITE FOR THE COLLECTION OF COVERED BATTERIES
22 AT THE COLLECTION SITE.

23 (b) THE LOCATION OF THE COLLECTION CONTAINERS DESCRIBED IN
24 SUBSECTION (2)(a) OF THIS SECTION MUST BE:

25 (I) WITHIN VIEW OF AN INDIVIDUAL WHO HAS BEEN DESIGNATED
26 BY THE ORGANIZATION HOSTING THE COLLECTION SITE AS RESPONSIBLE
27 FOR COMPLYING WITH THE SAFE COLLECTION OF BATTERIES; AND

1 (II) ACCOMPANIED BY SIGNAGE THAT IS MADE AVAILABLE TO THE
2 COLLECTION SITE BY THE ORGANIZATION AND THAT INFORMS CONSUMERS
3 REGARDING THE END-OF-LIFE MANAGEMENT OPTIONS FOR COVERED
4 BATTERIES COLLECTED BY THE COLLECTION SITE.

5 (3) (a) MEDIUM-FORMAT BATTERIES MUST BE COLLECTED AT
6 HOUSEHOLD HAZARDOUS WASTE FACILITIES OR OTHER STAFFED
7 COLLECTION SITES OR EVENTS THAT MEET APPLICABLE FEDERAL, STATE,
8 AND LOCAL REGULATORY REQUIREMENTS.

9 (b) DAMAGED OR DEFECTIVE BATTERIES MUST BE COLLECTED AT
10 COLLECTION SITES AND EVENTS STAFFED BY INDIVIDUALS TRAINED TO
11 HANDLE AND SHIP THOSE BATTERIES.

12 (4) (a) (I) A BATTERY STEWARDSHIP ORGANIZATION
13 IMPLEMENTING A BATTERY STEWARDSHIP PLAN SHALL:

14 (A) ENSURE STATEWIDE COLLECTION OPPORTUNITIES FOR ALL
15 COVERED BATTERIES IN ACCORDANCE WITH SUBSECTIONS (4)(b) AND
16 (4)(c) OF THIS SECTION; AND

17 (B) FOR THE PURPOSES OF PROVIDING EFFICIENT DELIVERY OF
18 SERVICES AND AVOIDING UNNECESSARY DUPLICATION OF EFFORT AND
19 EXPENSE, COORDINATE ACTIVITIES WITH OTHER PROGRAM OPERATORS,
20 INCLUDING COVERED BATTERY COLLECTORS, RECYCLING PROGRAMS, AND
21 ELECTRONIC WASTE RECYCLERS, WITH REGARD TO THE PROPER
22 MANAGEMENT OR RECYCLING OF COLLECTED COVERED BATTERIES.

23 (II) A BATTERY STEWARDSHIP ORGANIZATION SHALL DETERMINE
24 STATEWIDE COLLECTION OPPORTUNITIES THROUGH GEOGRAPHIC
25 INFORMATION MODELING THAT CONSIDERS PERMANENT COLLECTION
26 SITES.

27 (III) A BATTERY STEWARDSHIP PROGRAM MAY RELY, IN PART, ON

1 COLLECTION EVENTS TO SUPPLEMENT THE COLLECTION SITE CRITERIA
2 REQUIRED BY SUBSECTIONS (4)(b) AND (4)(c) OF THIS SECTION. ONLY
3 PERMANENT COLLECTION SERVICES SPECIFIED IN SUBSECTIONS (4)(b) AND
4 (4)(c) OF THIS SECTION SATISFY THE REQUIREMENTS OF THIS SUBSECTION
5 (4)(a).

6 (b) WITHIN SIX MONTHS AFTER A BATTERY STEWARDSHIP PLAN IS
7 APPROVED PURSUANT TO SECTION 25-17-1005 (1) AND NO LATER THAN
8 OCTOBER 1, 2028, A BATTERY STEWARDSHIP ORGANIZATION SHALL
9 PROVIDE STATEWIDE COLLECTION OPPORTUNITIES FOR PORTABLE
10 BATTERIES THAT INCLUDE:

11 (I) AT LEAST ONE PERMANENT COLLECTION SITE FOR PORTABLE
12 BATTERIES WITHIN A FIFTEEN-MILE RADIUS FOR AT LEAST NINETY-FIVE
13 PERCENT OF THE STATE'S RESIDENTS; AND

14 (II) AT LEAST ONE PERMANENT COLLECTION SITE OR A COLLECTION
15 SERVICE, OR ONE COLLECTION EVENT PER YEAR, FOR PORTABLE BATTERIES
16 IN ADDITION TO THOSE REQUIRED BY SUBSECTION (4)(b)(I) OF THIS
17 SECTION FOR EVERY THIRTY THOUSAND RESIDENTS OF A COUNTY.

18 (c) (I) WITHIN SIX MONTHS AFTER A BATTERY STEWARDSHIP PLAN
19 IS APPROVED PURSUANT TO SECTION 25-17-1005 (1) AND NO LATER THAN
20 JANUARY 1, 2029, A BATTERY STEWARDSHIP ORGANIZATION SHALL
21 PROVIDE STATEWIDE COLLECTION OPPORTUNITIES FOR MEDIUM-FORMAT
22 BATTERIES THAT INCLUDE:

23 (A) AT LEAST FIFTEEN PERMANENT COLLECTION SITES IN THE
24 STATE;

25 (B) REASONABLE GEOGRAPHIC DISPERSION OF COLLECTION SITES
26 THROUGHOUT THE STATE;

27 (C) A PERMANENT COLLECTION SITE IN EACH COUNTY OF AT LEAST

1 ONE HUNDRED FIFTY THOUSAND PERSONS, AS DETERMINED BY THE MOST
2 RECENT FEDERAL DECENNIAL CENSUS; AND

3 (D) SERVICE TO AREAS WITHOUT A PERMANENT COLLECTION SITE.

4 (II) A BATTERY STEWARDSHIP ORGANIZATION SHALL ENSURE THAT
5 THERE IS A COLLECTION EVENT FOR MEDIUM-FORMAT BATTERIES,
6 INCLUDING DAMAGED OR DEFECTIVE MEDIUM-FORMAT BATTERIES, AT
7 LEAST ONCE ANNUALLY IN EACH COUNTY OF THE STATE THAT DOES NOT
8 HAVE A PERMANENT COLLECTION SITE.

9 (d) THE STATEWIDE COLLECTION OPPORTUNITIES SET FORTH IN
10 SUBSECTIONS (4)(b) AND (4)(c) OF THIS SECTION MAY BE SATISFIED BY
11 THE COLLECTION LOCATIONS PARTICIPATING IN A HOUSEHOLD BATTERY
12 RECYCLING PROGRAM SPONSORED BY THE EXECUTIVE DIRECTOR OR A
13 LOCAL GOVERNMENT.

14 (5) EACH COLLECTION SITE MUST MEET APPLICABLE FEDERAL,
15 STATE, AND LOCAL REGULATORY REQUIREMENTS.

16 (6) (a) IF COST-EFFECTIVE, MUTUALLY AGREEABLE, AND
17 OTHERWISE PRACTICABLE, A BATTERY STEWARDSHIP ORGANIZATION
18 SHALL USE EXISTING PUBLIC AND PRIVATE WASTE COLLECTION SERVICES
19 AND FACILITIES IN IMPLEMENTING A BATTERY STEWARDSHIP PROGRAM,
20 INCLUDING COLLECTION SITES THAT ARE ESTABLISHED THROUGH OTHER
21 BATTERY COLLECTION SERVICES, TRANSPORTERS, CONSOLIDATORS,
22 PROCESSORS, ELECTRONIC WASTE RECYCLERS, AND RETAILERS.

23 (b) UPON THE SUBMISSION OF A REQUEST BY AN ENTITY TO SERVE
24 AS A COLLECTION SITE, A BATTERY STEWARDSHIP PROGRAM SHALL USE
25 THE ENTITY AS A COLLECTION SITE FOR COVERED BATTERIES FOR UP TO
26 THE MINIMUM NUMBER OF COLLECTION SITES REQUIRED FOR COMPLIANCE
27 WITH SUBSECTIONS (4)(b) AND (4)(c) OF THIS SECTION IF THE ENTITY

1 MEETS THE CRITERIA FOR COLLECTION SITES IN THE APPROVED PLAN.

2 (c) A BATTERY STEWARDSHIP PROGRAM MAY USE ADDITIONAL
3 COLLECTION SITES IN EXCESS OF THE MINIMUM NUMBER OF COLLECTION
4 SITES REQUIRED FOR COMPLIANCE WITH SUBSECTIONS (4)(b) AND (4)(c) OF
5 THIS SECTION AS MAY BE AGREED BETWEEN THE BATTERY STEWARDSHIP
6 ORGANIZATION AND THE APPLICABLE ENTITY.

7 (d) (I) THE DEPARTMENT MAY ISSUE A WARNING TO, SUSPEND, OR
8 TERMINATE A COLLECTION SITE THAT:

9 (A) DOES NOT ADHERE TO THE CRITERIA FOR COLLECTION SITES IN
10 THE APPROVED PLAN; OR

11 (B) POSES AN IMMEDIATE HEALTH AND SAFETY CONCERN.

12 (II) A BATTERY STEWARDSHIP ORGANIZATION SHALL REPORT A
13 NONCOMPLIANT SITE TO THE DEPARTMENT FOR REVIEW AND POTENTIAL
14 ENFORCEMENT ACTION. THE BATTERY STEWARDSHIP ORGANIZATION
15 SHALL SUSPEND SERVICES TO THE SITE AT THE TIME THE BATTERY
16 STEWARDSHIP ORGANIZATION REPORTS THE SITE TO THE DEPARTMENT AND
17 UNTIL THE SITE COMES INTO COMPLIANCE.

18 **25-17-1009. Assessment of battery-containing products**
19 **required.** (1) ON OR BEFORE DECEMBER 1, 2028, A BATTERY
20 STEWARDSHIP ORGANIZATION SHALL COMPLETE AN ASSESSMENT OF THE
21 OPPORTUNITIES AND CHALLENGES ASSOCIATED WITH THE END-OF-LIFE
22 MANAGEMENT OF PORTABLE AND MEDIUM-FORMAT EMBEDDED BATTERIES
23 IN THE STATE. A BATTERY STEWARDSHIP ORGANIZATION SHOULD, TO THE
24 EXTENT FEASIBLE, EXTRAPOLATE FINDINGS FROM RELATED STUDIES,
25 INCLUDING THOSE CONDUCTED WITHIN COLORADO, AND APPLY THE
26 FINDINGS TO THE ASSESSMENT FOR COLORADO.

27 (2) IN COMPLETING THE ASSESSMENT, A BATTERY STEWARDSHIP

1 ORGANIZATION SHALL CONSULT WITH THE DEPARTMENT AND INTERESTED
2 STAKEHOLDERS AND MAY COORDINATE WITH OTHER BATTERY
3 STEWARDSHIP ORGANIZATIONS.

4 (3) AS PART OF THE ASSESSMENT, A BATTERY STEWARDSHIP
5 ORGANIZATION SHALL IDENTIFY ADJUSTMENTS TO THE BATTERY
6 STEWARDSHIP PROGRAM REQUIREMENTS ESTABLISHED BY THIS PART 10
7 THAT WOULD MAXIMIZE PUBLIC HEALTH, SAFETY, AND ENVIRONMENTAL
8 BENEFITS.

9 (4) THE ASSESSMENT MUST CONSIDER:

10 (a) THE DIFFERENT CATEGORIES AND USES OF
11 BATTERY-CONTAINING PRODUCTS;

12 (b) METHODS BY WHICH UNWANTED BATTERY-CONTAINING
13 PRODUCTS ARE MANAGED IN COLORADO AND OTHER STATES AND UNITED
14 STATES TERRITORIES;

15 (c) CHALLENGES POSED BY THE POTENTIAL COLLECTION IN RURAL
16 AND URBAN AREAS, MANAGEMENT, AND TRANSPORTATION OF
17 BATTERY-CONTAINING PRODUCTS, INCLUDING CHALLENGES ASSOCIATED
18 WITH REMOVING BATTERIES THAT WERE NOT INTENDED OR DESIGNED TO
19 BE EASILY REMOVED FROM PRODUCTS OTHER THAN BY THE
20 MANUFACTURER; AND

21 (d) WHICH REQUIREMENTS OF THIS PART 10 MAY APPLY TO
22 BATTERY-CONTAINING PRODUCTS IN A MANNER THAT IS IDENTICAL OR
23 ANALOGOUS TO THE REQUIREMENTS APPLICABLE TO COVERED BATTERIES.

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25 ==

26 (5) THE DEPARTMENT SHALL SUBMIT THE ASSESSMENT COMPLETED
27 PURSUANT TO THIS SECTION TO THE GENERAL ASSEMBLY ON OR BEFORE

1 MARCH 1, 2028.

2 **25-17-1010. Education and outreach requirements -**
3 **coordination with other battery stewardship organizations - survey**

4 **of public awareness.** (1) A BATTERY STEWARDSHIP ORGANIZATION
5 SHALL CARRY OUT PROMOTIONAL ACTIVITIES IN SUPPORT OF THE
6 IMPLEMENTATION OF A BATTERY STEWARDSHIP PROGRAM, INCLUDING:

7 (a) THE DEVELOPMENT AND MAINTENANCE OF A WEBSITE;

8 (b) THE DEVELOPMENT AND DISTRIBUTION OF PERIODIC PRESS
9 RELEASES AND ARTICLES;

10 (c) THE DEVELOPMENT AND PLACEMENT OF ADVERTISEMENTS FOR
11 USE ON SOCIAL MEDIA OR OTHER RELEVANT MEDIA PLATFORMS;

12 (d) THE DEVELOPMENT OF PROMOTIONAL MATERIALS ABOUT THE
13 PROGRAM AND THE REQUIREMENTS FOR THE DISPOSAL OF COVERED
14 BATTERIES PURSUANT TO SECTION 25-17-1014 TO BE USED BY PERSONS,
15 INCLUDING RETAILERS, GOVERNMENT AGENCIES, WASTE AND RECYCLING
16 COLLECTORS, AND NONPROFIT ORGANIZATIONS;

17 (e) THE DEVELOPMENT AND DISTRIBUTION TO COLLECTION SITES
18 OF COLLECTION SITE SAFETY TRAINING PROCEDURES THAT ARE IN
19 COMPLIANCE WITH STATE AND LOCAL LAW TO HELP ENSURE PROPER
20 MANAGEMENT OF COVERED BATTERIES AT COLLECTION SITES; AND

21 (f) THE DEVELOPMENT AND IMPLEMENTATION OF OUTREACH AND
22 EDUCATIONAL RESOURCES THAT ARE CONCEPTUALLY, LINGUISTICALLY,
23 AND CULTURALLY ACCURATE FOR THE COMMUNITIES SERVED AND THAT
24 REACH THE STATE'S DIVERSE ETHNIC POPULATIONS, INCLUDING THROUGH
25 MEANINGFUL CONSULTATION WITH DISPROPORTIONATELY IMPACTED
26 COMMUNITIES.

27 (2) A BATTERY STEWARDSHIP ORGANIZATION SHALL PROVIDE:

1 (a) CONSUMER-FOCUSED EDUCATIONAL AND PROMOTIONAL
2 MATERIALS TO EACH COLLECTION SITE USED BY THE BATTERY
3 STEWARDSHIP PROGRAM AND TO RETAILERS THAT SELL COVERED
4 BATTERIES OR BATTERY-CONTAINING PRODUCTS;

5 (b) SAFETY INFORMATION RELATED TO COVERED BATTERY
6 COLLECTION ACTIVITIES TO THE OPERATOR OF EACH COLLECTION SITE,
7 INCLUDING APPROPRIATE PROTOCOLS TO REDUCE RISKS OF SPILLS OR
8 FIRES, RESPONSE PROTOCOLS IN THE EVENT OF A SPILL OR FIRE, AND
9 RESPONSE PROTOCOLS IN THE EVENT OF DETECTION OF A DAMAGED OR
10 DEFECTIVE BATTERY;

11 (c) SAFETY TRAINING MATERIALS FOR FIREFIGHTERS AND FIRST
12 RESPONDERS RELATED TO BATTERY FIRES, RESPONSE PROTOCOLS IN THE
13 EVENT OF A BATTERY FIRE, AND PROTOCOLS FOR SAFE MANAGEMENT OF
14 COVERED AND DAMAGED OR DEFECTIVE BATTERIES; AND

15 (d) EDUCATIONAL MATERIALS TO THE OPERATOR OF EACH
16 COLLECTION SITE FOR THE MANAGEMENT OF RECALLED BATTERIES, WHICH
17 ARE NOT REQUIRED TO BE COLLECTED PURSUANT TO THIS PART 10, TO
18 HELP FACILITATE THE TRANSPORTATION AND PROCESSING OF RECALLED
19 BATTERIES.

20 (3) A BATTERY STEWARDSHIP ORGANIZATION MAY SEEK
21 REIMBURSEMENT FROM THE PRODUCER OF A RECALLED BATTERY FOR
22 EXPENSES INCURRED IN THE COLLECTION, TRANSPORTATION, AND
23 PROCESSING OF THE RECALLED BATTERY.

24 (4) UPON REQUEST BY A RETAILER OR OTHER POTENTIAL
25 COLLECTOR, A BATTERY STEWARDSHIP ORGANIZATION SHALL PROVIDE THE
26 RETAILER OR OTHER POTENTIAL COLLECTOR EDUCATIONAL MATERIALS
27 DESCRIBING COLLECTION OPPORTUNITIES FOR BATTERIES.

1 (5) IF MULTIPLE BATTERY STEWARDSHIP ORGANIZATIONS ARE
2 IMPLEMENTING APPROVED PLANS, THE ORGANIZATIONS SHALL
3 COORDINATE IN CARRYING OUT THEIR EDUCATION AND OUTREACH
4 RESPONSIBILITIES PURSUANT TO THIS SECTION AND SHALL INCLUDE A
5 SUMMARY OF THEIR COORDINATED EDUCATION AND OUTREACH EFFORTS
6 IN THE ANNUAL REPORTS REQUIRED BY SECTION 25-17-1011.

7 (6) DURING THE FIRST YEAR OF PROGRAM IMPLEMENTATION, AND
8 EVERY FIVE YEARS THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION
9 SHALL CARRY OUT, IN COORDINATION WITH THE OTHER APPROVED
10 BATTERY STEWARDSHIP ORGANIZATIONS, A SURVEY OF PUBLIC
11 AWARENESS REGARDING THE REQUIREMENTS OF THE PROGRAM
12 ESTABLISHED PURSUANT TO THIS PART 10. THE BATTERY STEWARDSHIP
13 ORGANIZATION SHALL SHARE THE RESULTS OF THE PUBLIC AWARENESS
14 SURVEY WITH THE EXECUTIVE DIRECTOR THROUGH THE ANNUAL
15 REPORTING PROCESS DESCRIBED IN SECTION 25-17-1011.

16 **25-17-1011. Annual reporting requirements - proprietary**
17 **information.** (1) ON OR BEFORE JUNE 1, 2029, AND ON OR BEFORE EACH
18 JUNE 1 THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION SHALL
19 SUBMIT AN ANNUAL REPORT TO THE EXECUTIVE DIRECTOR COVERING THE
20 PRECEDING CALENDAR YEAR OF BATTERY STEWARDSHIP PLAN
21 IMPLEMENTATION. THE REPORT MUST INCLUDE THE FOLLOWING:

22 (a) AN INDEPENDENT THIRD-PARTY FINANCIAL ASSESSMENT OF
23 THE PROGRAM IMPLEMENTED BY THE ORGANIZATION, INCLUDING A
24 BREAKDOWN OF THE PROGRAM'S EXPENSES, SUCH AS COLLECTION
25 EXPENSES, RECYCLING EXPENSES, EDUCATION AND OUTREACH EXPENSES,
26 AND OVERHEAD EXPENSES;

27 (b) A SUMMARY FINANCIAL STATEMENT DOCUMENTING THE

1 FINANCING OF THE ORGANIZATION'S PROGRAM AND AN ANALYSIS OF
2 PROGRAM COSTS AND EXPENDITURES, INCLUDING AN ANALYSIS OF THE
3 PROGRAM'S EXPENSES, SUCH AS COLLECTION, TRANSPORTATION,
4 RECYCLING, EDUCATION, AND ADMINISTRATIVE OVERHEAD. THE
5 SUMMARY FINANCIAL STATEMENT MUST BE SUFFICIENTLY DETAILED TO
6 SHOW THAT THE CHARGES COLLECTED FROM PRODUCERS AS A RESULT OF
7 THE PRODUCERS' ACTIVITIES IN THE STATE ARE SPENT ON PROGRAM
8 IMPLEMENTATION IN THE STATE. IF THE ORGANIZATION IS IMPLEMENTING
9 SIMILAR PROGRAMS IN MULTIPLE STATES, THE ORGANIZATION MAY SUBMIT
10 A FINANCIAL STATEMENT INCLUDING ALL COVERED STATES, AS LONG AS
11 THE STATEMENT BREAKS OUT FINANCIAL INFORMATION PERTINENT TO
12 COLORADO.

13 (c) THE WEIGHT, BY CHEMISTRY, OF COVERED BATTERIES
14 COLLECTED UNDER THE PROGRAM;

15 (d) THE WEIGHT OF MATERIALS RECYCLED FROM COVERED
16 BATTERIES COLLECTED UNDER THE PROGRAM, IN TOTAL AND BY METHOD
17 OF BATTERY RECYCLING;

18 (e) A CALCULATION OF THE RECYCLING EFFICIENCY RATES, AS
19 MEASURED IN ACCORDANCE WITH SUBSECTION (2) OF THIS SECTION;

20 (f) A LIST OF ALL FACILITIES USED IN THE PROCESSING AND FINAL
21 DISPOSITION OF COVERED BATTERIES, INCLUDING IDENTIFICATION OF A
22 FACILITY'S LOCATION AND WHETHER THE FACILITY IS LOCATED
23 DOMESTICALLY, IN AN ORGANIZATION FOR ECONOMIC COOPERATION AND
24 DEVELOPMENT COUNTRY, OR IN A COUNTRY THAT MEETS ORGANIZATION
25 FOR ECONOMIC COOPERATION AND DEVELOPMENT OPERATING
26 STANDARDS. FOR DOMESTIC FACILITIES, THE ORGANIZATION SHALL
27 PROVIDE A SUMMARY OF THE VIOLATIONS OF ENVIRONMENTAL LAWS AND

1 REGULATIONS AT EACH FACILITY OVER THE THREE YEARS IMMEDIATELY
2 PRECEDING THE SUBMISSION OF THE ANNUAL REPORT.

3 (g) FOR EACH FACILITY USED IN THE FINAL DISPOSITION OF
4 COVERED BATTERIES, A DESCRIPTION OF HOW THE FACILITY RECYCLED OR
5 OTHERWISE MANAGED BATTERIES AND BATTERY COMPONENTS;

6 (h) THE WEIGHT AND CHEMISTRY OF COVERED BATTERIES SENT TO
7 EACH FACILITY USED FOR THE FINAL DISPOSITION OF BATTERIES. THE
8 INFORMATION IN THIS SUBSECTION (1)(h) MAY BE APPROXIMATED FOR
9 PROGRAM OPERATIONS IN THE STATE BASED ON EXTRAPOLATIONS OF
10 NATIONAL OR REGIONAL DATA FOR PROGRAMS IN OPERATION IN MULTIPLE
11 STATES.

12 (i) THE COLLECTION RATE ACHIEVED UNDER THE PROGRAM,
13 INCLUDING A DESCRIPTION OF HOW THIS COLLECTION RATE IS CALCULATED
14 AND HOW IT COMPARES TO THE COLLECTION RATE GOALS ESTABLISHED
15 PURSUANT TO SECTION 25-17-1006 (1)(a);

16 (j) THE ESTIMATED AGGREGATE SALES, BY WEIGHT AND
17 CHEMISTRY, OF COVERED BATTERIES AND OF BATTERIES CONTAINED IN OR
18 WITH BATTERY-CONTAINING PRODUCTS SOLD, OFFERED FOR SALE, OR
19 DISTRIBUTED IN OR INTO THE STATE BY PARTICIPATING PRODUCERS FOR
20 EACH OF THE THREE YEARS IMMEDIATELY PRECEDING THE SUBMISSION OF
21 THE ANNUAL REPORT;

22 (k) A DESCRIPTION OF THE MANNER IN WHICH THE COLLECTED
23 COVERED BATTERIES WERE MANAGED AND RECYCLED, INCLUDING A
24 DISCUSSION OF BEST AVAILABLE TECHNOLOGIES AND RECYCLING
25 EFFICIENCY RATE;

26 (l) A DESCRIPTION OF THE EDUCATION AND OUTREACH EFFORTS
27 SUPPORTING PLAN IMPLEMENTATION, INCLUDING:

- 1 (I) AN EVALUATION OF THE EFFECTIVENESS OF EDUCATION AND
2 OUTREACH ACTIVITIES;
- 3 (II) A SUMMARY OF EDUCATION AND OUTREACH PROVIDED TO
4 CONSUMERS, COLLECTION SITES, MANUFACTURERS, DISTRIBUTORS, AND
5 RETAILERS BY THE PROGRAM OPERATOR FOR THE PURPOSE OF PROMOTING
6 THE COLLECTION AND RECYCLING OF COVERED BATTERIES;
- 7 (III) A DESCRIPTION OF HOW THE EDUCATION AND OUTREACH
8 EFFORTS MEET THE REQUIREMENTS OF SECTION 25-17-1010;
- 9 (IV) SAMPLES OF EDUCATION AND OUTREACH MATERIALS;
- 10 (V) A SUMMARY OF COORDINATED EDUCATION AND OUTREACH
11 EFFORTS WITH ANY OTHER BATTERY STEWARDSHIP ORGANIZATIONS
12 IMPLEMENTING AN APPROVED PLAN; AND
- 13 (VI) A SUMMARY OF ANY CHANGES MADE TO EDUCATION AND
14 OUTREACH ACTIVITIES DURING THE CALENDAR YEAR IMMEDIATELY
15 PRECEDING THE SUBMISSION OF THE ANNUAL REPORT;
- 16 (m) A LIST OF ALL COLLECTION SITES USED TO IMPLEMENT THE
17 PROGRAM, AN ADDRESS FOR EACH COLLECTION SITE, AN UP-TO-DATE MAP
18 INDICATING THE LOCATION OF EACH COLLECTION SITE, AND LINKS TO
19 APPROPRIATE WEBSITES WHERE THERE ARE EXISTING WEBSITES
20 ASSOCIATED WITH A COLLECTION SITE;
- 21 (n) A DESCRIPTION OF METHODS USED TO COLLECT, TRANSPORT,
22 AND RECYCLE COVERED BATTERIES BY THE ORGANIZATION; AND
- 23 (o) A SUMMARY OF PROGRESS MADE TOWARD THE PERFORMANCE
24 GOALS ESTABLISHED PURSUANT TO SECTION 25-17-1006 AND AN
25 EXPLANATION OF WHY PERFORMANCE GOALS WERE NOT MET, IF
26 APPLICABLE.
- 27 (2) THE WEIGHT OF COVERED BATTERIES OR RECOVERED

1 RESOURCES FROM THOSE BATTERIES MUST ONLY BE COUNTED ONCE
2 TOWARD AN ORGANIZATION'S RECYCLING EFFICIENCY RATE AND FOR THE
3 PURPOSES OF COLLECTING CHARGES PURSUANT TO SECTION 25-17-1007
4 (1)(a) AND MAY NOT BE COUNTED BY MORE THAN ONE BATTERY
5 STEWARDSHIP ORGANIZATION.

6 (3) THE EXECUTIVE DIRECTOR AND AN ORGANIZATION SHALL KEEP
7 PROPRIETARY INFORMATION PROVIDED BY A PRODUCER CONFIDENTIAL.

8 **25-17-1012. Annual fee - battery stewardship fund -**
9 **responsibilities of the executive director.** (1) (a) IN ADDITION TO THE
10 ANNUAL FEE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION, A
11 BATTERY STEWARDSHIP ORGANIZATION SHALL PAY A ONE-TIME PLAN
12 REVIEW FEE, IN THE AMOUNT OF FIFTY THOUSAND DOLLARS, AT THE TIME
13 THE BATTERY STEWARDSHIP ORGANIZATION SUBMITS A PLAN TO THE
14 EXECUTIVE DIRECTOR FOR APPROVAL. IF THE EXECUTIVE DIRECTOR
15 APPROVES THE PLAN, THE BATTERY STEWARDSHIP ORGANIZATION SHALL
16 PAY AN ADDITIONAL ADMINISTRATIVE FEE OF THIRTY THOUSAND DOLLARS
17 WITHIN THREE MONTHS AFTER THE PLAN IS APPROVED. THERE IS NO FEE
18 WHEN A BATTERY STEWARDSHIP ORGANIZATION SEEKS TO RENEW A PLAN
19 THAT WAS PREVIOUSLY APPROVED BY THE EXECUTIVE DIRECTOR OR
20 SUBMITS A PLAN AMENDMENT.

21 (b) WITHIN TWELVE MONTHS AFTER A PLAN IS APPROVED, AND ON
22 OR BEFORE EACH JULY 1 THEREAFTER, A BATTERY STEWARDSHIP
23 ORGANIZATION SHALL PAY TO THE DEPARTMENT AN ANNUAL FEE TO
24 COVER THE DEPARTMENT'S COST OF IMPLEMENTING, ADMINISTERING, AND
25 ENFORCING THIS PART 10. THE STATE TREASURER SHALL CREDIT THE
26 ANNUAL FEES TO THE FUND, AND THE DEPARTMENT SHALL USE THE FEES
27 FOR COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS PART 10. THE

1 AMOUNT OF THE FIRST ANNUAL FEE IS EIGHTY THOUSAND DOLLARS. FOR
2 EACH ANNUAL FEE THEREAFTER, THE COMMISSION SHALL ESTABLISH THE
3 FEE AMOUNT BY RULE. ___

4 (2) (a) THE BATTERY STEWARDSHIP FUND IS CREATED IN THE
5 STATE TREASURY.

6 (b) THE FUND CONSISTS OF FEES PAID TO THE DEPARTMENT
7 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND ANY OTHER MONEY
8 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
9 FUND.

10 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
11 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
12 FUND TO THE FUND. MONEY NOT EXPENDED AT THE END OF A STATE
13 FISCAL YEAR REMAINS IN THE FUND AND DOES NOT REVERT TO THE
14 GENERAL FUND OR ANY OTHER FUND.

15 (d) THE DEPARTMENT SHALL USE FUNDS COLLECTED PURSUANT TO
16 THIS SECTION TO PROVIDE DIRECT SERVICES TO BATTERY STEWARDSHIP
17 ORGANIZATIONS WITH AN APPROVED PLAN TO ENSURE EFFECTIVE
18 PROGRAM OVERSIGHT, COMPLIANCE SUPPORT, AND PUBLIC ENGAGEMENT.
19 SUCH SERVICES INCLUDE:

20 (I) REVIEWING, APPROVING, AND PROVIDING FEEDBACK ON
21 BATTERY STEWARDSHIP PLANS AND PLAN AMENDMENTS TO ENSURE
22 COMPLIANCE WITH STATE LAW AND TO HELP ORGANIZATIONS MEET
23 PERFORMANCE GOALS EFFICIENTLY;

24 (II) CONDUCTING COMPLIANCE AUDITS, REVIEWING ANNUAL
25 REPORTS SUBMITTED PURSUANT TO SECTION 25-17-1011 WITHIN NINETY
26 DAYS AFTER SUBMISSION, AND OFFERING APPLICABLE TECHNICAL
27 RECOMMENDATIONS TO IMPROVE PROGRAM EFFECTIVENESS AND

1 TRANSPARENCY;
2 (III) PROVIDING, UPON REQUEST, A LIST OF APPROVED BATTERY
3 STEWARDSHIP ORGANIZATIONS, PARTICIPATING PRODUCERS, AND
4 COMPLIANT RETAILERS TO INCREASE CONSUMER AWARENESS AND
5 PROMOTE PARTICIPATION IN A BATTERY STEWARDSHIP PROGRAM;
6 (IV) OFFERING TECHNICAL ASSISTANCE, INCLUDING REGULATORY
7 GUIDANCE, BEST PRACTICES FOR COLLECTION SITE OPERATIONS, AND
8 SUPPORT FOR RETAILERS AND PRODUCERS NAVIGATING COMPLIANCE
9 REQUIREMENTS;
10 (V) COLLABORATING WITH APPROVED BATTERY STEWARDSHIP
11 ORGANIZATIONS TO ADDRESS OPERATIONAL CHALLENGES, FACILITATE
12 COORDINATION BETWEEN PRODUCERS, RECYCLERS, AND LOCAL
13 GOVERNMENTS, AND ENSURE CONTINUOUS PROGRAM IMPROVEMENT; AND
14 (VI) ENFORCING THIS PART 10 PURSUANT TO SECTION 25-17-1015,
15 ENSURING FAIR ENFORCEMENT AMONG PARTICIPANTS, AND PROTECTING
16 THE INTEGRITY OF BATTERY STEWARDSHIP PROGRAMS. ____

17 **25-17-1013. Marking requirements for batteries - rules.**

18 (1) (a) EXCEPT AS OTHERWISE PROVIDED IN RULES ADOPTED BY THE
19 COMMISSION PURSUANT TO SUBSECTION (2) OF THIS SECTION, ON AND
20 AFTER JANUARY 1, 2028, A PRODUCER OR RETAILER SHALL NOT SELL,
21 OFFER FOR SALE, OR DISTRIBUTE IN OR INTO THE STATE A COVERED
22 BATTERY OR BATTERY-CONTAINING PRODUCT UNLESS THE COVERED
23 BATTERY IS:

24 (I) MARKED WITH AN IDENTIFICATION OF THE PRODUCER OF THE
25 COVERED BATTERY; AND

26 (II) MARKED WITH PROPER LABELING TO ENSURE PROPER
27 COLLECTION AND RECYCLING, BY IDENTIFYING THE CHEMISTRY OF THE

1 COVERED BATTERY AND INCLUDING AN INDICATION THAT THE COVERED
2 BATTERY SHOULD NOT BE DISPOSED OF AS HOUSEHOLD WASTE.

3 (b) SUBSECTION (1)(a) OF THIS SECTION DOES NOT APPLY TO A
4 COVERED BATTERY THAT IS LESS THAN ONE-HALF INCH IN DIAMETER OR
5 THAT DOES NOT CONTAIN A SURFACE LENGTH THAT EXCEEDS ONE-HALF
6 INCH.

7 (2) THE COMMISSION MAY ADOPT RULES ESTABLISHING MARKING
8 REQUIREMENTS FOR COVERED BATTERIES OR BATTERY-CONTAINING
9 PRODUCTS AS NEEDED TO MAINTAIN CONSISTENCY WITH THE LABELING
10 REQUIREMENTS OR VOLUNTARY STANDARDS FOR BATTERIES ESTABLISHED
11 IN FEDERAL LAW OR THE LAWS OF OTHER STATES.

12 **25-17-1014. Battery disposal and collection requirements.**

13 (1) ON AND AFTER JANUARY 1, 2030, A PERSON SHALL MANAGE
14 UNWANTED COVERED BATTERIES THROUGH THE FOLLOWING METHODS:

15 (a) DELIVERY TO A COLLECTION SITE, EVENT, OR PROGRAM
16 ESTABLISHED BY OR INCLUDED IN A BATTERY STEWARDSHIP PROGRAM
17 CREATED PURSUANT TO THIS PART 10; AND

18 (b) FOR COVERED BATTERIES THAT ARE HAZARDOUS WASTE AS
19 DEFINED UNDER FEDERAL OR STATE HAZARDOUS OR SOLID WASTE LAWS,
20 MANAGEMENT IN A MANNER CONSISTENT WITH THOSE LAWS.

21 (2) ON AND AFTER JANUARY 1, 2030:

22 (a) A FEE SHALL NOT BE CHARGED WHEN A LOOSE COVERED
23 BATTERY IS DELIVERED OR COLLECTED FOR MANAGEMENT. NOTHING IN
24 THIS PART 10 PROHIBITS THE CHARGING OF FEES FOR
25 BATTERY-CONTAINING PRODUCTS.

26 (b) A PERSON SHALL COLLECT, TRANSPORT, AND PROCESS
27 COVERED BATTERIES IN ACCORDANCE WITH THIS PART 10, UNLESS THE

1 COVERED BATTERIES ARE HAZARDOUS WASTE AS DEFINED UNDER FEDERAL
2 OR STATE HAZARDOUS OR SOLID WASTE LAWS;

3 (c) A PERSON SHALL NOT KNOWINGLY CAUSE OR ALLOW:

4 (I) THE MIXING OF A COVERED BATTERY WITH RECYCLABLE
5 MATERIALS THAT ARE INTENDED FOR PROCESSING AND SORTING AT A
6 MATERIALS RECOVERY FACILITY;

7 (II) THE MIXING OF A COVERED BATTERY WITH MUNICIPAL WASTE
8 THAT IS INTENDED FOR DISPOSAL AT A SANITARY LANDFILL;

9 (III) THE DISPOSAL OF A COVERED BATTERY IN A SANITARY
10 LANDFILL;

11 (IV) THE MIXING OF A COVERED BATTERY WITH WASTE THAT IS
12 INTENDED FOR BURNING OR INCINERATION; OR

13 (V) THE BURNING OR INCINERATION OF A COVERED BATTERY;

14 (d) AN OWNER OR OPERATOR OF A SOLID WASTE FACILITY DOES
15 NOT VIOLATE THIS SECTION IF THE FACILITY HAS POSTED IN A
16 CONSPICUOUS LOCATION A SIGN STATING THAT COVERED BATTERIES MUST
17 BE MANAGED THROUGH COLLECTION SITES ESTABLISHED BY A BATTERY
18 STEWARDSHIP ORGANIZATION AND ARE NOT ACCEPTED FOR DISPOSAL; AND

19 (e) A SOLID WASTE COLLECTOR DOES NOT VIOLATE THIS SECTION
20 FOR A COVERED BATTERY PLACED IN A DISPOSAL CONTAINER BY A THIRD
21 PARTY.

22 **25-17-1015. Enforcement. FOR VIOLATIONS RELATED TO**
23 **COVERED BATTERIES AND THE MANAGEMENT OF UNIVERSAL WASTE**
24 **PURSUANT TO THIS PART 10, THE ENFORCEMENT PROCESS IS CONDUCTED**
25 **PURSUANT TO SECTION 25-15-308 AND RULES ADOPTED BY THE**
26 **COMMISSION IN ACCORDANCE WITH SECTION 25-15-302.**

27 **25-17-1016. Antitrust.** IF A BATTERY STEWARDSHIP

1 ORGANIZATION ENGAGES IN AN ACTIVITY PERFORMED SOLELY IN
2 FURTHERANCE OF IMPLEMENTING AN APPROVED PLAN IN COMPLIANCE
3 WITH THIS PART 10, THE ACTIVITY IS NOT A VIOLATION OF THE ANTITRUST,
4 RESTRAINT OF TRADE, AND UNFAIR TRADE PRACTICES PROVISIONS OF THE
5 "UNFAIR PRACTICES ACT", ARTICLE 2 OF TITLE 6, OR THE "COLORADO
6 STATE ANTITRUST ACT OF 2023", ARTICLE 4 OF TITLE 6.

7 **25-17-1017. Collection of batteries independent of a battery**
8 **stewardship program.** (1) NOTHING IN THIS PART 10 PREVENTS OR
9 PROHIBITS A PERSON FROM OFFERING OR PERFORMING A FEE-BASED,
10 HOUSEHOLD COLLECTION, OR A MAIL-BACK PROGRAM FOR END-OF-LIFE
11 PORTABLE BATTERIES OR MEDIUM-FORMAT BATTERIES INDEPENDENTLY OF
12 A BATTERY STEWARDSHIP PROGRAM, PROVIDED THAT THE PERSON MEETS
13 THE FOLLOWING REQUIREMENTS:

14 (a) THE PERSON'S SERVICES SHALL BE PERFORMED, AND THE
15 PERSON'S FACILITIES SHALL BE OPERATED, IN COMPLIANCE WITH ALL
16 APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REQUIREMENTS,
17 INCLUDING ALL APPLICABLE FEDERAL DEPARTMENT OF TRANSPORTATION
18 AND ENVIRONMENTAL PROTECTION AGENCY REGULATIONS;

19 (b) THE PERSON SHALL MAKE AVAILABLE ALL BATTERIES
20 COLLECTED FROM THE PERSON'S COLORADO CUSTOMERS TO A BATTERY
21 STEWARDSHIP ORGANIZATION; AND

22 (c) AFTER CONSOLIDATION OF PORTABLE OR MEDIUM-FORMAT
23 BATTERIES AT THE PERSON'S FACILITIES, THE TRANSPORT TO AND
24 PROCESSING OF THE BATTERIES BY THE BATTERY STEWARDSHIP
25 ORGANIZATION'S DESIGNATED SORTERS OR PROCESSORS IS AT THE
26 BATTERY STEWARDSHIP ORGANIZATION'S EXPENSE.

27 **25-17-1018. Rules.** THE COMMISSION MAY ADOPT RULES

1 IMPLEMENTING THIS PART 10.

2 **SECTION 2.** In Colorado Revised Statutes, 25-15-308, **amend**
3 **(2)(a) and (4)(a); and add (5) as follows:**

4 **25-15-308. Prohibited acts - enforcement - definition.**
5 **(2) (a) Whenever the department finds that ~~any~~ A person is or has been**
6 **in violation of any permit, rule, regulation, or requirement of this part 3**
7 **OR PART 10 OF ARTICLE 17 OF THIS TITLE 25, the department may issue an**
8 **order identifying the factual and legal elements of such violation with**
9 **particularity and requiring such person to comply with any such permit,**
10 **rule, regulation, or requirement and may request the attorney general to**
11 **bring suit for injunctive relief or for penalties pursuant to section**
12 **25-15-309 or 25-15-310.**

13 **(4) (a) Any action pursuant to this part 3 OR PART 10 OF ARTICLE**
14 **17 OF THIS TITLE 25 shall commence within two years after the date upon**
15 **which the department discovers an alleged violation of this part 3 OR**
16 **PART 10 OF ARTICLE 17 OF THIS TITLE 25 or within five years after the date**
17 **upon which the alleged violation occurred, whichever date occurs earlier;**
18 **except that such limitation period is tolled during any period that the**
19 **alleged violation is intentionally concealed. For the purposes of this**
20 **section, "intentionally" shall have the meaning provided for such term in**
21 **section 18-1-501 (5), C.R.S.**

22 **(5) AS USED IN THIS SECTION, "INTENTIONALLY" HAS THE MEANING**
23 **SET FORTH IN SECTION 18-1-501 (5).**

24 **SECTION 3.** In Colorado Revised Statutes, 25-15-309, **amend**
25 **(1), (2), (3) introductory portion, and (4) as follows:**

26 **25-15-309. Administrative and civil penalties. (1) Any A**
27 **person who violates the provisions of section 25-15-308, or who violates**

1 any compliance order of the department ~~which~~ THAT is not subject to a
2 stay pending judicial review and ~~which~~ THAT has been issued pursuant to
3 this part 3, OR VIOLATES PART 10 OF ARTICLE 17 OF THIS TITLE 25 shall, for
4 each such violation, be subject to a penalty for each day during which
5 such violation occurs or continues. The department may impose an
6 administrative penalty of no more than fifteen thousand dollars per day
7 per violation. In lieu of imposing an administrative penalty pursuant to
8 this section, the department may seek a civil penalty for violation of state
9 environmental law in the district court of the judicial district in which the
10 violation occurs. The district court may impose a civil penalty of no more
11 than twenty-five thousand dollars per day per violation.

12 (2) The department shall not be precluded from referring a matter
13 for criminal prosecution regardless of whether an order is issued pursuant
14 to section 25-15-301 (4)(a) or 25-15-308. The department shall not
15 impose both a civil penalty and an administrative penalty for any
16 particular instance of a violation of this part 3 OR PART 10 OF ARTICLE 17
17 OF THIS TITLE 25.

18 (3) The department, the administrative law judge, the commission,
19 or the court shall consider the factors contained in paragraphs (a) to (i) of
20 this subsection (3) SUBSECTIONS (3)(a) TO (3)(i) OF THIS SECTION in
21 determining the amount of any administrative or civil penalty for a
22 violation of this part 3 OR PART 10 OF ARTICLE 17 OF THIS TITLE 25. The
23 factors contained in paragraphs (f), (g), and (h) of this subsection (3)
24 SUBSECTIONS (3)(f), (3)(g), AND (3)(h) OF THIS SECTION shall be
25 mitigating factors and may be applied, together with other factors, to
26 reduce penalties. Such factors are:

27 (4) Notwithstanding the provisions of subsection (3) of this

1 section, the department may enter into settlement agreements regarding
2 any penalty or claim resolved pursuant to this part 3 OR PART 10 OF
3 ARTICLE 17 OF THIS TITLE 25. Any settlement agreement may include but
4 is not necessarily limited to the payment or contribution of moneys
5 MONEY to state or local agencies or for other environmentally beneficial
6 purposes.

7 **SECTION 4. Act subject to petition - effective date.** This act
8 takes effect at 12:01 a.m. on the day following the expiration of the
9 ninety-day period after final adjournment of the general assembly; except
10 that, if a referendum petition is filed pursuant to section 1 (3) of article V
11 of the state constitution against this act or an item, section, or part of this
12 act within such period, then the act, item, section, or part will not take
13 effect unless approved by the people at the general election to be held in
14 November 2026 and, in such case, will take effect on the date of the
15 official declaration of the vote thereon by the governor.