

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO
CORRECTED INTRODUCED

LLS NO. 26-0139.01 Clare Haffner x6137

SENATE BILL 26-003

SENATE SPONSORSHIP

Wallace and Cutter,

HOUSE SPONSORSHIP

Brown and Stewart R.,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING EXPANDING THE SCOPE OF THE "BATTERY STEWARDSHIP**
102 **ACT" TO COVER THE END-OF-LIFE MANAGEMENT OF ELECTRIC**
103 **VEHICLE 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>.)

Senate Bill 25-163 created the "Battery Stewardship Act", which requires the establishment of battery stewardship organizations (organizations) and the submittal of battery stewardship plans (plans) to the executive director of the department of public health and environment (executive director) for the collection, transportation, processing, and

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.

recycling of certain batteries.

The bill expands the scope of the "Battery Stewardship Act" to cover the end-of-life management of propulsion batteries, which are batteries that are primarily used to supply power to an electric or hybrid vehicle, and establishes requirements concerning propulsion batteries that differ from the requirements for the batteries currently contemplated by the "Battery Stewardship Act".

No later than April 1, 2028, and every 5 years thereafter, an organization must submit a plan for the collection, transportation, processing, reuse, repurposing, and recycling of propulsion batteries as part of a battery stewardship program. The bill specifies what a plan must contain to be approved by the executive director. On and after August 1, 2028, a provider of propulsion batteries selling, making available for sale, or distributing propulsion batteries or vehicles containing a propulsion battery in or into the state is required to participate in and finance an organization that has submitted a plan.

An organization implementing a plan on behalf of providers of propulsion batteries is required to develop a website that includes educational and promotional materials and safety information related to battery storage and collection activities and submit annual reports to the executive director that concern certain information about the preceding year of plan implementation.

The bill includes requirements for the marking and labeling of propulsion batteries and requires the solid and hazardous waste commission to, no later than July 1, 2027, adopt rules establishing a process for the department of public health and environment to certify an entity as a qualified propulsion battery recycler.

On and after August 1, 2028, all propulsion batteries in the state must be managed in accordance with the requirements established by the bill.

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

2 **SECTION 1. Short title.** The short title of this act is the
3 "Promoting Responsible End-of-Life Management of Electric Vehicle
4 Batteries Act".

5 **SECTION 2.** In Colorado Revised Statutes, 25-17-1002, **amend**
6 (2); and **add** (1.5) as follows:

7 **25-17-1002. Legislative declaration.**

8 (1.5) THE GENERAL ASSEMBLY FURTHER FINDS THAT:

11 (b) AS ELECTRIC VEHICLE SALES IN THE STATE CONTINUE TO GROW,
12 SUBSTANTIALLY MORE ELECTRIC VEHICLES WILL BE RETIRED IN THE
13 COMING YEARS, AND THEIR BATTERIES, KNOWN AS PROPULSION
14 BATTERIES, WILL NEED TO BE HANDLED;

15 (c) PROPULSION BATTERIES OFTEN RETAIN VALUE EVEN AFTER
16 THEY CEASE TO POWER THE ORIGINAL VEHICLES AND CAN BE REUSED,
17 REPURPOSED, OR RECYCLED. SECONDARY USE CASES FOR A PROPULSION
18 BATTERY IMPROVE THE SUSTAINABILITY PROFILE OF THE ELECTRIC
19 VEHICLE INDUSTRY BY EXTENDING THE USEFUL LIFE OF THE CRITICAL
20 MINERALS CONTAINED WITHIN EACH PROPULSION BATTERY. SECONDARY
21 USES ALSO CREATE LOCAL ECONOMIC OPPORTUNITIES.

22 (d) MULTIPLE ANALYSES HAVE ESTABLISHED THAT EXPENSIVE AND
23 HAZARDOUS RISKS RESULT FROM THE IMPROPER HANDLING AND DISPOSAL
24 OF PROPULSION BATTERIES; AND

25 (e) UNWANTED PROPULSION BATTERIES THAT ARE STORED
26 IMPROPERLY INSTEAD OF BEING SORTED FOR REUSE, REMANUFACTURING,
27 REPURPOSING, OR ULTIMATE RECYCLING AND RECOVERY OF VALUABLE

1 MATERIALS COULD POTENTIALLY REDUCE THE ENVIRONMENTAL BENEFITS
2 OF A ROBUST CIRCULAR ECONOMY FOR PROPULSION BATTERIES WHILE
3 ALSO INCREASING THE RISK OF BATTERY FIRES. A ROBUST EXTENDED
4 PROVIDER RESPONSIBILITY POLICY IS NEEDED TO ENABLE A PROPULSION
5 BATTERY CIRCULAR ECONOMY IN THE STATE.

6 (2) The general assembly therefore declares that it is in the public
7 interest of Colorado to:

8 (a) Require producers of batteries AND PROVIDERS OF PROPULSION
9 BATTERIES to finance and implement a coordinated, state-approved
10 system that increases access to the safe disposal of batteries in Colorado;

11 (b) REDUCE THE INHERENT RISK OF FIRE THAT CAN OCCUR WHEN
12 PROPULSION BATTERIES ARE IMPROPERLY DISPOSED OF; AND

13 (c) ENCOURAGE THE REUSE, REMANUFACTURING, AND
14 REPURPOSING OF PROPULSION BATTERIES AND THE ULTIMATE RECYCLING
15 OF THE VALUABLE MATERIALS IN A PROPULSION BATTERY THAT CAN BE
16 PUT BACK INTO THE SUPPLY CHAIN.

17 **SECTION 3.** In Colorado Revised Statutes, 25-17-1003, **amend**
18 (3), (4), (8)(b)(VI), (25), (26), (28), (29), (30), and (31); and **add** (1.5),
19 (2.5), (13.5), (19.5), (23.3), (23.5), (23.7), (26.3), (26.5), (26.7), (32),
20 (33), (34), (35), (36), (37), (38), (39), and (40) as follows:

21 **25-17-1003. Definitions - rules.**

22 As used in this part 10, unless the context otherwise requires:

23 (1.5) "BATTERY" MEANS A DEVICE CONSISTING OF ONE OR MORE
24 ELECTRICALLY CONNECTED ELECTROCHEMICAL CELLS, WHICH DEVICE IS
25 DESIGNED TO RECEIVE, STORE, AND DELIVER ELECTRIC ENERGY.

26 (2.5) "BATTERY MANAGEMENT HIERARCHY" MEANS THE PROCESS
27 OF SECONDARY HANDLERS, SECONDARY USERS, AND PROPULSION BATTERY

1 PROVIDERS FIRST STRIVING TO REUSE, REPURPOSE, OR REMANUFACTURE
2 PROPULSION BATTERIES, WHEN DOING SO IS POSSIBLE AND
3 COST-EFFECTIVE, BEFORE ENGAGING IN RESPONSIBLE END-OF-LIFE
4 MANAGEMENT VIA A QUALIFIED BATTERY RECYCLER.

5 (3) "Battery stewardship organization" or "organization" means
6 a producer OR PROPULSION BATTERY PROVIDER that directly implements
7 a battery stewardship plan in accordance with this part 10 or a nonprofit
8 organization designated by a producer or a group of producers, OR BY ONE
9 OR MORE PROPULSION BATTERY PROVIDERS, to implement a battery
10 stewardship plan in accordance with this part 10.

11 (4) "Battery stewardship plan" or "plan" means a plan for:

12 (a) The collection, transportation, processing, and recycling of
13 covered batteries submitted to the executive director pursuant to section
14 25-17-1005 (1); OR

15 (b) THE COLLECTION, TRANSPORTATION, REUSE,
16 REMANUFACTURING, REPURPOSING, AND RECYCLING OF PROPULSION
17 BATTERIES SUBMITTED TO THE EXECUTIVE DIRECTOR PURSUANT TO
18 SECTION 25-17-1005 (1.5).

19 (8) (b) "Covered battery" does not include:

20 (VI) A battery, INCLUDING A PROPULSION BATTERY, assembled by
21 or for a vehicle manufacturer, ~~or franchised dealer~~; that is designed to
22 power a motor vehicle, a part of a motor vehicle, or a component part of
23 a motor vehicle, including a replacement part for use in a motor vehicle.

24 (13.5) "END OF LIFE" MEANS THE STAGE WHEN A PROPULSION
25 BATTERY OR COVERED BATTERY IS RETIRED FROM ITS FIRST APPLICATION.

26 (19.5) "ORPHANED BATTERY" MEANS A PROPULSION BATTERY OR
27 REPURPOSED BATTERY THAT HAS AN UNIDENTIFIABLE PROPULSION

1 BATTERY PROVIDER OR SECONDARY USER OR A PROPULSION BATTERY
2 PROVIDER OR SECONDARY USER THAT NO LONGER EXISTS.

3 (23.3) "PROPULSION BATTERY" MEANS A BATTERY THAT IS
4 PRIMARILY USED TO SUPPLY POWER TO PROPEL AN ELECTRIC OR HYBRID
5 VEHICLE.

6 (23.5) (a) "PROPULSION BATTERY PROVIDER" MEANS:

7 (I) A PERSON THAT FIRST SELLS, OFFERS FOR SALE, OR DISTRIBUTES
8 A PROPULSION BATTERY OR A VEHICLE CONTAINING A PROPULSION
9 BATTERY IN OR INTO THE STATE, INCLUDING VEHICLE MANUFACTURERS
10 LICENSED PURSUANT TO APPLICABLE STATE LAWS OR PROPULSION
11 BATTERY MANUFACTURERS THAT DISTRIBUTE PROPULSION BATTERIES
12 UNDER THEIR OWN NAME OR BRAND;

13 (II) IF THERE IS NOT A PERSON THAT SUBSECTION (23.5)(a)(I) OF
14 THIS SECTION APPLIES TO, THE OWNER OR LICENSEE OF THE BRAND OR
15 TRADEMARK UNDER WHICH THE PROPULSION BATTERY IS SOLD, OFFERED
16 FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE. THIS INCLUDES AN
17 EXCLUSIVE LICENSEE WITH THE EXCLUSIVE RIGHT TO USE THE BRAND OR
18 TRADEMARK IN CONNECTION WITH THE DISTRIBUTION OR SALE OF
19 PROPULSION BATTERIES.

20 (III) IF THERE IS NOT A PERSON THAT SUBSECTION (23.5)(a)(I) OR
21 (23.5)(a)(II) OF THIS SECTION APPLIES TO, THE PERSON THAT IMPORTS THE
22 PROPULSION BATTERY INTO THE STATE FOR SALE, DISTRIBUTION, OR
23 INSTALLATION; AND

24 (IV) IF THERE IS NOT A PERSON THAT SUBSECTION (23.5)(a)(I),
25 (23.5)(a)(II), OR (23.5)(a)(III) OF THIS SECTION APPLIES TO, THE
26 DISTRIBUTOR, DEALER, OR WHOLESALER THAT SELLS, OFFERS FOR SALE, OR
27 DISTRIBUTES THE PROPULSION BATTERY IN OR INTO THE STATE.

1 (b) FOR THE PURPOSES OF THIS SUBSECTION (23.5), THE SALE OF A
2 PROPULSION BATTERY OCCURS IN THE STATE IF THE PROPULSION BATTERY,
3 OR THE VEHICLE CONTAINING THE PROPULSION BATTERY, IS DELIVERED TO
4 A LICENSED DEALER OR DIRECTLY TO A CONSUMER IN THE STATE.

5 (23.7) (a) "QUALIFIED BATTERY RECYCLER" MEANS AN ENTITY OR
6 FACILITY THAT:

7 (I) IS CERTIFIED BY THE DEPARTMENT PURSUANT TO RULES
8 ESTABLISHED BY THE COMMISSION IN ACCORDANCE WITH SECTION
9 25-17-1018(1);

10 (II) ABIDES BY ALL APPLICABLE FEDERAL, STATE, AND LOCAL
11 LAWS; AND

12 (III) EXTRACTS AND SEPARATES A COMPOSITION OF COMPONENTS
13 FROM AN END-OF-LIFE PROPULSION BATTERY, SUCH AS ALUMINUM,
14 COBALT, COPPER, GRAPHITE, IRON, LITHIUM COMPOUNDS, MANGANESE,
15 AND NICKEL, AND SENDS THE MATERIAL FOR FURTHER PROCESSING OR
16 REFINING TO ANOTHER QUALIFIED BATTERY RECYCLER.

21 (c) "QUALIFIED BATTERY RECYCLER" DOES NOT INCLUDE AN
22 ENTITY OR FACILITY THAT ONLY ENGAGES IN THE COLLECTION OR
23 LOGISTICS OF MOVING MATERIALS FOR RECYCLING.

24 (25) (a) "Recycling" has the meaning set forth in section
25 25-17-703 (37).

26 (b) "RECYCLING" DOES NOT INCLUDE SMELTING.

27 (26) "Recycling efficiency rate" means the ratio of the weight of

1 components and materials recycled by a battery stewardship organization
2 from covered batteries OR PROPULSION BATTERIES to the weight of
3 covered batteries OR PROPULSION BATTERIES, RESPECTIVELY, as collected
4 by the battery stewardship organization.

5 (26.3) "REMANUFACTURE" MEANS THE PROCESS OF REFURBISHING
6 END-OF-LIFE BATTERY PACKS, MODULES, OR CELLS TO FULFILL THE SAME
7 USE THAT WAS ORIGINALLY INTENDED FOR THE BATTERY PACKS,
8 MODULES, OR CELLS.

9 (26.5) "REPURPOSE" MEANS THE PROCESS OF MODIFYING A
10 PROPULSION BATTERY OR PROPULSION BATTERY PACK, MODULE, OR CELL
11 TO STORE AND SUPPLY ELECTRICITY IN A MANNER OTHER THAN THE
12 ORIGINAL INTENDED PURPOSE OF THE PROPULSION BATTERY.

13 (26.7) "RESPONSIBLE END-OF-LIFE MANAGEMENT" MEANS
14 ENSURING AN END-OF-LIFE PROPULSION BATTERY IS MANAGED PURSUANT
15 TO THE BATTERY MANAGEMENT HIERARCHY.

16 (28) "Universal waste" has the meaning set forth in rules adopted
17 by the commission "REUSE" MEANS THE USE OF A PROPULSION BATTERY
18 IN ANOTHER VEHICLE.

19 (29) "Universal waste battery" means a waste battery generated by
20 a nonresidential entity, such as a business, school, or government agency,
21 that is managed as universal waste regulated in accordance with the
22 commission's rules governing standards for universal waste management
23 "SECONDARY HANDLER" MEANS AN ENTITY OR FACILITY THAT TAKES
24 POSSESSION OF A PROPULSION BATTERY TO SORT, REUSE,
25 REMANUFACTURE, OR PREPARE THE PROPULSION BATTERY FOR
26 REPURPOSING BY A SECONDARY USER OR FOR RESPONSIBLE END-OF-LIFE
27 MANAGEMENT BY A QUALIFIED BATTERY RECYCLER.

7 (31) "Written certification" means written certification by a
8 producer that:

9 (a) The producer is a member of a battery stewardship
10 organization; and

11 (b) A covered battery or battery-containing product is marked in
12 accordance with section 25-17-1013 or the rules adopted in accordance
13 with section 25-17-1013 "SMELTING" MEANS TO MELT OR FUSE A
14 METALLIFEROUS MINERAL, OFTEN WITH AN ACCOMPANYING CHEMICAL
15 CHANGE, USUALLY TO SEPARATE THE METAL.

16 (32) "SOLID WASTE COLLECTOR" MEANS A PERSON THAT OPERATES
17 COLLECTION ROUTES FOR THE REMOVAL OF SOLID WASTE FROM
18 RESIDENTIAL, MULTIRESIDENTIAL, COMMERCIAL, OR INDUSTRIAL
19 PREMISES.

20 (33) "SOLID WASTE DISPOSAL SITE AND FACILITY" HAS THE SAME
21 MEANING AS "SOLID WASTES DISPOSAL SITE AND FACILITY" AS DEFINED IN
22 SECTION 30-20-101 (8).

23 (34) "STATE OF CHARGE" MEANS THE MEASURE OF A PROPULSION
24 BATTERY'S REMAINING CAPACITY, EXPRESSED AS A PERCENTAGE OF ITS
25 TOTAL CAPACITY.

26 (35) "STATE OF HEALTH" MEANS A CALCULATED PARAMETER THAT
27 CORRELATES TO USABLE PROPULSION BATTERY ENERGY FOR THE

1 CERTIFIED RANGE VALUE AND IS NORMALIZED FROM ZERO TO ONE
2 HUNDRED PERCENT.

3 (36) "UNIVERSAL WASTE" HAS THE MEANING SET FORTH IN RULES
4 ADOPTED BY THE COMMISSION.

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

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

16 (39) "UNWANTED PROPULSION BATTERY" MEANS A PROPULSION
17 BATTERY THAT IS NO LONGER WANTED BY THE OWNER AND IS THUS
18 REQUIRED TO BE COLLECTED BY A BATTERY STEWARDSHIP ORGANIZATION
19 FOR RESPONSIBLE END-OF-LIFE MANAGEMENT.

20 (40) "WRITTEN CERTIFICATION" MEANS WRITTEN CERTIFICATION
21 BY A PRODUCER THAT:

22 (a) THE PRODUCER IS A MEMBER OF A BATTERY STEWARDSHIP
23 ORGANIZATION; AND

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

27 **SECTION 4.** In Colorado Revised Statutes, 25-17-1004, **amend**

1 (2)(e)(I) and (3); and **add** (1.5) as follows:

2 **25-17-1004. Requirement that producers and propulsion**
3 **battery providers participate in a battery stewardship plan - retailer**
4 **and propulsion battery provider requirements - no point-of-sale fees.**

5 (1.5) ON AND AFTER AUGUST 1, 2028:

6 (a) A PROPULSION BATTERY PROVIDER SELLING, MAKING
7 AVAILABLE FOR SALE, OR DISTRIBUTING PROPULSION BATTERIES OR
8 VEHICLES CONTAINING A PROPULSION BATTERY IN OR INTO THE STATE
9 SHALL PARTICIPATE IN AND FINANCE A BATTERY STEWARDSHIP
10 ORGANIZATION THAT HAS SUBMITTED A PLAN PURSUANT TO SECTION
11 25-17-1005 (1.5); AND

12 (b) A PROPULSION BATTERY PROVIDER SHALL NOT SELL, MAKE
13 AVAILABLE FOR SALE, OR DISTRIBUTE PROPULSION BATTERIES IN OR INTO
14 THE STATE UNLESS THAT PROPULSION BATTERY PROVIDER PARTICIPATES
15 IN A BATTERY STEWARDSHIP ORGANIZATION AND A BATTERY
16 STEWARDSHIP PLAN.

17 (2) (e) (I) (A) A battery stewardship organization IMPLEMENTING
18 A BATTERY STEWARDSHIP PLAN ON BEHALF OF PRODUCERS OF COVERED
19 BATTERIES shall make information available to a retailer for voluntary use
20 that the retailer may use to inform customers of available end-of-life
21 management options for covered batteries collected by the battery
22 stewardship organization, which information must include in-store
23 signage, written materials, and other promotional materials.

24 (B) A BATTERY STEWARDSHIP ORGANIZATION IMPLEMENTING A
25 BATTERY STEWARDSHIP PLAN ON BEHALF OF PROPULSION BATTERY
26 PROVIDERS SHALL MAKE INFORMATION AVAILABLE TO A PROPULSION
27 BATTERY PROVIDER FOR VOLUNTARY USE TO INFORM CUSTOMERS OF

1 AVAILABLE END-OF-LIFE MANAGEMENT OPTIONS FOR PROPULSION
2 BATTERIES COLLECTED BY THE BATTERY STEWARDSHIP ORGANIZATION,
3 WHICH INFORMATION MUST INCLUDE IN-STORE SIGNAGE, WRITTEN
4 MATERIALS, AND OTHER PROMOTIONAL MATERIALS.

5 (3) A retailer, producer, PROPULSION BATTERY PROVIDER, or
6 battery stewardship organization shall not charge a point-of-sale fee to
7 consumers to cover the administrative or operational costs of a battery
8 stewardship organization or a battery stewardship program.

9 **SECTION 5.** In Colorado Revised Statutes, 25-17-1005, **amend**
10 (2), (3)(c), and (3)(e); and **add** (1.5) as follows:

11 **25-17-1005. Battery stewardship plans - review and approval**
12 **by the executive director.**

13 (1.5) NO LATER THAN APRIL 1, 2028, AND EVERY FIVE YEARS
14 THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION SHALL SUBMIT TO
15 THE EXECUTIVE DIRECTOR A PLAN FOR THE COLLECTION,
16 TRANSPORTATION, PROCESSING, REUSE, REPURPOSING, AND RECYCLING OF
17 PROPULSION BATTERIES UNDER A BATTERY STEWARDSHIP PROGRAM. THE
18 EXECUTIVE DIRECTOR SHALL REVIEW AND APPROVE, DISAPPROVE, OR
19 CONDITIONALLY APPROVE A PLAN BASED ON WHETHER THE PLAN:

20 (a) LISTS AND PROVIDES CONTACT INFORMATION FOR EACH
21 PROPULSION BATTERY PROVIDER COVERED BY THE PLAN;

22 (b) INCLUDES SAFETY TRAINING PROCEDURES RELATED TO
23 PROPULSION BATTERY COLLECTION ACTIVITIES, INCLUDING A DESCRIPTION
24 OF OPERATING PROTOCOLS TO REDUCE THE RISK OF FIRE, RESPONSE
25 PROTOCOLS IN THE EVENT OF A FIRE, AND PROTOCOLS FOR SAFE
26 MANAGEMENT OF DAMAGED OR DEFECTIVE PROPULSION BATTERIES THAT
27 ARE RETURNED;

11 (d) DESCRIBES HOW THE PROGRAM WILL COLLECT PROPULSION
12 BATTERIES ON A FREE, CONTINUOUS, AND CONVENIENT BASIS;

19 (f) DETAILS HOW THE PROGRAM WILL ACHIEVE A RECYCLING
20 EFFICIENCY RATE OF AT LEAST SIXTY PERCENT.

1 the program pursuant to section 25-17-1007 (1).

2 (3) (c) If a revised plan is disapproved by the executive director,
3 a producer OR PROPULSION BATTERY PROVIDER operating under the plan
4 is not in compliance with this part 10 until the executive director approves
5 a plan submitted by an organization that covers the producer or the
6 producer's battery brand or battery-containing product brand OR THE
7 PROPULSION BATTERY PROVIDER.

8 (e) A battery stewardship organization shall provide written
9 notification to the executive director within thirty days after a producer
10 OR PROPULSION BATTERY PROVIDER begins to participate or ceases to
11 participate in the organization or after the adding or removing of a
12 processor or transporter.

13 **SECTION 6.** In Colorado Revised Statutes, 25-17-1006, **amend**
14 (1) introductory portion and (2) as follows:

15 **25-17-1006. Performance goals.**

16 (1) A battery stewardship plan FOR COVERED BATTERIES must
17 include performance goals that measure, on an annual basis, the
18 achievements of the battery stewardship program, including:

19 (2) A battery stewardship organization IMPLEMENTING A BATTERY
20 STEWARDSHIP PLAN ON BEHALF OF PRODUCERS OF COVERED BATTERIES
21 shall meet the performance goals established pursuant to the
22 organization's approved plan and shall not reduce or cease collection,
23 education and outreach, or other activities implemented under an
24 approved plan based on the achievement of performance goals.

25 **SECTION 7.** In Colorado Revised Statutes, 25-17-1007, **amend**
26 (1)(a) introductory portion, (1)(a)(I), (2)(a) introductory portion, (2)(a)(I),
27 and (2)(c) as follows:

1 **25-17-1007. Collection of charges - reimbursement of**
2 **collection sites and electronic waste recyclers.**

3 (1) (a) A battery stewardship organization implementing a battery
4 stewardship plan on behalf of producers OR PROPULSION BATTERY
5 PROVIDERS shall develop and administer a system to collect charges from
6 participating producers OR PROPULSION BATTERY PROVIDERS, AS
7 APPLICABLE, to cover the costs of program implementation, including:

8 (I) Covered battery OR PROPULSION BATTERY collection, sortation,
9 transportation, processing, and recycling in a manner that is safe for
10 public health and the environment;

11 (2) (a) A battery stewardship organization IMPLEMENTING A
12 BATTERY STEWARDSHIP PLAN ON BEHALF OF PRODUCERS OF COVERED
13 BATTERIES shall reimburse a participating collection site, as described in
14 section 25-17-1008, for:

15 (I) Demonstrable costs incurred by a local government serving as
16 a collection site, a solid waste DISPOSAL SITE AND facility, or a local
17 government's designated collection site as a result of implementing a
18 battery stewardship program, including associated labor costs and other
19 costs associated with accessibility and collection site standards such as
20 storage; and

21 (c) A battery stewardship organization IMPLEMENTING A BATTERY
22 STEWARDSHIP PLAN ON BEHALF OF PRODUCERS OF COVERED BATTERIES
23 shall, at a minimum, provide collection sites with appropriate containers
24 for covered batteries subject to its program as well as training, signage,
25 safety guidance, and educational materials at no cost to the collection
26 sites.

27 **SECTION 8.** In Colorado Revised Statutes, 25-17-1008, **amend**

1 (1), (2)(a) introductory portion, (4)(a)(I) introductory portion, (4)(a)(II),
2 and (6)(a); and **add** (7) as follows:

3 **25-17-1008. Collection site requirements - statewide collection**
4 **opportunities - minimum amount of collection sites - collection and**
5 **recycling requirements for propulsion batteries.**

6 (1) (a) A battery stewardship organization implementing a battery
7 stewardship plan ON BEHALF OF PRODUCERS OF COVERED BATTERIES shall
8 provide the collection of covered batteries, including all types and brands
9 of covered batteries, on a free, continuous, convenient, visible, and
10 accessible basis to any person.

11 (b) Except as provided in subsection (3) of this section, a battery
12 stewardship plan FOR COVERED BATTERIES must arrange for the collection
13 of each type and brand of covered battery from a person at a collection
14 site in accordance with the statewide collection opportunities described
15 in subsections (4)(b) and (4)(c) of this section.

16 (2) (a) For each collection site used by a battery stewardship
17 program FOR COVERED BATTERIES, the battery stewardship organization
18 implementing the program shall:

19 (4) (I) A battery stewardship organization implementing a
20 battery stewardship plan ON BEHALF OF PRODUCERS OF COVERED
21 BATTERIES shall:

22 (II) A battery stewardship organization IMPLEMENTING A BATTERY
23 STEWARDSHIP PLAN ON BEHALF OF PRODUCERS OF COVERED BATTERIES
24 shall determine statewide collection opportunities through geographic
25 information modeling that considers permanent collection sites.

26 (6) (a) If cost-effective, mutually agreeable, and otherwise
27 practicable, a battery stewardship organization shall use existing public

1 and private waste collection services and facilities in implementing a
2 battery stewardship program ON BEHALF OF PRODUCERS OF COVERED
3 BATTERIES, including collection sites that are established through other
4 battery collection services, transporters, consolidators, processors,
5 electronic waste recyclers, and retailers.

6 (7) A BATTERY STEWARDSHIP ORGANIZATION IMPLEMENTING A
7 BATTERY STEWARDSHIP PLAN ON BEHALF OF PROPULSION BATTERY
8 PROVIDERS SHALL:

9 (a) UPON RECEIVING NOTIFICATION THAT A PROPULSION BATTERY
10 NEEDS COLLECTION, RETRIEVE THE BATTERY AND ENSURE RESPONSIBLE
11 END-OF-LIFE MANAGEMENT IN A TIMELY AND SAFE MANNER;

12 (b) ENSURE THE RESPONSIBLE END-OF-LIFE MANAGEMENT OF A
13 PROPULSION BATTERY THAT IS RETURNED DIRECTLY TO A PROPULSION
14 BATTERY PROVIDER IN ACCORDANCE WITH THE BATTERY MANAGEMENT
15 HIERARCHY; AND

16 (c) COORDINATE WITH QUALIFIED BATTERY RECYCLERS FOR THE
17 RESPONSIBLE END-OF-LIFE MANAGEMENT OF PROPULSION BATTERIES TO
18 ENSURE COMPLIANCE WITH THIS PART 10.

19 **SECTION 9.** In Colorado Revised Statutes, 25-17-1009, amend
20 (1) as follows:

21 **25-17-1009. Assessment of battery-containing products
22 required.**

23 (1) On or before December 1, 2028, a battery stewardship
24 organization IMPLEMENTING A BATTERY STEWARDSHIP PLAN ON BEHALF
25 OF PRODUCERS OF COVERED BATTERIES shall complete an assessment of
26 the opportunities and challenges associated with the end-of-life
27 management of portable and medium-format embedded batteries in the

1 state. A battery stewardship organization should, to the extent feasible,
2 extrapolate findings from related studies, including those conducted
3 within Colorado, and apply the findings to the assessment for Colorado.

4 **SECTION 10.** In Colorado Revised Statutes, 25-17-1010, **amend**
5 (1) introductory portion, (2) introductory portion, (3), (4), and (6); and
6 **add** (7) as follows:

7 **25-17-1010. Education and outreach requirements -**
8 **coordination with other battery stewardship organizations - survey**
9 **of public awareness.**

10 (1) A battery stewardship organization IMPLEMENTING A BATTERY
11 STEWARDSHIP PLAN ON BEHALF OF PRODUCERS OF COVERED BATTERIES
12 shall carry out promotional activities in support of the implementation of
13 a battery stewardship program, including:

14 (2) A battery stewardship organization IMPLEMENTING A BATTERY
15 STEWARDSHIP PLAN ON BEHALF OF PRODUCERS OF COVERED BATTERIES
16 shall provide:

17 (3) A battery stewardship organization IMPLEMENTING A BATTERY
18 STEWARDSHIP PLAN ON BEHALF OF PRODUCERS OF COVERED BATTERIES
19 may seek reimbursement from the producer of a recalled battery for
20 expenses incurred in the collection, transportation, and processing of the
21 recalled battery.

22 (4) Upon request by a retailer or other potential collector, a battery
23 stewardship organization IMPLEMENTING A BATTERY STEWARDSHIP PLAN
24 ON BEHALF OF PRODUCERS OF COVERED BATTERIES shall provide the
25 retailer or other potential collector educational materials describing
26 collection opportunities for batteries.

27 (6) During the first year of program implementation, and every

1 five years thereafter, a battery stewardship organization IMPLEMENTING
2 A BATTERY STEWARDSHIP PLAN ON BEHALF OF PRODUCERS OF COVERED
3 BATTERIES shall carry out, in coordination with the other approved battery
4 stewardship organizations, a survey of public awareness regarding the
5 requirements of the program established pursuant to this part 10. The
6 battery stewardship organization shall share the results of the public
7 awareness survey with the executive director through the annual reporting
8 process described in section 25-17-1011.

12 (a) DEVELOP AND MAINTAIN A WEBSITE; AND

13 (b) PROVIDE ON THE WEBSITE:

14 (I) EDUCATIONAL AND PROMOTIONAL MATERIALS TO PROPULSION
15 BATTERY PROVIDERS, SOLID WASTE COLLECTORS, AND RECYCLING
16 COLLECTORS:

22 (III) SAFETY TRAINING MATERIALS FOR FIREFIGHTERS AND FIRST
23 RESPONDERS RELATED TO PROPULSION BATTERY FIRES, RESPONSE
24 PROTOCOLS IN THE EVENT OF A PROPULSION BATTERY FIRE, AND
25 PROTOCOLS FOR SAFE MANAGEMENT OF DAMAGED OR DEFECTIVE
26 PROPULSION BATTERIES.

27 SECTION 11. In Colorado Revised Statutes, 25-17-1011, amend

1 (1) introductory portion; and **add** (4), (5), and (6) as follows:

2 **25-17-1011. Annual reporting requirements - proprietary**
3 **information.**

4 (1) On or before June 1, 2029, and on or before each June 1
5 thereafter, a battery stewardship organization IMPLEMENTING A BATTERY
6 STEWARDSHIP PLAN ON BEHALF OF PRODUCERS OF COVERED BATTERIES
7 shall submit an annual report to the executive director covering the
8 preceding calendar year of battery stewardship plan implementation. The
9 report must include the following:

10 (4) ON OR BEFORE JUNE 1, 2030, AND ON OR BEFORE EACH JUNE 1
11 THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION IMPLEMENTING A
12 BATTERY STEWARDSHIP PLAN ON BEHALF OF PROPULSION BATTERY
13 PROVIDERS SHALL SUBMIT AN ANNUAL REPORT TO THE EXECUTIVE
14 DIRECTOR COVERING THE PRECEDING CALENDAR YEAR OF BATTERY
15 STEWARDSHIP PLAN IMPLEMENTATION. THE REPORT MUST INCLUDE THE
16 FOLLOWING:

17 (a) A FINANCIAL ASSESSMENT OF THE PROGRAM IMPLEMENTED BY
18 THE ORGANIZATION, INCLUDING A BREAKDOWN OF THE PROGRAM'S
19 EXPENSES, SUCH AS COLLECTION EXPENSES, RECYCLING EXPENSES,
20 EDUCATION AND OUTREACH EXPENSES, AND OVERHEAD EXPENSES;

21 (b) A SUMMARY FINANCIAL STATEMENT DOCUMENTING THE
22 FINANCING OF THE ORGANIZATION'S PROGRAM AND AN ANALYSIS OF
23 PROGRAM COSTS AND EXPENDITURES, INCLUDING AN ANALYSIS OF THE
24 PROGRAM'S EXPENSES, SUCH AS EXPENSES FOR COLLECTION,
25 TRANSPORTATION, RECYCLING, EDUCATION, AND ADMINISTRATIVE
26 OVERHEAD. THE SUMMARY FINANCIAL STATEMENT MUST BE SUFFICIENTLY
27 DETAILED TO SHOW THAT THE CHARGES COLLECTED FROM PROPULSION

1 BATTERY PROVIDERS AS A RESULT OF THE PROVIDERS' ACTIVITIES IN THE
2 STATE ARE SPENT ON PROGRAM IMPLEMENTATION IN THE STATE. IF THE
3 ORGANIZATION IS IMPLEMENTING SIMILAR PROGRAMS IN MULTIPLE
4 STATES, THE ORGANIZATION MAY SUBMIT A FINANCIAL STATEMENT
5 INCLUDING ALL COVERED STATES, AS LONG AS THE STATEMENT BREAKS
6 OUT FINANCIAL INFORMATION PERTINENT TO COLORADO.

7 (c) THE WEIGHT, BY CHEMISTRY, OF PROPULSION BATTERIES
8 COLLECTED UNDER THE PROGRAM;

9 (d) THE WEIGHT OF MATERIALS RECYCLED FROM PROPULSION
10 BATTERIES COLLECTED UNDER THE PROGRAM, IN TOTAL AND BY METHOD
11 OF REUSE, REMANUFACTURING, REPURPOSING, AND BATTERY RECYCLING
12 AND BY QUALIFIED BATTERY RECYCLER;

13 (e) THE RECYCLING EFFICIENCY RATE FOR RECYCLED PROPULSION
14 BATTERIES, THE RECOVERY OF MATERIALS FROM RECYCLED PROPULSION
15 BATTERIES, AND THE YIELD OF THE FINAL OUTPUT FRACTIONS OF CRITICAL
16 MINERALS, INCLUDING LITHIUM, COBALT, NICKEL, AND COPPER, OR OTHER
17 RELEVANT METALS, AS APPLICABLE;

18 (f) A LIST OF ALL FACILITIES USED IN THE PROCESSING OF
19 PROPULSION BATTERIES, INCLUDING IDENTIFICATION OF A FACILITY'S
20 LOCATION AND WHETHER THE FACILITY IS LOCATED DOMESTICALLY;

21 (g) FOR EACH FACILITY USED IN THE RESPONSIBLE END-OF-LIFE
22 MANAGEMENT OF PROPULSION BATTERIES, A DESCRIPTION OF HOW THE
23 FACILITY MANAGED PROPULSION BATTERIES AND PROPULSION BATTERY
24 COMPONENTS;

25 (h) THE ESTIMATED AGGREGATE SALES, BY WEIGHT AND
26 CHEMISTRY, OF PROPULSION BATTERIES SOLD, OFFERED FOR SALE, OR
27 DISTRIBUTED IN OR INTO THE STATE BY PARTICIPATING PROPULSION

1 BATTERY PROVIDERS FOR EACH OF THE FIVE YEARS IMMEDIATELY
2 PRECEDING THE SUBMISSION OF THE ANNUAL REPORT; AND

3 (i) A DESCRIPTION OF THE METHODS USED TO COLLECT,
4 TRANSPORT, AND RECYCLE PROPULSION BATTERIES BY THE
5 ORGANIZATION.

6 (5) THE WEIGHT OF PROPULSION BATTERIES OR RECOVERED
7 RESOURCES FROM THOSE BATTERIES SHALL BE COUNTED ONLY ONCE
8 TOWARD AN ORGANIZATION'S RECYCLING EFFICIENCY RATE AND FOR THE
9 PURPOSES OF COLLECTING CHARGES PURSUANT TO SECTION 25-17-1007
10 (1)(a) AND SHALL NOT BE COUNTED BY MORE THAN ONE BATTERY
11 STEWARDSHIP ORGANIZATION.

12 (6) THE EXECUTIVE DIRECTOR AND A BATTERY STEWARDSHIP
13 ORGANIZATION SHALL KEEP PROPRIETARY INFORMATION PROVIDED BY A
14 PROPULSION BATTERY PROVIDER CONFIDENTIAL AND MAKE AGGREGATED
15 INFORMATION AVAILABLE UPON REQUEST.

16 **SECTION 12.** In Colorado Revised Statutes, 25-17-1012, **amend**
17 (2)(d)(III), (2)(d)(IV), and (2)(d)(V) as follows:

18 **25-17-1012. Annual fee - battery stewardship fund -**
19 **responsibilities of the executive director.**

20 (2) (d) The department shall use funds collected pursuant to this
21 section to provide direct services to battery stewardship organizations
22 with an approved plan to ensure effective program oversight, compliance
23 support, and public engagement. Such services include:

24 (III) Providing, upon request, a list of approved battery
25 stewardship organizations, participating producers AND PROPULSION
26 BATTERY PROVIDERS, and compliant retailers to increase consumer
27 awareness and promote participation in a battery stewardship program;

1 (IV) Offering technical assistance, including regulatory guidance,
2 best practices for collection site operations, and support for retailers, and
3 producers, AND PROPULSION BATTERY PROVIDERS navigating compliance
4 requirements;

5 (V) Collaborating with approved battery stewardship
6 organizations to address operational challenges; facilitate coordination
7 between producers, recyclers, PROPULSION BATTERY PROVIDERS, and local
8 governments; and ensure continuous program improvement; and

9 **SECTION 13.** In Colorado Revised Statutes, 25-17-1013, add (3)
10 as follows:

11 **25-17-1013. Marking and labeling requirements for batteries**
12 **- rules.**

17 (a) APPLIES A UNIQUE IDENTIFIER AS A PERMANENT LABEL TO THE
18 PROPULSION BATTERY THAT IS VISIBLE ONCE THE BATTERY IS REMOVED
19 FROM A VEHICLE. THE LABEL MUST INCLUDE THE FOLLOWING:

20 (I) AN IDENTIFICATION OF THE CHEMISTRY OF THE PROPULSION
21 BATTERY, INCLUDING THE CATHODE TYPE AND ANODE TYPE, IN
22 ACCORDANCE WITH SAE INTERNATIONAL'S STANDARD J2984, "CHEMICAL
23 IDENTIFICATION OF TRANSPORTATION BATTERIES FOR RECYCLING";

24 (II) THE NAME OF THE PROPULSION BATTERY PROVIDER, OR THE
25 SECONDARY USER WITH RESPECT TO A REPURPOSED BATTERY,
26 RESPONSIBLE FOR THE PROPULSION BATTERY AND ITS DATE OF
27 MANUFACTURE;

17 (b) ENSURES THAT BATTERY STATE OF HEALTH DATA ARE EASILY
18 INTERPRETABLE AND ACCESSIBLE TO SECONDARY HANDLERS AND
19 SECONDARY USERS WHILE THE PROPULSION BATTERY IS INSIDE A VEHICLE
20 AND THAT THE LAST AVAILABLE STATE OF HEALTH AND STATE OF CHARGE
21 DATA, AND ANY INSTANCES OF OVERHEATING, OVERCHARGING, OR OTHER
22 FAULTS, ARE ACCESSIBLE ONCE THE PROPULSION BATTERY HAS BEEN
23 REMOVED FROM THE VEHICLE.

24 **SECTION 14.** In Colorado Revised Statutes, 25-17-1014, amend
25 (2)(d); and **add** (3) and (4) as follows:

26 **25-17-1014. Battery disposal and collection requirements -**
27 **landfill disposal prohibited.**

(2) On and after January 1, 2030:

2 (d) An owner or operator of a solid waste DISPOSAL SITE AND
3 facility does not violate this section if the facility has posted in a
4 conspicuous location a sign stating that covered batteries must be
5 managed through collection sites established by a battery stewardship
6 organization and are not accepted for disposal; and

7 (3) ON AND AFTER AUGUST 1, 2028, A PERSON SHALL MANAGE AN
8 UNWANTED PROPULSION BATTERY BY:

13 (b) NOTIFYING THE PROPULSION BATTERY PROVIDER, THE
14 SECONDARY USER, OR A BATTERY STEWARDSHIP ORGANIZATION AND
15 COORDINATING TIMELY AND SAFE PICKUP OF THE PROPULSION BATTERY BY
16 THE BATTERY STEWARDSHIP ORGANIZATION; OR

17 (c) SELLING OR TRANSFERRING THE PROPULSION BATTERY OR THE
18 VEHICLE CONTAINING THE PROPULSION BATTERY TO A SECONDARY
19 HANDLER, SECONDARY USER, OR QUALIFIED BATTERY RECYCLER.

20 (4) ON AND AFTER AUGUST 1, 2028:

21 (a) ALL PROPULSION BATTERIES IN THE STATE MUST BE MANAGED
22 RESPONSIBLY AT END OF LIFE IN ACCORDANCE WITH THIS PART 10;

23 (b) PROPULSION BATTERIES THAT ARE HAZARDOUS WASTE AS
24 DEFINED UNDER FEDERAL OR STATE HAZARDOUS OR SOLID WASTE LAWS
25 MUST BE MANAGED IN A MANNER CONSISTENT WITH THOSE LAWS; AND

26 (c) A PERSON SHALL NOT DISPOSE OF A PROPULSION BATTERY BY
27 TAKING THE PROPULSION BATTERY TO A LANDFILL.

1 **SECTION 15.** In Colorado Revised Statutes, **amend** 25-17-1015
2 as follows:

3 **25-17-1015. Enforcement - responsibilities of the department**
4 **- study - repeal.**

5 (1) For violations related to covered batteries and the management
6 of universal waste pursuant to this part 10, the enforcement process is
7 conducted pursuant to section 25-15-308 and rules adopted by the
8 commission in accordance with section 25-15-302.

9 (2) TO IMPLEMENT THIS PART 10, THE DEPARTMENT SHALL:

10 (a) NOTIFY SECONDARY HANDLERS, SECONDARY USERS, AND SOLID
11 WASTE COLLECTORS THAT THE DISPOSAL OF PROPULSION BATTERIES IN
12 LANDFILLS IS PROHIBITED AND THAT A BATTERY STEWARDSHIP
13 ORGANIZATION CAN BE CONTACTED TO TAKE RESPONSIBILITY FOR AN
14 UNWANTED PROPULSION BATTERY; AND

15 (b) DETERMINE HOW TO PROCEED IF THE FEDERAL GOVERNMENT
16 ENACTS A LAW OR ADOPTS REGULATIONS PERTAINING TO PROPULSION
17 BATTERIES THAT MAY IMPACT THE REQUIREMENTS OF THIS PART 10.

18 (3) THE DEPARTMENT SHALL:

19 (a) INCLUDE THE DATA COLLECTED ON PROPULSION BATTERIES
20 PURSUANT TO THIS PART 10 WITH THE DATA ON RECYCLING, SOLID WASTE,
21 AND SOLID WASTE DIVERSION THAT IS COLLECTED AND REPORTED
22 ANNUALLY BY THE DEPARTMENT TO THE STANDING COMMITTEE OF
23 REFERENCE IN EACH HOUSE OF THE GENERAL ASSEMBLY EXERCISING
24 JURISDICTION OVER MATTERS CONCERNING PUBLIC HEALTH AND THE
25 ENVIRONMENT PURSUANT TO SECTION 30-20-122 (1); AND

26 (b) ANNUALLY POST ON THE DEPARTMENT'S PUBLIC WEBSITE
27 AGGREGATED DATA ON THE DISPOSITION OF PROPULSION BATTERIES

1 REMOVED FROM VEHICLES, INCLUDING DATA ON THE NUMBER OF THE
2 REMOVED PROPULSION BATTERIES SOLD OR DISTRIBUTED FOR REUSING,
3 REMANUFACTURING, REPURPOSING, OR RECYCLING. THE DEPARTMENT
4 SHALL NOT DISCLOSE PROPRIETARY OR CONFIDENTIAL INFORMATION.

5 (4) NOTHING IN THIS PART 10 EXEMPTS A PERSON FROM
6 COMPLYING WITH ANY OTHER APPLICABLE LOCAL, STATE, OR FEDERAL
7 LAWS OR REGULATORY REQUIREMENTS.

8 (5) (a) THE DEPARTMENT SHALL:

9 (I) CONDUCT A STUDY TO DETERMINE WHETHER THERE IS
10 EVIDENCE OF ABANDONMENT OF ORPHANED BATTERIES AND ANALYZE
11 TRENDS IN THE PREVALENCE OF ORPHANED BATTERIES; AND

12 (II) ON OR BEFORE JANUARY 1, 2031, POST A REPORT INCLUDING
13 THE STUDY'S FINDINGS ON THE DEPARTMENT'S PUBLIC WEBSITE.

14 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JANUARY 1,
15 2033.

16 **SECTION 16.** In Colorado Revised Statutes, **amend** 25-17-1018
17 as follows:

18 **25-17-1018. Rules.** (1) (a) ~~The commission may adopt rules~~
19 ~~implementing this part 10.~~ NO LATER THAN JULY 1, 2027, THE
20 COMMISSION SHALL ADOPT RULES ESTABLISHING A PROCESS FOR THE
21 DEPARTMENT TO CERTIFY A QUALIFIED BATTERY RECYCLER, WHICH
22 PROCESS MUST INCLUDE:

23 (I) A REASONABLE STANDARD OF REVIEW;

24 (II) AN APPEALS PROCESS FOR AN APPLICANT DENIED
25 CERTIFICATION;

26 (III) THE ABILITY FOR AN APPLICANT DENIED CERTIFICATION TO
27 CURE IDENTIFIED DEFICIENCIES AND BE REEVALUATED FOR CERTIFICATION;

8 (V) REASSESSMENT AND RECERTIFICATION TIME FRAMES.

11 (I) INCLUDE CRITERIA THAT MINIMIZES THE GENERATION OF
12 HAZARDOUS WASTE, GREENHOUSE GAS EMISSIONS, ENVIRONMENTAL
13 IMPACTS, ENVIRONMENTAL JUSTICE IMPACTS, AND PUBLIC HEALTH
14 IMPACTS;

15 (II) INCLUDE CRITERIA THAT MINIMIZE RISKS TO PUBLIC HEALTH
16 AND WORKER HEALTH AND SAFETY;

17 (III) INCLUDE CRITERIA FOR A RECYCLING EFFICIENCY RATE OF AT
18 LEAST SIXTY PERCENT AND DEVELOP MINIMUM MATERIAL-SPECIFIC
19 RECOVERY RATE REQUIREMENTS OF KEY ACTIVE MATERIALS USED IN
20 PROPULSION BATTERIES, CONSIDERING DEVELOPMENTS IN DOMINANT
21 PROPULSION BATTERY TECHNOLOGY AND RECYCLING; AND

22 (IV) ESTABLISH REASSESSMENT OF RECYCLING EFFICIENCY RATE
23 GUIDANCE AND RECERTIFICATION TIME FRAMES EVERY FIVE YEARS.

24 (c) THE REQUIREMENTS FOR QUALIFIED BATTERY RECYCLERS
25 ESTABLISHED BY THE COMMISSION PURSUANT TO THIS SUBSECTION (1) ARE
26 IN ADDITION TO, AND DO NOT REPLACE, OTHER STATE PERMITTING
27 REQUIREMENTS OR REQUIREMENTS INCLUDED IN THE FEDERAL "RESOURCE

1 CONSERVATION AND RECOVERY ACT OF 1976", 42 U.S.C. SEC. 6901 ET
2 SEQ.

3 (2) IF THE FEDERAL GOVERNMENT ENACTS A LAW OR ADOPTS
4 REGULATIONS PERTAINING TO PROPULSION BATTERIES THAT MAY IMPACT
5 THE REQUIREMENTS OF THIS PART 10, THE COMMISSION SHALL REVIEW,
6 EVALUATE, AND COMPARE ANY FEDERAL REQUIREMENTS TO RULES
7 ADOPTED UNDER THIS PART 10 AND SHALL, IF NECESSARY, REVISE THE
8 RULES TO ENSURE COMPLIANCE WITH FEDERAL STANDARDS AND TO
9 ACHIEVE GREATER RECYCLING EFFICIENCY AND FEASIBILITY.

10 (3) THE COMMISSION MAY ADOPT RULES IMPLEMENTING ANY
11 OTHER PROVISIONS OF THIS PART 10.

12 **SECTION 17.** In Colorado Revised Statutes, **add** 25-17-1019 and
13 25-17-1020 as follows:

14 **25-17-1019. Responsibilities of secondary handlers and
15 secondary users.**

16 (1) AFTER TAKING POSSESSION OF A PROPULSION BATTERY, A
17 SECONDARY HANDLER OR SECONDARY USER SHALL MANAGE THE
18 PROPULSION BATTERY IN ACCORDANCE WITH THE BATTERY MANAGEMENT
19 HIERARCHY.

20 (2) FOR PROPULSION BATTERIES THAT ARE UNABLE TO BE REUSED,
21 REPURPOSED, OR REMANUFACTURED, A SECONDARY HANDLER OR
22 SECONDARY USER SHALL COORDINATE WITH A QUALIFIED BATTERY
23 RECYCLER FOR RESPONSIBLE END-OF-LIFE MANAGEMENT OR CONTACT A
24 BATTERY STEWARDSHIP ORGANIZATION TO ENSURE COMPLIANCE WITH
25 THIS PART 10.

26 (3) (a) A PROPULSION BATTERY PROVIDER CEASES TO BE THE
27 RESPONSIBLE ENTITY FOR A PROPULSION BATTERY AFTER A SECONDARY

1 USER REPURPOSES THAT PROPULSION BATTERY, UNLESS THE PROPULSION
2 BATTERY PROVIDER AGREES TO ACCEPT CONTINUED RESPONSIBILITY FOR
3 THE PROPULSION BATTERY BY CONTRACT.

4 (b) A SECONDARY USER THAT REPURPOSES A PROPULSION BATTERY
5 SHALL, BEFORE SELLING, OFFERING FOR SALE, OR DISTRIBUTING THE
6 PROPULSION BATTERY, PROVIDE UPDATED LABELING IDENTIFYING THE
7 SECONDARY USER AS THE RESPONSIBLE ENTITY FOR THE MODIFIED
8 PROPULSION BATTERY PURSUANT TO SECTION 25-17-1013 (3)(a)(II),
9 EXCEPT AS PROVIDED IN SUBSECTION (3)(a) OF THIS SECTION.

10 **25-17-1020. Applicability.** A VEHICLE CONTAINING A PROPULSION
11 BATTERY ORIGINALLY SOLD IN THE STATE IS NOT SUBJECT TO THIS PART 10
12 WHEN IT IS RETIRED OUT OF STATE.

13 **SECTION 18. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly (August
16 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a
17 referendum petition is filed pursuant to section 1 (3) of article V of the
18 state constitution against this act or an item, section, or part of this act
19 within such period, then the act, item, section, or part will not take effect
20 unless approved by the people at the general election to be held in
21 November 2026 and, in such case, will take effect on the date of the
22 official declaration of the vote thereon by the governor.