

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0173.01 Clare Haffner x6137

SENATE BILL 25-163

SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

Brown and Stewart R.,

Senate Committees
Health & Human Services

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.

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

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

27 (2) "BATTERY-CONTAINING PRODUCT" MEANS A PRODUCT SOLD,

1 OFFERED FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE THAT
2 CONTAINS OR IS PACKAGED WITH RECHARGEABLE OR PRIMARY BATTERIES
3 THAT ARE COVERED BATTERIES.

4 (3) "BATTERY STEWARDSHIP ORGANIZATION" OR "ORGANIZATION"
5 MEANS A PRODUCER THAT DIRECTLY IMPLEMENTS A BATTERY
6 STEWARDSHIP PLAN IN ACCORDANCE WITH THIS PART 10 OR A NONPROFIT
7 ORGANIZATION DESIGNATED BY A PRODUCER OR A GROUP OF PRODUCERS
8 TO IMPLEMENT A BATTERY STEWARDSHIP PLAN IN ACCORDANCE WITH THIS
9 PART 10.

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

14 (5) "BATTERY STEWARDSHIP PROGRAM" OR "PROGRAM" MEANS A
15 PROGRAM IMPLEMENTED BY A BATTERY STEWARDSHIP ORGANIZATION IN
16 ACCORDANCE WITH AN APPROVED PLAN.

17 (6) "COLLECTION RATE" MEANS A PERCENTAGE, BY WEIGHT, OF
18 COVERED BATTERIES THAT A BATTERY STEWARDSHIP ORGANIZATION
19 COLLECTS, WHICH IS CALCULATED BY DIVIDING THE TOTAL WEIGHT OF THE
20 COVERED BATTERIES THAT THE BATTERY STEWARDSHIP ORGANIZATION
21 COLLECTED DURING THE PREVIOUS CALENDAR YEAR BY THE AVERAGE
22 ANNUAL WEIGHT OF COVERED BATTERIES THAT WERE ESTIMATED BY THE
23 ORGANIZATION TO HAVE BEEN SOLD, OFFERED FOR SALE, OR DISTRIBUTED
24 IN OR INTO THE STATE DURING THE PREVIOUS THREE CALENDAR YEARS BY
25 PRODUCERS PARTICIPATING IN AN APPROVED PLAN.

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

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

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

6 (I) A BATTERY CONTAINED WITHIN A DEVICE, AS DEFINED IN 21
7 U.S.C. SEC. 321 (h) AS OF THE EFFECTIVE DATE OF THIS PART 10, THAT IS
8 NOT DESIGNED AND MARKETED FOR SALE OR RESALE PRINCIPALLY TO
9 CONSUMERS FOR PERSONAL USE;

10 (II) A BATTERY THAT CONTAINS AN ELECTROLYTE AS A FREE
11 LIQUID;

12 (III) A LEAD-ACID BATTERY WEIGHING MORE THAN ELEVEN
13 POUNDS;

14 (IV) AN EMBEDDED BATTERY; OR

15 (V) A BATTERY THAT IS A COMPONENT OF A MOTOR VEHICLE OR
16 INTENDED FOR USE EXCLUSIVELY IN MOTOR VEHICLES.

17 (9) "DAMAGED OR DEFECTIVE BATTERY" MEANS A BATTERY THAT
18 HAS BEEN DAMAGED OR IDENTIFIED BY THE MANUFACTURER AS BEING
19 DEFECTIVE FOR SAFETY REASONS AND THAT HAS THE POTENTIAL OF
20 PRODUCING A DANGEROUS EVOLUTION OF HEAT, FIRE, OR SHORT CIRCUIT,
21 AS DESCRIBED IN 49 CFR 173.185 (f), OR AS UPDATED BY THE
22 COMMISSION BY RULE TO MAINTAIN CONSISTENCY WITH FEDERAL
23 STANDARDS.

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

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

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

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

7 (14) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
8 THE DEPARTMENT.

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

11 (16) "HOUSEHOLD HAZARDOUS WASTE FACILITY" MEANS A
12 FACILITY THAT IS SUBJECT TO FEDERAL AND STATE REGULATIONS THAT
13 ENSURE THAT THE FACILITY IS COLLECTING UNIVERSAL WASTE, AS
14 DEFINED IN 40 CFR 273.9, IN A MANNER THAT PREVENTS THE HARMFUL
15 IMPACT OF IMPROPER DISPOSAL OF THE UNIVERSAL WASTE.

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

18 (18) "MATERIALS RECOVERY FACILITY" MEANS A FACILITY THAT
19 PROCESSES MATERIALS THAT ARE COLLECTED FOR RECYCLING BEFORE
20 BEING CONVEYED TO END-MARKET BUSINESSES.

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

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

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

27 (I) MORE THAN ELEVEN POUNDS OR HAVING A RATING OF MORE

1 THAN THREE HUNDRED WATT-HOURS, OR BOTH; AND

2 (II) NO MORE THAN TWENTY-FIVE POUNDS OR HAVING A RATING
3 OF NO MORE THAN TWO THOUSAND WATT-HOURS, OR BOTH.

4 (20) "PORTABLE BATTERY" MEANS THE FOLLOWING PRIMARY OR
5 RECHARGEABLE COVERED BATTERIES:

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

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

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

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

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

16 (A) IF THE COVERED BATTERY IS SOLD, OFFERED FOR SALE, OR
17 DISTRIBUTED IN OR INTO THE STATE UNDER THE BRAND OF THE BATTERY
18 MANUFACTURER, THE PRODUCER IS THE PERSON THAT MANUFACTURES
19 THE BATTERY;

20 (B) IF THE COVERED BATTERY IS SOLD, OFFERED FOR SALE, OR
21 DISTRIBUTED IN OR INTO THE STATE UNDER A RETAIL BRAND OR UNDER A
22 BRAND OWNED BY A PERSON OTHER THAN THE BATTERY MANUFACTURER,
23 THE PRODUCER IS THE BRAND OWNER;

24 (C) IF THERE IS NO PERSON THAT SUBSECTION (22)(a)(I)(A) OR
25 (22)(a)(I)(B) OF THIS SECTION APPLIES TO, THE PRODUCER IS THE LICENSEE
26 OF THE BRAND OR TRADEMARK UNDER WHICH THE COVERED BATTERY IS
27 SOLD, OFFERED FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE,

1 REGARDLESS OF WHETHER THE TRADEMARK IS REGISTERED IN THE STATE;

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

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

11 (II) FOR COVERED BATTERY-CONTAINING PRODUCTS SOLD,
12 OFFERED FOR SALE, OR DISTRIBUED IN OR INTO THE STATE:

13 (A) IF THE BATTERY-CONTAINING PRODUCT IS SOLD, OFFERED FOR
14 SALE, OR DISTRIBUED IN OR INTO THE STATE UNDER THE BRAND OF THE
15 BATTERY MANUFACTURER, THE PRODUCER IS THE PERSON THAT
16 MANUFACTURES THE BATTERY-CONTAINING PRODUCT;

17 (B) IF THE BATTERY-CONTAINING PRODUCT IS SOLD, OFFERED FOR
18 SALE, OR DISTRIBUED IN OR INTO THE STATE UNDER A RETAIL BRAND OR
19 UNDER A BRAND OWNED BY A PERSON OTHER THAN THE BATTERY
20 MANUFACTURER, THE PRODUCER IS THE BRAND OWNER;

21 (C) IF THERE IS NO PERSON THAT SUBSECTION (22)(a)(II)(A) OR
22 (22)(a)(II)(B) OF THIS SECTION APPLIES TO, THE PRODUCER IS THE
23 LICENSEE OF THE BRAND OR TRADEMARK UNDER WHICH THE
24 BATTERY-CONTAINING PRODUCT IS SOLD, OFFERED FOR SALE, OR
25 DISTRIBUED IN OR INTO THE STATE, REGARDLESS OF WHETHER THE
26 TRADEMARK IS REGISTERED IN THE STATE;

27 (D) IF THERE IS NO PERSON IN THE UNITED STATES THAT

1 SUBSECTION (22)(a)(II)(A), (22)(a)(II)(B), OR (22)(a)(II)(C) OF THIS
2 SECTION APPLIES TO, THE PRODUCER IS THE PERSON THAT IS THE IMPORTER
3 OF RECORD FOR THE BATTERY-CONTAINING PRODUCT INTO THE UNITED
4 STATES; AND

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

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

13 (I) THE ONLY BATTERIES CONTAINED IN OR SUPPLIED WITH THE
14 BATTERY-CONTAINING PRODUCT ARE SUPPLIED BY A PRODUCER THAT HAS
15 JOINED A BATTERY STEWARDSHIP ORGANIZATION WITH AN APPROVED
16 PLAN ACKNOWLEDGING THAT THE PRODUCER IS THE PRODUCER FOR THAT
17 COVERED BATTERY PURSUANT TO THIS PART 10; AND

18 (II) THE PRODUCER PROVIDES WRITTEN CERTIFICATION TO BOTH
19 THE PERSON DESCRIBED IN THIS SUBSECTION (22)(b) AND THE BATTERY
20 STEWARDSHIP ORGANIZATION OF WHICH THE PRODUCER IS A MEMBER.

21 (c) A PERSON IS NOT THE PRODUCER OF A COVERED BATTERY OR
22 BATTERY-CONTAINING PRODUCT SOLD, OFFERED FOR SALE, OR
23 DISTRIBUTED IN OR INTO THE STATE IF ANOTHER PARTY HAS
24 CONTRACTUALLY ACCEPTED RESPONSIBILITY AS A PRODUCER AND HAS
25 JOINED A BATTERY STEWARDSHIP ORGANIZATION WITH AN APPROVED
26 PLAN ACKNOWLEDGING THAT THE OTHER PARTY IS THE PRODUCER FOR
27 THAT COVERED BATTERY OR BATTERY-CONTAINING PRODUCT PURSUANT

1 TO THIS PART 10.

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

4 (24) "RECHARGEABLE BATTERY" MEANS A BATTERY THAT
5 CONTAINS ONE OR MORE VOLTAIC OR GALVANIC CELLS, WHICH ARE
6 ELECTRICALLY CONNECTED TO PRODUCE ELECTRIC ENERGY AND DESIGNED
7 TO BE RECHARGED.

8 (25) "RECYCLING" HAS THE MEANING SET FORTH IN SECTION
9 25-17-703 (37).

10 (26) "RECYCLING EFFICIENCY RATE" MEANS THE RATIO OF THE
11 WEIGHT OF COMPONENTS AND MATERIALS RECYCLED BY A BATTERY
12 STEWARDSHIP ORGANIZATION FROM COVERED BATTERIES TO THE WEIGHT
13 OF COVERED BATTERIES AS COLLECTED BY THE BATTERY STEWARDSHIP
14 ORGANIZATION.

15 (27) "RETAILER" MEANS A PERSON THAT SELLS COVERED
16 BATTERIES OR BATTERY-CONTAINING PRODUCTS IN OR INTO THE STATE,
17 INCLUDING SALES MADE THROUGH AN INTERNET TRANSACTION, OR OFFERS
18 OR OTHERWISE MAKES AVAILABLE COVERED BATTERIES OR
19 BATTERY-CONTAINING PRODUCTS TO A CUSTOMER IN THE STATE.

20 (28) "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 **25-17-1004. Requirement that producers participate in a**

1 **battery stewardship plan - retailer requirements - no point-of-sale**
2 **fees. (1) ON AND AFTER AUGUST 1, 2026:**

3 (a) A PRODUCER SELLING, MAKING AVAILABLE FOR SALE, OR
4 DISTRIBUTING COVERED BATTERIES OR BATTERY-CONTAINING PRODUCTS
5 IN OR INTO THE STATE SHALL PARTICIPATE IN AND FINANCE A BATTERY
6 STEWARDSHIP ORGANIZATION THAT HAS SUBMITTED A PLAN PURSUANT TO
7 SECTION 25-17-1005 (1)(a); AND

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

13 (2) (a) ON AND AFTER JULY 1, 2028, A RETAILER SHALL NOT SELL,
14 OFFER FOR SALE, DISTRIBUTE, OR OTHERWISE MAKE AVAILABLE FOR SALE
15 A COVERED BATTERY OR BATTERY-CONTAINING PRODUCT IN THE STATE
16 UNLESS THE PRODUCER OF THE COVERED BATTERY OR
17 BATTERY-CONTAINING PRODUCT IS PARTICIPATING IN A BATTERY
18 STEWARDSHIP ORGANIZATION WITH AN APPROVED PLAN.

19 (b) A RETAILER DOES NOT VIOLATE SUBSECTION (2)(a) OF THIS
20 SECTION IF THE WEBSITE MADE AVAILABLE BY THE EXECUTIVE DIRECTOR
21 IN ACCORDANCE WITH SECTION 25-17-1012 (2)(d)(III) LISTS, AS OF THE
22 DATE A PRODUCT SOLD BY THE RETAILER IS MADE AVAILABLE FOR RETAIL
23 SALE, THE PRODUCER OR BRAND OF COVERED BATTERY OR
24 BATTERY-CONTAINING PRODUCT AS A PARTICIPANT IN AN APPROVED PLAN.

25 (c) (I) A RETAILER OF A COVERED BATTERY OR A
26 BATTERY-CONTAINING PRODUCT IS NOT REQUIRED TO MAKE A RETAIL
27 LOCATION AVAILABLE TO SERVE AS A COLLECTION SITE FOR A BATTERY

1 STEWARDSHIP PROGRAM.

2 (II) A RETAILER THAT OFFERS A RETAIL LOCATION THAT SERVES AS
3 A COLLECTION SITE MUST COMPLY WITH THE REQUIREMENTS FOR
4 COLLECTION SITES DESCRIBED IN SECTION 25-17-1008.

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

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

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

23 (3) A RETAILER, PRODUCER, OR BATTERY STEWARDSHIP
24 ORGANIZATION SHALL NOT CHARGE A POINT-OF-SALE FEE TO CONSUMERS
25 TO COVER THE ADMINISTRATIVE OR OPERATIONAL COSTS OF A BATTERY
26 STEWARDSHIP ORGANIZATION OR A BATTERY STEWARDSHIP PROGRAM.

27 **25-17-1005. Battery stewardship plans - review and approval**

1 **by the executive director.** (1) NO LATER THAN JULY 1, 2026, AND EVERY
2 FIVE YEARS THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION SHALL
3 SUBMIT TO THE EXECUTIVE DIRECTOR A PLAN FOR THE COLLECTION,
4 TRANSPORTATION, PROCESSING, AND RECYCLING OF COVERED BATTERIES
5 UNDER A BATTERY STEWARDSHIP PROGRAM. THE EXECUTIVE DIRECTOR
6 SHALL REVIEW AND APPROVE, DISAPPROVE, OR CONDITIONALLY APPROVE
7 A PLAN BASED ON WHETHER THE PLAN:

8 (a) LISTS AND PROVIDES CONTACT INFORMATION FOR EACH
9 PRODUCER, COVERED BATTERY BRAND, AND BATTERY-CONTAINING
10 PRODUCT BRAND COVERED BY THE PLAN, INCLUDING IDENTIFYING
11 PRODUCERS THAT HAVE CONTRACTUALLY ACCEPTED RESPONSIBILITY AS
12 A PRODUCER IN ACCORDANCE WITH SECTION 25-17-1003 (2)(c);

13 (b) PROPOSES PERFORMANCE GOALS THAT ARE CONSISTENT WITH
14 SECTION 25-17-1006, INCLUDING ESTABLISHING PERFORMANCE GOALS FOR
15 EACH OF THE THREE CALENDAR YEARS AFTER THE PLAN IS SUBMITTED TO
16 THE EXECUTIVE DIRECTOR;

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

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

26 (e) DESCRIBES HOW THE ORGANIZATION WILL MAKE SIGNAGE,
27 WRITTEN MATERIALS, AND OTHER PROMOTIONAL MATERIALS AVAILABLE

1 TO COLLECTION SITES SO THAT COLLECTION SITES MAY USE THE
2 MATERIALS TO INFORM CONSUMERS OF AVAILABLE END-OF-LIFE
3 MANAGEMENT OPTIONS FOR COVERED BATTERIES COLLECTED BY THE
4 ORGANIZATION;

5 (f) LISTS PROMOTIONAL ACTIVITIES TO BE UNDERTAKEN BY THE
6 ORGANIZATION, INCLUDING THE IDENTIFICATION OF CONSUMER
7 AWARENESS GOALS AND STRATEGIES THAT THE ORGANIZATION WILL
8 EMPLOY TO ACHIEVE THESE GOALS WHEN THE PROGRAM IS IMPLEMENTED;

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

15 (h) DESCRIBES THE METHOD TO ESTABLISH AND ADMINISTER A
16 MEANS FOR FULLY FUNDING THE PROGRAM IN A MANNER THAT EQUITABLY
17 DISTRIBUTES THE PROGRAM'S COSTS AMONG THE PRODUCERS
18 PARTICIPATING IN THE ORGANIZATION, INCLUDING A DESCRIPTION OF THE
19 CHARGES COLLECTED FROM PRODUCERS PURSUANT TO SECTION
20 25-17-1007(1). IF A PRODUCER CHOOSES TO DIRECTLY IMPLEMENT A PLAN
21 INDIVIDUALLY WITHOUT DESIGNATING A NONPROFIT ORGANIZATION, THE
22 PLAN MUST DESCRIBE THE PROPOSED METHOD TO ESTABLISH AND
23 ADMINISTER A MEANS FOR FULLY FUNDING THE PROGRAM.

24 (i) DESCRIBES HOW THE PROGRAM WILL COLLECT ALL COVERED
25 TYPES AND BRANDS OF COVERED BATTERIES ON A FREE, CONTINUOUS,
26 CONVENIENT, VISIBLE, AND ACCESSIBLE BASIS, AND IN ACCORDANCE WITH
27 SECTION 25-17-1008, INCLUDING A DESCRIPTION OF HOW THE STATEWIDE

1 COLLECTION OPPORTUNITIES DESCRIBED IN SECTION 25-17-1008 (4)(b)
2 AND (4)(c) WILL BE MET AND A LIST OF THE NAMES AND ADDRESSES OF
3 COLLECTION SITES PARTICIPATING IN THE PROGRAM;

4 (j) DESCRIBES HOW THE PROGRAM WILL WORK WITH MATERIALS
5 RECOVERY FACILITIES AND SECONDARY PROCESSORS TO PROPERLY
6 PROCESS AND TRANSPORT FOR RECYCLING ANY COVERED BATTERIES
7 IMPROPERLY SENT TO THE FACILITIES THROUGH THE WASTE OR RECYCLING
8 STREAMS;

9 (k) PROVIDES AN EXPLANATION FOR ANY DELAY ANTICIPATED BY
10 THE ORGANIZATION FOR THE IMPLEMENTATION OF THE MANAGEMENT OF
11 MEDIUM-FORMAT BATTERIES SUCH THAT THE IMPLEMENTATION WILL NOT
12 BEGIN WITHIN SIX MONTHS AFTER THE PLAN IS APPROVED, INCLUDING A
13 DELAY IN THE ABILITY TO COLLECT, PACKAGE, TRANSPORT, OR PROCESS
14 MEDIUM-FORMAT BATTERIES IN ACCORDANCE WITH THIS PART 10, AND
15 ESTABLISHES AN EXPECTED DATE OF COMPLIANCE FOR THE MANAGEMENT
16 OF MEDIUM-FORMAT BATTERIES THAT IS NO LATER THAN JANUARY 1,
17 2028, IF A DELAY OCCURS;

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

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

26 (n) DETAILS HOW THE PROGRAM WILL ACHIEVE A RECYCLING
27 EFFICIENCY RATE OF AT LEAST SIXTY PERCENT FOR RECHARGEABLE

1 BATTERIES AND AT LEAST SEVENTY PERCENT FOR PRIMARY BATTERIES;
2 (o) PROPOSES GOALS FOR INCREASING PUBLIC AWARENESS OF THE
3 PROGRAM AND DESCRIBES HOW THE PUBLIC EDUCATION AND OUTREACH
4 COMPONENTS OF THE PROGRAM REQUIRED BY SECTION 25-17-1010 WILL
5 BE IMPLEMENTED; AND

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

12 (2) A BATTERY STEWARDSHIP ORGANIZATION MUST PROVIDE PLAN
13 AMENDMENTS TO THE EXECUTIVE DIRECTOR FOR APPROVAL WHEN
14 PROPOSING CHANGES TO THE PERFORMANCE GOALS DESCRIBED IN SECTION
15 25-17-1006 BASED ON THE EXPERIENCE OF THE PROGRAM, INCLUDING THE
16 EXPERIENCE OF THE PROGRAM DURING THE SIX MONTHS BEFORE THE
17 SUBMISSION OF THE AMENDMENTS, OR WHEN THERE IS A CHANGE TO THE
18 METHOD OF FINANCING THE PROGRAM PURSUANT TO SECTION 25-17-1007
19 (1).

20 (3) (a) THE EXECUTIVE DIRECTOR SHALL REVIEW BATTERY
21 STEWARDSHIP PLANS AND PLAN AMENDMENTS FOR COMPLIANCE WITH THIS
22 PART 10 AND SHALL APPROVE, DISAPPROVE, OR CONDITIONALLY APPROVE
23 A PLAN OR A PLAN AMENDMENT WITHIN ONE HUNDRED TWENTY DAYS
24 AFTER RECEIPT OF THE PLAN OR PLAN AMENDMENT.

25 (b) IF THE EXECUTIVE DIRECTOR DISAPPROVES A BATTERY
26 STEWARDSHIP PLAN OR PLAN AMENDMENT, THE EXECUTIVE DIRECTOR
27 SHALL PROVIDE A WRITTEN NOTICE OF DISAPPROVAL EXPLAINING HOW THE

1 PLAN OR PLAN AMENDMENT DOES NOT COMPLY WITH THIS PART 10. THE
2 BATTERY STEWARDSHIP ORGANIZATION SHALL SUBMIT TO THE EXECUTIVE
3 DIRECTOR A REVISED PLAN, PLAN AMENDMENT, OR NOTICE OF PLAN
4 WITHDRAWAL WITHIN SIXTY DAYS AFTER THE DATE THAT THE WRITTEN
5 NOTICE OF DISAPPROVAL IS ISSUED. THE EXECUTIVE DIRECTOR SHALL
6 REVIEW A REVISED PLAN OR PLAN AMENDMENT WITHIN NINETY DAYS
7 AFTER THE ORGANIZATION SUBMITS THE REVISED PLAN, PLAN
8 AMENDMENT, OR NOTICE OF PLAN WITHDRAWAL.

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

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

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

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

1 PROGRAM, INCLUDING:

2 (a) THE COLLECTION RATE FOR COVERED BATTERIES BY THE
3 PROGRAM, INCLUDING TARGET COLLECTION RATES FOR PRIMARY
4 BATTERIES AND RECHARGEABLE BATTERIES;

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

9 (c) PUBLIC AWARENESS OF THE PROGRAM, INCLUDING GOALS FOR
10 PUBLIC AWARENESS, CONVENIENCE, AND ACCESSIBILITY THAT MEET OR
11 EXCEED THE MINIMUM REQUIREMENTS ESTABLISHED IN SECTION
12 25-17-1010.

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

19 **25-17-1007. Collection of charges - reimbursement of**
20 **collection sites and electronic waste recyclers.** (1) (a) A BATTERY

21 STEWARDSHIP ORGANIZATION IMPLEMENTING A BATTERY STEWARDSHIP
22 PLAN ON BEHALF OF PRODUCERS SHALL DEVELOP AND ADMINISTER A
23 SYSTEM TO COLLECT CHARGES FROM PARTICIPATING PRODUCERS TO
24 COVER THE COSTS OF PROGRAM IMPLEMENTATION, INCLUDING:

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

1 (II) EDUCATION AND OUTREACH;
2 (III) PROGRAM ADMINISTRATION, EVALUATION, AND REPORTING;
3 AND
4 (IV) PAYMENT OF ANNUAL FEES TO THE DEPARTMENT PURSUANT
5 TO SECTION 25-17-1012 (1).

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

9 (2) (a) A BATTERY STEWARDSHIP ORGANIZATION SHALL
10 REIMBURSE A PARTICIPATING COLLECTION SITE, AS DESCRIBED IN SECTION
11 25-17-1008, FOR:

12 (I) DEMONSTRABLE COSTS INCURRED BY THE COLLECTION SITE AS
13 A RESULT OF IMPLEMENTING A BATTERY STEWARDSHIP PROGRAM,
14 INCLUDING ASSOCIATED LABOR COSTS AND OTHER COSTS ASSOCIATED
15 WITH ACCESSIBILITY AND COLLECTION SITE STANDARDS SUCH AS
16 STORAGE; AND

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

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

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

26 (3) A BATTERY STEWARDSHIP ORGANIZATION SHALL REIMBURSE
27 ELECTRONIC WASTE RECYCLERS FOR THE COSTS TO REMOVE AND RECYCLE

1 COVERED BATTERIES FROM BATTERY-CONTAINING PRODUCTS.

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

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

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

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

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

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

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

26 (I) WITHIN VIEW OF AN INDIVIDUAL WHO HAS BEEN DESIGNATED
27 BY THE ORGANIZATION HOSTING THE COLLECTION SITE AS RESPONSIBLE

1 FOR COMPLYING WITH THE SAFE COLLECTION OF BATTERIES; AND

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

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

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

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

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

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

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

1 (III) A BATTERY STEWARDSHIP PROGRAM MAY RELY, IN PART, ON
2 COLLECTION EVENTS TO SUPPLEMENT THE COLLECTION SITE CRITERIA
3 REQUIRED BY SUBSECTIONS (4)(b) AND (4)(c) OF THIS SECTION. ONLY
4 PERMANENT COLLECTION SERVICES SPECIFIED IN SUBSECTIONS (4)(b) AND
5 (4)(c) OF THIS SECTION SATISFY THE REQUIREMENTS OF THIS SUBSECTION
6 (4)(a).

7 (b) WITHIN SIX MONTHS AFTER A BATTERY STEWARDSHIP PLAN IS
8 APPROVED PURSUANT TO SECTION 25-17-1005 (1) AND NO LATER THAN
9 OCTOBER 1, 2027, A BATTERY STEWARDSHIP ORGANIZATION SHALL
10 PROVIDE STATEWIDE COLLECTION OPPORTUNITIES FOR PORTABLE
11 BATTERIES THAT INCLUDE:

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

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

19 (c) (I) WITHIN SIX MONTHS AFTER A BATTERY STEWARDSHIP PLAN
20 IS APPROVED PURSUANT TO SECTION 25-17-1005 (1) AND NO LATER THAN
21 JANUARY 1, 2028, A BATTERY STEWARDSHIP ORGANIZATION SHALL
22 PROVIDE STATEWIDE COLLECTION OPPORTUNITIES FOR MEDIUM-FORMAT
23 BATTERIES THAT INCLUDE:

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

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

1 (C) A PERMANENT COLLECTION SITE IN EACH COUNTY OF AT LEAST
2 ONE HUNDRED FIFTY THOUSAND PERSONS, AS DETERMINED BY THE MOST
3 RECENT FEDERAL DECENNIAL CENSUS; AND

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

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

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

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

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

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

1 WITH SUBSECTIONS (4)(b) AND (4)(c) OF THIS SECTION IF THE ENTITY
2 MEETS THE CRITERIA FOR COLLECTION SITES IN THE APPROVED PLAN.

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

8 (d) A BATTERY STEWARDSHIP ORGANIZATION MAY ISSUE A
9 WARNING TO, SUSPEND, OR TERMINATE A COLLECTION SITE THAT:

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

12 (II) POSES AN IMMEDIATE HEALTH AND SAFETY CONCERN.

13 **25-17-1009. Assessment of battery-containing products**

14 **required.** (1) ON OR BEFORE JULY 1, 2027, A BATTERY STEWARDSHIP
15 ORGANIZATION SHALL COMPLETE AN ASSESSMENT OF THE OPPORTUNITIES
16 AND CHALLENGES ASSOCIATED WITH THE END-OF-LIFE MANAGEMENT OF
17 PORTABLE AND MEDIUM-FORMAT EMBEDDED BATTERIES IN THE STATE. A
18 BATTERY STEWARDSHIP ORGANIZATION SHOULD, TO THE EXTENT
19 FEASIBLE, EXTRAPOLATE FINDINGS FROM RELATED STUDIES AND APPLY
20 THE FINDINGS TO THE ASSESSMENT FOR COLORADO.

21 (2) IN COMPLETING THE ASSESSMENT, A BATTERY STEWARDSHIP
22 ORGANIZATION SHALL CONSULT WITH THE DEPARTMENT AND INTERESTED
23 STAKEHOLDERS AND MAY COORDINATE WITH OTHER BATTERY
24 STEWARDSHIP ORGANIZATIONS.

25 (3) AS PART OF THE ASSESSMENT, A BATTERY STEWARDSHIP
26 ORGANIZATION SHALL IDENTIFY ADJUSTMENTS TO THE BATTERY
27 STEWARDSHIP PROGRAM REQUIREMENTS ESTABLISHED BY THIS PART 10

1 THAT WOULD MAXIMIZE PUBLIC HEALTH, SAFETY, AND ENVIRONMENTAL
2 BENEFITS. BASED ON THE ASSESSMENT, A BATTERY STEWARDSHIP
3 ORGANIZATION MAY MAKE RECOMMENDATIONS FOR ADDITIONAL POLICIES
4 OR PROGRAMS TO ALLOW FOR COLLECTION AND RECYCLING OF EMBEDDED
5 BATTERIES.

6 (4) THE ASSESSMENT MUST CONSIDER:

7 (a) THE DIFFERENT CATEGORIES AND USES OF
8 BATTERY-CONTAINING PRODUCTS;

9 (b) METHODS BY WHICH UNWANTED BATTERY-CONTAINING
10 PRODUCTS ARE MANAGED IN COLORADO AND OTHER STATES AND UNITED
11 STATES TERRITORIES;

12 (c) CHALLENGES POSED BY THE POTENTIAL COLLECTION,
13 MANAGEMENT, AND TRANSPORTATION OF BATTERY-CONTAINING
14 PRODUCTS, INCLUDING CHALLENGES ASSOCIATED WITH REMOVING
15 BATTERIES THAT WERE NOT INTENDED OR DESIGNED TO BE EASILY
16 REMOVED FROM PRODUCTS OTHER THAN BY THE MANUFACTURER;

17 (d) WHICH REQUIREMENTS OF THIS PART 10 MAY APPLY TO
18 BATTERY-CONTAINING PRODUCTS IN A MANNER THAT IS IDENTICAL OR
19 ANALOGOUS TO THE REQUIREMENTS APPLICABLE TO COVERED BATTERIES;

20 (e) UNIQUE CHALLENGES BASED ON REGIONAL POPULATION
21 DENSITIES OR OTHER GEOGRAPHIC CHARACTERISTICS AND PROPOSED
22 SOLUTIONS TO SUCH CHALLENGES THAT ARE RELEVANT TO COLORADO
23 REGIONS AND POPULATION DENSITIES;

24 (f) COSTS TO SCHOOLS AND SCHOOL DISTRICTS, LOCAL
25 GOVERNMENTS, EVENT VENUES, WASTE HAULERS, AND RECYCLERS FOR
26 THE COLLECTION OF BATTERY-CONTAINING DEVICES AND MITIGATION OF
27 LITTERED DEVICES; AND

1 (g) RECYCLABILITY AND THE ENVIRONMENTAL AND PUBLIC
2 HEALTH IMPACTS CAUSED BY THE LITTERING, COLLECTING, AND
3 RECYCLING OF DIFFERENT TYPES OF BATTERY-CONTAINING PRODUCTS,
4 INCLUDING IDENTIFYING WHETHER CERTAIN PRODUCTS INVOLVE GREATER
5 BARRIERS TO RECYCLING OR LARGER SAFETY RISKS TO WORKERS OR THE
6 PUBLIC.

7 (5) THE DEPARTMENT SHALL SUBMIT THE ASSESSMENT COMPLETED
8 PURSUANT TO THIS SECTION TO THE GENERAL ASSEMBLY ON OR BEFORE
9 OCTOBER 1, 2027.

10 **25-17-1010. Education and outreach requirements -**
11 **coordination with other battery stewardship organizations - survey**

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

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

16 (b) THE DEVELOPMENT AND DISTRIBUTION OF PERIODIC PRESS
17 RELEASES AND ARTICLES;

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

20 (d) THE DEVELOPMENT OF PROMOTIONAL MATERIALS ABOUT THE
21 PROGRAM AND THE REQUIREMENTS FOR THE DISPOSAL OF COVERED
22 BATTERIES PURSUANT TO SECTION 25-17-1014 TO BE USED BY PERSONS,
23 INCLUDING RETAILERS, GOVERNMENT AGENCIES, WASTE AND RECYCLING
24 COLLECTORS, AND NONPROFIT ORGANIZATIONS;

25 (e) THE DEVELOPMENT AND DISTRIBUTION TO COLLECTION SITES
26 OF COLLECTION SITE SAFETY TRAINING PROCEDURES THAT ARE IN
27 COMPLIANCE WITH STATE LAW TO HELP ENSURE PROPER MANAGEMENT OF

1 COVERED BATTERIES AT COLLECTION SITES; AND

2 (f) THE DEVELOPMENT AND IMPLEMENTATION OF OUTREACH AND
3 EDUCATIONAL RESOURCES THAT ARE CONCEPTUALLY, LINGUISTICALLY,
4 AND CULTURALLY ACCURATE FOR THE COMMUNITIES SERVED AND THAT
5 REACH THE STATE'S DIVERSE ETHNIC POPULATIONS, INCLUDING THROUGH
6 MEANINGFUL CONSULTATION WITH DISPROPORTIONATELY IMPACTED
7 COMMUNITIES.

8 (2) A BATTERY STEWARDSHIP ORGANIZATION SHALL PROVIDE:

9 (a) CONSUMER-FOCUSED EDUCATIONAL AND PROMOTIONAL
10 MATERIALS TO EACH COLLECTION SITE USED BY THE BATTERY
11 STEWARDSHIP PROGRAM AND TO RETAILERS THAT SELL COVERED
12 BATTERIES OR BATTERY-CONTAINING PRODUCTS;

13 (b) SAFETY INFORMATION RELATED TO COVERED BATTERY
14 COLLECTION ACTIVITIES TO THE OPERATOR OF EACH COLLECTION SITE,
15 INCLUDING APPROPRIATE PROTOCOLS TO REDUCE RISKS OF SPILLS OR
16 FIRES, RESPONSE PROTOCOLS IN THE EVENT OF A SPILL OR FIRE, AND
17 RESPONSE PROTOCOLS IN THE EVENT OF DETECTION OF A DAMAGED OR
18 DEFECTIVE BATTERY;

19 (c) SAFETY TRAINING MATERIALS FOR FIREFIGHTERS AND FIRST
20 RESPONDERS RELATED TO BATTERY FIRES, RESPONSE PROTOCOLS IN THE
21 EVENT OF A BATTERY FIRE, AND PROTOCOLS FOR SAFE MANAGEMENT OF
22 DAMAGED OR DEFECTIVE BATTERIES; AND

23 (d) EDUCATIONAL MATERIALS TO THE OPERATOR OF EACH
24 COLLECTION SITE FOR THE MANAGEMENT OF RECALLED BATTERIES, WHICH
25 ARE NOT REQUIRED TO BE COLLECTED PURSUANT TO THIS PART 10, TO
26 HELP FACILITATE THE TRANSPORTATION AND PROCESSING OF RECALLED
27 BATTERIES.

1 (3) A BATTERY STEWARDSHIP ORGANIZATION MAY SEEK
2 REIMBURSEMENT FROM THE PRODUCER OF A RECALLED BATTERY FOR
3 EXPENSES INCURRED IN THE COLLECTION, TRANSPORTATION, AND
4 PROCESSING OF THE RECALLED BATTERY.

5 (4) UPON REQUEST BY A RETAILER OR OTHER POTENTIAL
6 COLLECTOR, A BATTERY STEWARDSHIP ORGANIZATION SHALL PROVIDE THE
7 RETAILER OR OTHER POTENTIAL COLLECTOR EDUCATIONAL MATERIALS
8 DESCRIBING COLLECTION OPPORTUNITIES FOR BATTERIES.

9 (5) IF MULTIPLE BATTERY STEWARDSHIP ORGANIZATIONS ARE
10 IMPLEMENTING APPROVED PLANS, THE ORGANIZATIONS SHALL
11 COORDINATE IN CARRYING OUT THEIR EDUCATION AND OUTREACH
12 RESPONSIBILITIES PURSUANT TO THIS SECTION AND SHALL INCLUDE A
13 SUMMARY OF THEIR COORDINATED EDUCATION AND OUTREACH EFFORTS
14 IN THE ANNUAL REPORTS REQUIRED BY SECTION 25-17-1011.

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

24 **25-17-1011. Annual reporting requirements - proprietary**
25 **information.** (1) ON OR BEFORE JUNE 1, 2028, AND ON OR BEFORE EACH
26 JUNE 1 THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION SHALL
27 SUBMIT AN ANNUAL REPORT TO THE EXECUTIVE DIRECTOR COVERING THE

1 PRECEDING CALENDAR YEAR OF BATTERY STEWARDSHIP PLAN
2 IMPLEMENTATION. THE REPORT MUST INCLUDE THE FOLLOWING:

3 (a) AN INDEPENDENT THIRD-PARTY FINANCIAL ASSESSMENT OF
4 THE PROGRAM IMPLEMENTED BY THE ORGANIZATION, INCLUDING A
5 BREAKDOWN OF THE PROGRAM'S EXPENSES, SUCH AS COLLECTION
6 EXPENSES, RECYCLING EXPENSES, EDUCATION AND OUTREACH EXPENSES,
7 AND OVERHEAD EXPENSES;

8 (b) A SUMMARY FINANCIAL STATEMENT DOCUMENTING THE
9 FINANCING OF THE ORGANIZATION'S PROGRAM AND AN ANALYSIS OF
10 PROGRAM COSTS AND EXPENDITURES, INCLUDING AN ANALYSIS OF THE
11 PROGRAM'S EXPENSES, SUCH AS COLLECTION, TRANSPORTATION,
12 RECYCLING, EDUCATION, AND ADMINISTRATIVE OVERHEAD. THE
13 SUMMARY FINANCIAL STATEMENT MUST BE SUFFICIENTLY DETAILED TO
14 SHOW THAT THE CHARGES COLLECTED FROM PRODUCERS AS A RESULT OF
15 THE PRODUCERS' ACTIVITIES IN THE STATE ARE SPENT ON PROGRAM
16 IMPLEMENTATION IN THE STATE. IF THE ORGANIZATION IS IMPLEMENTING
17 SIMILAR PROGRAMS IN MULTIPLE STATES, THE ORGANIZATION MAY SUBMIT
18 A FINANCIAL STATEMENT INCLUDING ALL COVERED STATES, AS LONG AS
19 THE STATEMENT BREAKS OUT FINANCIAL INFORMATION PERTINENT TO
20 COLORADO.

21 (c) THE WEIGHT, BY CHEMISTRY, OF COVERED BATTERIES
22 COLLECTED UNDER THE PROGRAM;

23 (d) THE WEIGHT OF MATERIALS RECYCLED FROM COVERED
24 BATTERIES COLLECTED UNDER THE PROGRAM, IN TOTAL AND BY METHOD
25 OF BATTERY RECYCLING;

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

1 (f) A LIST OF ALL FACILITIES USED IN THE PROCESSING AND FINAL
2 DISPOSITION OF COVERED BATTERIES, INCLUDING IDENTIFICATION OF A
3 FACILITY'S LOCATION AND WHETHER THE FACILITY IS LOCATED
4 DOMESTICALLY, IN AN ORGANIZATION FOR ECONOMIC COOPERATION AND
5 DEVELOPMENT COUNTRY, OR IN A COUNTRY THAT MEETS ORGANIZATION
6 FOR ECONOMIC COOPERATION AND DEVELOPMENT OPERATING
7 STANDARDS. FOR DOMESTIC FACILITIES, THE ORGANIZATION SHALL
8 PROVIDE A SUMMARY OF THE VIOLATIONS OF ENVIRONMENTAL LAWS AND
9 REGULATIONS AT EACH FACILITY OVER THE THREE YEARS IMMEDIATELY
10 PRECEDING THE SUBMISSION OF THE ANNUAL REPORT.

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

14 (h) THE WEIGHT AND CHEMISTRY OF COVERED BATTERIES SENT TO
15 EACH FACILITY USED FOR THE FINAL DISPOSITION OF BATTERIES. THE
16 INFORMATION IN THIS SUBSECTION (1)(h) MAY BE APPROXIMATED FOR
17 PROGRAM OPERATIONS IN THE STATE BASED ON EXTRAPOLATIONS OF
18 NATIONAL OR REGIONAL DATA FOR PROGRAMS IN OPERATION IN MULTIPLE
19 STATES.

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

24 (j) THE ESTIMATED AGGREGATE SALES, BY WEIGHT AND
25 CHEMISTRY, OF COVERED BATTERIES AND OF BATTERIES CONTAINED IN OR
26 WITH BATTERY-CONTAINING PRODUCTS SOLD, OFFERED FOR SALE, OR
27 DISTRIBUTED IN OR INTO THE STATE BY PARTICIPATING PRODUCERS FOR

1 EACH OF THE THREE YEARS IMMEDIATELY PRECEDING THE SUBMISSION OF
2 THE ANNUAL REPORT;

3 (k) A DESCRIPTION OF THE MANNER IN WHICH THE COLLECTED
4 COVERED BATTERIES WERE MANAGED AND RECYCLED, INCLUDING A
5 DISCUSSION OF BEST AVAILABLE TECHNOLOGIES AND RECYCLING
6 EFFICIENCY RATE;

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

9 (I) AN EVALUATION OF THE EFFECTIVENESS OF EDUCATION AND
10 OUTREACH ACTIVITIES;

11 (II) A SUMMARY OF EDUCATION AND OUTREACH PROVIDED TO
12 CONSUMERS, COLLECTION SITES, MANUFACTURERS, DISTRIBUTORS, AND
13 RETAILERS BY THE PROGRAM OPERATOR FOR THE PURPOSE OF PROMOTING
14 THE COLLECTION AND RECYCLING OF COVERED BATTERIES;

15 (III) A DESCRIPTION OF HOW THE EDUCATION AND OUTREACH
16 EFFORTS MEET THE REQUIREMENTS OF SECTION 25-17-1010;

17 (IV) SAMPLES OF EDUCATION AND OUTREACH MATERIALS;

18 (V) A SUMMARY OF COORDINATED EDUCATION AND OUTREACH
19 EFFORTS WITH ANY OTHER BATTERY STEWARDSHIP ORGANIZATIONS
20 IMPLEMENTING AN APPROVED PLAN; AND

21 (VI) A SUMMARY OF ANY CHANGES MADE TO EDUCATION AND
22 OUTREACH ACTIVITIES DURING THE CALENDAR YEAR IMMEDIATELY
23 PRECEDING THE SUBMISSION OF THE ANNUAL REPORT;

24 (m) A LIST OF ALL COLLECTION SITES USED TO IMPLEMENT THE
25 PROGRAM, AN ADDRESS FOR EACH COLLECTION SITE, AN UP-TO-DATE MAP
26 INDICATING THE LOCATION OF EACH COLLECTION SITE, AND LINKS TO
27 APPROPRIATE WEBSITES WHERE THERE ARE EXISTING WEBSITES

1 ASSOCIATED WITH A COLLECTION SITE;

2 (n) A DESCRIPTION OF METHODS USED TO COLLECT, TRANSPORT,
3 AND RECYCLE COVERED BATTERIES BY THE ORGANIZATION; AND

4 (o) A SUMMARY OF PROGRESS MADE TOWARD THE PERFORMANCE
5 GOALS ESTABLISHED PURSUANT TO SECTION 25-17-1006 AND AN
6 EXPLANATION OF WHY PERFORMANCE GOALS WERE NOT MET, IF
7 APPLICABLE.

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

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

16 **25-17-1012. Annual fee - battery stewardship fund -**
17 **responsibilities of the executive director.** (1) (a) WITHIN TWELVE
18 MONTHS AFTER COLLECTING DUES, AND ON OR BEFORE EACH JULY 1
19 THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION SHALL PAY TO THE
20 DEPARTMENT AN ANNUAL FEE IN THE AMOUNT DESCRIBED IN SUBSECTION
21 (1)(b)(I) OR (1)(b)(II) OF THIS SECTION, AS APPLICABLE. THE STATE
22 TREASURER SHALL CREDIT THE ANNUAL FEES TO THE FUND.

23 (b) (I) BY DECEMBER 31, 2026, THE DEPARTMENT SHALL NOTIFY
24 EACH ORGANIZATION OF THE ORGANIZATION'S PORTION OF THE COSTS IN
25 ADMINISTERING, IMPLEMENTING, AND ENFORCING THIS PART 10 AS OF THE
26 EFFECTIVE DATE OF THIS PART 10.

27 (II) BY DECEMBER 31, 2027, AND BY DECEMBER 31 OF EACH YEAR

1 THEREAFTER, THE DEPARTMENT SHALL NOTIFY EACH ORGANIZATION OF
2 THE ORGANIZATION'S PORTION OF THE COSTS OF ADMINISTERING,
3 IMPLEMENTING, AND ENFORCING THIS PART 10 DURING THE IMMEDIATELY
4 PRECEDING YEAR.

5 (III) UPON THE RECEIPT OF THE DEPARTMENT'S COST ACCOUNTING,
6 EACH ORGANIZATION SHALL PAY TO THE DEPARTMENT AN ANNUAL FEE IN
7 THE AMOUNT REQUESTED PURSUANT TO SUBSECTION (1)(b)(I) OR
8 (1)(b)(II) OF THIS SECTION, AS APPLICABLE.

9 (2) (a) THE BATTERY STEWARDSHIP FUND IS CREATED IN THE
10 STATE TREASURY.

11 (b) THE FUND CONSISTS OF FEES PAID TO THE DEPARTMENT
12 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND ANY OTHER MONEY
13 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
14 FUND.

15 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
16 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
17 FUND TO THE FUND.

18 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
19 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND TO
20 COVER THE EXECUTIVE DIRECTOR'S RESPONSIBILITIES IN IMPLEMENTING,
21 ADMINISTERING, AND ENFORCING THIS PART 10, WHICH INCLUDE:

22 (I) REVIEWING SUBMITTED BATTERY STEWARDSHIP PLANS AND
23 PLAN AMENDMENTS AND MAKING DETERMINATIONS AS TO WHETHER TO
24 APPROVE, DISAPPROVE, OR CONDITIONALLY APPROVE THE PLAN OR PLAN
25 AMENDMENT;

26 (II) REVIEWING ANNUAL REPORTS SUBMITTED PURSUANT TO
27 SECTION 25-17-1011 WITHIN NINETY DAYS AFTER SUBMISSION TO ENSURE

1 COMPLIANCE WITH SECTION 25-17-1011;

2 (III) MAINTAINING A WEBSITE THAT LISTS PRODUCERS AND THEIR
3 BRANDS THAT PARTICIPATE IN THE APPROVED PLAN AND THAT MAKES
4 AVAILABLE TO THE PUBLIC EACH PLAN, PLAN AMENDMENT, REVISED PLAN,
5 AND ANNUAL REPORT RECEIVED BY THE EXECUTIVE DIRECTOR PURSUANT
6 TO THIS PART 10;

7 (IV) PROVIDING TECHNICAL ASSISTANCE TO PRODUCERS AND
8 RETAILERS RELATED TO THE REQUIREMENTS OF THIS PART 10; AND

9 (V) ENFORCING THIS PART 10 PURSUANT TO SECTION 25-17-1015.

10 **25-17-1013. Marking requirements for batteries - rules.**

11 (1) EXCEPT AS OTHERWISE PROVIDED IN RULES ADOPTED BY THE
12 COMMISSION PURSUANT TO SUBSECTION (2) OF THIS SECTION, ON AND
13 AFTER JANUARY 1, 2027, A PRODUCER OR RETAILER SHALL NOT SELL,
14 OFFER FOR SALE, OR DISTRIBUTE IN OR INTO THE STATE A COVERED
15 BATTERY OR BATTERY-CONTAINING PRODUCT UNLESS THE COVERED
16 BATTERY IS:

17 (a) MARKED WITH AN IDENTIFICATION OF THE PRODUCER OF THE
18 COVERED BATTERY, UNLESS THE COVERED BATTERY IS LESS THAN
19 ONE-HALF INCH IN DIAMETER OR DOES NOT CONTAIN A SURFACE LENGTH
20 THAT EXCEEDS ONE-HALF INCH; AND

21 (b) MARKED WITH PROPER LABELING TO ENSURE PROPER
22 COLLECTION AND RECYCLING, BY IDENTIFYING THE CHEMISTRY OF THE
23 COVERED BATTERY AND INCLUDING AN INDICATION THAT THE COVERED
24 BATTERY SHOULD NOT BE DISPOSED OF AS HOUSEHOLD WASTE.

25 (2) THE COMMISSION MAY ADOPT RULES ESTABLISHING MARKING
26 REQUIREMENTS FOR COVERED BATTERIES OR BATTERY-CONTAINING
27 PRODUCTS AS NEEDED TO MAINTAIN CONSISTENCY WITH THE LABELING

1 REQUIREMENTS OR VOLUNTARY STANDARDS FOR BATTERIES ESTABLISHED
2 IN FEDERAL LAW OR THE LAWS OF OTHER STATES.

3 **25-17-1014. Battery disposal and collection requirements.**

4 (1) ON AND AFTER JANUARY 1, 2029, A PERSON SHALL MANAGE
5 UNWANTED COVERED BATTERIES THROUGH ONE OF THE FOLLOWING
6 OPTIONS:

7 (a) DELIVERY TO A COLLECTION SITE, EVENT, OR PROGRAM
8 ESTABLISHED BY OR INCLUDED IN A BATTERY STEWARDSHIP PROGRAM
9 CREATED PURSUANT TO THIS PART 10; OR

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

13 (2) ON AND AFTER JANUARY 1, 2029:

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

18 (b) A PERSON SHALL COLLECT, TRANSPORT, AND PROCESS
19 COVERED BATTERIES IN ACCORDANCE WITH THIS PART 10, UNLESS THE
20 COVERED BATTERIES ARE HAZARDOUS WASTE AS DEFINED UNDER FEDERAL
21 OR STATE HAZARDOUS OR SOLID WASTE LAWS;

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

23 (I) THE MIXING OF A COVERED BATTERY WITH RECYCLABLE
24 MATERIALS THAT ARE INTENDED FOR PROCESSING AND SORTING AT A
25 MATERIALS RECOVERY FACILITY;

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

1 (III) THE DISPOSAL OF A COVERED BATTERY IN A SANITARY
2 LANDFILL;

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

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

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

11 (e) A SOLID WASTE COLLECTOR DOES NOT VIOLATE THIS SECTION
12 FOR A COVERED BATTERY PLACED IN A DISPOSAL CONTAINER BY A THIRD
13 PARTY.

14 **25-17-1015. Civil penalties - enforcement.** (1) A PRODUCER OR
15 BATTERY STEWARDSHIP ORGANIZATION THAT VIOLATES THIS PART 10 IS
16 LIABLE FOR A CIVIL PENALTY OF SEVEN THOUSAND DOLLARS PER
17 VIOLATION; EXCEPT THAT A FAILURE TO PAY A FEE PURSUANT TO SECTION
18 25-17-1012 SUBJECTS THE BATTERY STEWARDSHIP ORGANIZATION THAT
19 FAILS TO PAY THE FEE TO A CIVIL PENALTY THAT IS DOUBLE THE
20 APPLICABLE FEE.

21 (2) (a) IF A PRODUCER OR BATTERY STEWARDSHIP ORGANIZATION
22 VIOLATES THIS PART 10, THE EXECUTIVE DIRECTOR SHALL SERVE BY
23 PERSONAL SERVICE OR BY CERTIFIED MAIL AN ORDER THAT IMPOSES AN
24 ADMINISTRATIVE PENALTY ON THE PRODUCER OR ORGANIZATION.

25 (b) A PRODUCER OR ORGANIZATION MAY SUBMIT A WRITTEN
26 REQUEST FOR A HEARING TO THE EXECUTIVE DIRECTOR BY PERSONAL
27 SERVICE OR BY CERTIFIED MAIL WITHIN THIRTY-FIVE CALENDAR DAYS

1 AFTER THE DATE OF ISSUANCE OF THE ORDER IMPOSING AN
2 ADMINISTRATIVE PENALTY. THE COMMISSION SHALL CONDUCT THE
3 HEARING IN ACCORDANCE WITH SECTION 24-4-105.

4 (c) IF A REQUEST FOR A HEARING IS FILED, THE REQUIREMENT TO
5 PAY A PENALTY IS STAYED PENDING A FINAL DECISION BY THE COMMISSION
6 AFTER A HEARING ON THE MERITS. THE EXECUTIVE DIRECTOR IS NOT
7 PRECLUDED FROM IMPOSING AN ADMINISTRATIVE PENALTY AGAINST THE
8 PRODUCER OR ORGANIZATION FOR SUBSEQUENT VIOLATIONS OF THIS PART
9 10 COMMITTED DURING THE PENDENCY OF THE STAY.

10 (d) THE EXECUTIVE DIRECTOR BEARS THE BURDEN OF PROOF BY A
11 PREPONDERANCE OF THE EVIDENCE IN A HEARING HELD PURSUANT TO THIS
12 SECTION.

13 (3) THE EXECUTIVE DIRECTOR MAY ENTER INTO A SETTLEMENT
14 AGREEMENT WITH THE PRODUCER OR BATTERY STEWARDSHIP
15 ORGANIZATION ASSESSED A CIVIL PENALTY UNDER THIS SECTION.

16 (4) THE STATE TREASURER SHALL CREDIT CIVIL PENALTIES
17 COLLECTED PURSUANT TO THIS SECTION TO THE COLORADO CIRCULAR
18 COMMUNITIES CASH FUND CREATED IN SECTION 25-16.5-109 (4).

19 (5) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NOTHING IN
20 THIS PART 10 CREATES A PRIVATE RIGHT OF ACTION.

21 **25-17-1016. Antitrust.** IF A BATTERY STEWARDSHIP
22 ORGANIZATION ENGAGES IN AN ACTIVITY PERFORMED SOLELY IN
23 FURTHERANCE OF IMPLEMENTING AN APPROVED PLAN IN COMPLIANCE
24 WITH THIS PART 10, THE ACTIVITY IS NOT A VIOLATION OF THE ANTITRUST,
25 RESTRAINT OF TRADE, AND UNFAIR TRADE PRACTICES PROVISIONS OF THE
26 "UNFAIR PRACTICES ACT", ARTICLE 2 OF TITLE 6, OR THE "COLORADO
27 STATE ANTITRUST ACT OF 2023", ARTICLE 4 OF TITLE 6.

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

8 (a) THE PERSON'S SERVICES SHALL BE PERFORMED, AND THE
9 PERSON'S FACILITIES SHALL BE OPERATED, IN COMPLIANCE WITH ALL
10 APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REQUIREMENTS,
11 INCLUDING ALL APPLICABLE FEDERAL DEPARTMENT OF TRANSPORTATION
12 AND ENVIRONMENTAL PROTECTION AGENCY REGULATIONS;

13 (b) THE PERSON SHALL MAKE AVAILABLE ALL BATTERIES
14 COLLECTED FROM THE PERSON'S COLORADO CUSTOMERS TO A BATTERY
15 STEWARDSHIP ORGANIZATION; AND

16 (c) AFTER CONSOLIDATION OF PORTABLE OR MEDIUM-FORMAT
17 BATTERIES AT THE PERSON'S FACILITIES, THE TRANSPORT TO AND
18 PROCESSING OF THE BATTERIES BY THE BATTERY STEWARDSHIP
19 ORGANIZATION'S DESIGNATED SORTERS OR PROCESSORS IS AT THE
20 BATTERY STEWARDSHIP ORGANIZATION'S EXPENSE.

21 **25-17-1018. Rules.** THE COMMISSION MAY ADOPT RULES
22 IMPLEMENTING THIS PART 10.

23 **SECTION 2. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.