

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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
Appropriations

House Committees

A BILL FOR AN ACT

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

Bill Summary

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

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

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

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.

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

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

PART 10

BATTERY STEWARDSHIP PROGRAMS

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

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

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

(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 MEDICAL DEVICE, AS DEFINED
7 IN 21 U.S.C. SEC. 321 (h) AS OF THE EFFECTIVE DATE OF THIS PART 10,
8 THAT IS NOT DESIGNED AND MARKETED FOR SALE OR RESALE PRINCIPALLY
9 TO 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, ASSEMBLED BY OR FOR A VEHICLE
16 MANUFACTURER OR FRANCHISED DEALER, THAT IS DESIGNED TO POWER A
17 MOTOR VEHICLE, A PART OF A MOTOR VEHICLE, OR A COMPONENT PART OF
18 A MOTOR VEHICLE, INCLUDING A REPLACEMENT PART FOR USE IN A MOTOR
19 VEHICLE.

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

27 (10) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH

1 AND ENVIRONMENT CREATED IN SECTION 25-1-102.

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

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

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

10 (14) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
11 THE DEPARTMENT.

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

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

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

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

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

26 (a) FOR PRIMARY BATTERIES, A BATTERY WEIGHING AT LEAST
27 FOUR AND FOUR-TENTHS POUNDS AND NO MORE THAN TWENTY-FIVE

1 POUNDS; OR

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

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

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

7 (20) "PORTABLE BATTERY" MEANS THE FOLLOWING PRIMARY OR
8 RECHARGEABLE COVERED BATTERIES:

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

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

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

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

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

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

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

27 (C) IF THERE IS NO PERSON THAT SUBSECTION (22)(a)(I)(A) OR

1 (22)(a)(I)(B) OF THIS SECTION APPLIES TO, THE PRODUCER IS THE LICENSEE
2 OF THE BRAND OR TRADEMARK UNDER WHICH THE COVERED BATTERY IS
3 SOLD, OFFERED FOR SALE, OR DISTRIBUTED IN OR INTO THE STATE,
4 REGARDLESS OF WHETHER THE TRADEMARK IS REGISTERED IN THE STATE;

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

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

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

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

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

24 (C) IF THERE IS NO PERSON THAT SUBSECTION (22)(a)(II)(A) OR
25 (22)(a)(II)(B) OF THIS SECTION APPLIES TO, THE PRODUCER IS THE
26 LICENSEE OF THE BRAND OR TRADEMARK UNDER WHICH THE
27 BATTERY-CONTAINING PRODUCT IS SOLD, OFFERED FOR SALE, OR

1 DISTRIBUTED IN OR INTO THE STATE, REGARDLESS OF WHETHER THE
2 TRADEMARK IS REGISTERED IN THE STATE;

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

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

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

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

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

24 (c) A PERSON IS NOT THE PRODUCER OF A COVERED BATTERY OR
25 BATTERY-CONTAINING PRODUCT SOLD, OFFERED FOR SALE, OR
26 DISTRIBUTED IN OR INTO THE STATE IF ANOTHER PARTY HAS
27 CONTRACTUALLY ACCEPTED RESPONSIBILITY AS A PRODUCER AND HAS

1 JOINED A BATTERY STEWARDSHIP ORGANIZATION WITH AN APPROVED
2 PLAN ACKNOWLEDGING THAT THE OTHER PARTY IS THE PRODUCER FOR
3 THAT COVERED BATTERY OR BATTERY-CONTAINING PRODUCT PURSUANT
4 TO THIS PART 10.

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

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

11 (25) "RECYCLING" HAS THE MEANING SET FORTH IN SECTION
12 25-17-703 (37).

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

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

23 (28) "WRITTEN CERTIFICATION" MEANS WRITTEN CERTIFICATION
24 BY A PRODUCER THAT:

25 (a) THE PRODUCER IS A MEMBER OF A BATTERY STEWARDSHIP
26 ORGANIZATION; AND

27 (b) A COVERED BATTERY OR BATTERY-CONTAINING PRODUCT IS

1 MARKED IN ACCORDANCE WITH SECTION 25-17-1013 OR THE RULES
2 ADOPTED IN ACCORDANCE WITH SECTION 25-17-1013.

3 **25-17-1004. Requirement that producers participate in a**
4 **battery stewardship plan - retailer requirements - no point-of-sale**
5 **fees. (1) ON AND AFTER AUGUST 1, 2026:**

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

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

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

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

1 (c) (I) A RETAILER OF A COVERED BATTERY OR A
2 BATTERY-CONTAINING PRODUCT IS NOT REQUIRED TO MAKE A RETAIL
3 LOCATION AVAILABLE TO SERVE AS A COLLECTION SITE FOR A BATTERY
4 STEWARDSHIP PROGRAM.

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

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

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

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

26 (3) A RETAILER, PRODUCER, OR BATTERY STEWARDSHIP
27 ORGANIZATION SHALL NOT CHARGE A POINT-OF-SALE FEE TO CONSUMERS

1 TO COVER THE ADMINISTRATIVE OR OPERATIONAL COSTS OF A BATTERY
2 STEWARDSHIP ORGANIZATION OR A BATTERY STEWARDSHIP PROGRAM.

3 **25-17-1005. Battery stewardship plans - review and approval**
4 **by the executive director.** (1) NO LATER THAN JULY 1, 2026, AND EVERY
5 FIVE YEARS THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION SHALL
6 SUBMIT TO THE EXECUTIVE DIRECTOR A PLAN FOR THE COLLECTION,
7 TRANSPORTATION, PROCESSING, AND RECYCLING OF COVERED BATTERIES
8 UNDER A BATTERY STEWARDSHIP PROGRAM. THE EXECUTIVE DIRECTOR
9 SHALL REVIEW AND APPROVE, DISAPPROVE, OR CONDITIONALLY APPROVE
10 A PLAN BASED ON WHETHER THE PLAN:

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

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

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

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

1 RETAILERS, AND OTHERS;

2 (e) DESCRIBES HOW THE ORGANIZATION WILL MAKE SIGNAGE,
3 WRITTEN MATERIALS, AND OTHER PROMOTIONAL MATERIALS AVAILABLE
4 TO COLLECTION SITES SO THAT COLLECTION SITES MAY USE THE
5 MATERIALS TO INFORM CONSUMERS OF AVAILABLE END-OF-LIFE
6 MANAGEMENT OPTIONS FOR COVERED BATTERIES COLLECTED BY THE
7 ORGANIZATION;

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

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

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

27 (i) DESCRIBES HOW THE PROGRAM WILL COLLECT ALL COVERED

1 TYPES AND BRANDS OF COVERED BATTERIES ON A FREE, CONTINUOUS,
2 CONVENIENT, VISIBLE, AND ACCESSIBLE BASIS, AND IN ACCORDANCE WITH
3 SECTION 25-17-1008, INCLUDING A DESCRIPTION OF HOW THE STATEWIDE
4 COLLECTION OPPORTUNITIES DESCRIBED IN SECTION 25-17-1008 (4)(b)
5 AND (4)(c) WILL BE MET AND A LIST OF THE NAMES AND ADDRESSES OF
6 COLLECTION SITES PARTICIPATING IN THE PROGRAM;

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

12 (k) PROVIDES AN EXPLANATION FOR ANY DELAY ANTICIPATED BY
13 THE ORGANIZATION FOR THE IMPLEMENTATION OF THE MANAGEMENT OF
14 MEDIUM-FORMAT BATTERIES SUCH THAT THE IMPLEMENTATION WILL NOT
15 BEGIN WITHIN SIX MONTHS AFTER THE PLAN IS APPROVED, INCLUDING A
16 DELAY IN THE ABILITY TO COLLECT, PACKAGE, TRANSPORT, OR PROCESS
17 MEDIUM-FORMAT BATTERIES IN ACCORDANCE WITH THIS PART 10, AND
18 ESTABLISHES AN EXPECTED DATE OF COMPLIANCE FOR THE MANAGEMENT
19 OF MEDIUM-FORMAT BATTERIES THAT IS NO LATER THAN JANUARY 1,
20 2028, IF A DELAY OCCURS;

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

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

1 COLLECTED COVERED BATTERIES;

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

5 (o) PROPOSES GOALS FOR INCREASING PUBLIC AWARENESS OF THE
6 PROGRAM AND DESCRIBES HOW THE PUBLIC EDUCATION AND OUTREACH
7 COMPONENTS OF THE PROGRAM REQUIRED BY SECTION 25-17-1010 WILL
8 BE IMPLEMENTED; AND

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

15 (2) A BATTERY STEWARDSHIP ORGANIZATION MUST PROVIDE PLAN
16 AMENDMENTS TO THE EXECUTIVE DIRECTOR FOR APPROVAL WHEN
17 PROPOSING CHANGES TO THE PERFORMANCE GOALS DESCRIBED IN SECTION
18 25-17-1006 BASED ON THE EXPERIENCE OF THE PROGRAM, INCLUDING THE
19 EXPERIENCE OF THE PROGRAM DURING THE SIX MONTHS BEFORE THE
20 SUBMISSION OF THE AMENDMENTS, OR WHEN THERE IS A CHANGE TO THE
21 METHOD OF FINANCING THE PROGRAM PURSUANT TO SECTION 25-17-1007
22 (1).

23 (3) (a) THE EXECUTIVE DIRECTOR SHALL REVIEW BATTERY
24 STEWARDSHIP PLANS AND PLAN AMENDMENTS FOR COMPLIANCE WITH THIS
25 PART 10 AND SHALL APPROVE, DISAPPROVE, OR CONDITIONALLY APPROVE
26 A PLAN OR A PLAN AMENDMENT WITHIN ONE HUNDRED TWENTY DAYS
27 AFTER RECEIPT OF THE PLAN OR PLAN AMENDMENT; EXCEPT THAT, IF

1 MULTIPLE PLANS ARE SUBMITTED, THE REVIEW TIMELINE IS EXTENDED BY
2 SIXTY DAYS.

3 (b) IF THE EXECUTIVE DIRECTOR DISAPPROVES A BATTERY
4 STEWARDSHIP PLAN OR PLAN AMENDMENT, THE EXECUTIVE DIRECTOR
5 SHALL PROVIDE A WRITTEN NOTICE OF DISAPPROVAL EXPLAINING HOW THE
6 PLAN OR PLAN AMENDMENT DOES NOT COMPLY WITH THIS PART 10. THE
7 BATTERY STEWARDSHIP ORGANIZATION SHALL SUBMIT TO THE EXECUTIVE
8 DIRECTOR A REVISED PLAN, PLAN AMENDMENT, OR NOTICE OF PLAN
9 WITHDRAWAL WITHIN SIXTY DAYS AFTER THE DATE THAT THE WRITTEN
10 NOTICE OF DISAPPROVAL IS ISSUED. THE EXECUTIVE DIRECTOR SHALL
11 REVIEW A REVISED PLAN OR PLAN AMENDMENT WITHIN NINETY DAYS
12 AFTER THE ORGANIZATION SUBMITS THE REVISED PLAN, PLAN
13 AMENDMENT, OR NOTICE OF PLAN WITHDRAWAL.

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

20 (d) IF A PLAN, PLAN AMENDMENT, OR REVISED PLAN IS SUBMITTED
21 TO THE EXECUTIVE DIRECTOR PURSUANT TO THIS SECTION, THE EXECUTIVE
22 DIRECTOR SHALL MAKE THE PLAN, PLAN AMENDMENT, OR REVISED PLAN
23 AVAILABLE FOR PUBLIC REVIEW AND COMMENT FOR AT LEAST THIRTY
24 DAYS.

25 (e) A BATTERY STEWARDSHIP ORGANIZATION SHALL PROVIDE
26 WRITTEN NOTIFICATION TO THE EXECUTIVE DIRECTOR WITHIN THIRTY
27 DAYS AFTER A PRODUCER BEGINS TO PARTICIPATE OR CEASES TO

1 PARTICIPATE IN THE ORGANIZATION OR AFTER THE ADDING OR REMOVING
2 OF A PROCESSOR OR TRANSPORTER.

3 **25-17-1006. Performance goals.** (1) A BATTERY STEWARDSHIP
4 PLAN MUST INCLUDE PERFORMANCE GOALS THAT MEASURE, ON AN
5 ANNUAL BASIS, THE ACHIEVEMENTS OF THE BATTERY STEWARDSHIP
6 PROGRAM, INCLUDING:

7 (a) THE COLLECTION RATE FOR COVERED BATTERIES BY THE
8 PROGRAM, INCLUDING TARGET COLLECTION RATES FOR PRIMARY
9 BATTERIES AND RECHARGEABLE BATTERIES;

10 (b) THE RECYCLING EFFICIENCY RATE OF THE PROGRAM,
11 INCLUDING TARGET RECYCLING EFFICIENCY RATES OF AT LEAST SIXTY
12 PERCENT FOR RECHARGEABLE BATTERIES AND AT LEAST SEVENTY
13 PERCENT FOR PRIMARY BATTERIES; AND

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

18 (2) A BATTERY STEWARDSHIP ORGANIZATION SHALL MEET THE
19 PERFORMANCE GOALS ESTABLISHED PURSUANT TO THE ORGANIZATION'S
20 APPROVED PLAN AND SHALL NOT REDUCE OR CEASE COLLECTION,
21 EDUCATION AND OUTREACH, OR OTHER ACTIVITIES IMPLEMENTED UNDER
22 AN APPROVED PLAN BASED ON THE ACHIEVEMENT OF PERFORMANCE
23 GOALS.

24 **25-17-1007. Collection of charges - reimbursement of**
25 **collection sites and electronic waste recyclers.** (1) (a) A BATTERY
26 STEWARDSHIP ORGANIZATION IMPLEMENTING A BATTERY STEWARDSHIP
27 PLAN ON BEHALF OF PRODUCERS SHALL DEVELOP AND ADMINISTER A

1 SYSTEM TO COLLECT CHARGES FROM PARTICIPATING PRODUCERS TO
2 COVER THE COSTS OF PROGRAM IMPLEMENTATION, INCLUDING:

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

6 (II) EDUCATION AND OUTREACH;

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

8 AND

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

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

14 (2) (a) A BATTERY STEWARDSHIP ORGANIZATION SHALL
15 REIMBURSE A PARTICIPATING COLLECTION SITE, AS DESCRIBED IN SECTION
16 25-17-1008, FOR:

17 (I) DEMONSTRABLE COSTS INCURRED BY A LOCAL GOVERNMENT
18 SERVING AS A COLLECTION SITE, A SOLID WASTE FACILITY, OR A LOCAL
19 GOVERNMENT'S DESIGNATED COLLECTION SITE AS A RESULT OF
20 IMPLEMENTING A BATTERY STEWARDSHIP PROGRAM, INCLUDING
21 ASSOCIATED LABOR COSTS AND OTHER COSTS ASSOCIATED WITH
22 ACCESSIBILITY AND COLLECTION SITE STANDARDS SUCH AS STORAGE; AND

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

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

27 (c) A BATTERY STEWARDSHIP ORGANIZATION SHALL, AT A

1 MINIMUM, PROVIDE COLLECTION SITES WITH APPROPRIATE CONTAINERS
2 FOR COVERED BATTERIES SUBJECT TO ITS PROGRAM AS WELL AS TRAINING,
3 SIGNAGE, SAFETY GUIDANCE, AND EDUCATIONAL MATERIALS AT NO COST
4 TO THE COLLECTION SITES.

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

8 **25-17-1008. Collection site requirements - statewide collection**
9 **opportunities - minimum amount of collection sites.** (1) (a) A

10 BATTERY STEWARDSHIP ORGANIZATION IMPLEMENTING A BATTERY
11 STEWARDSHIP PLAN SHALL PROVIDE THE COLLECTION OF COVERED
12 BATTERIES, INCLUDING ALL TYPES AND BRANDS OF COVERED BATTERIES,
13 ON A FREE, CONTINUOUS, CONVENIENT, VISIBLE, AND ACCESSIBLE BASIS TO
14 ANY PERSON.

15 (b) EXCEPT AS PROVIDED IN SUBSECTION (3) OF THIS SECTION, A
16 BATTERY STEWARDSHIP PLAN MUST ARRANGE FOR THE COLLECTION OF
17 EACH TYPE AND BRAND OF COVERED BATTERY FROM A PERSON AT A
18 COLLECTION SITE IN ACCORDANCE WITH THE STATEWIDE COLLECTION
19 OPPORTUNITIES DESCRIBED IN SUBSECTIONS (4)(b) AND (4)(c) OF THIS
20 SECTION.

21 (2) (a) FOR EACH COLLECTION SITE USED BY A BATTERY
22 STEWARDSHIP PROGRAM, THE BATTERY STEWARDSHIP ORGANIZATION
23 IMPLEMENTING THE PROGRAM SHALL:

24 (I) PROVIDE SUITABLE COLLECTION CONTAINERS FOR COVERED
25 BATTERIES SO THAT THE COVERED BATTERIES ARE SEGREGATED FROM
26 OTHER SOLID WASTE; OR

27 (II) MAKE MUTUALLY AGREEABLE ALTERNATIVE ARRANGEMENTS

1 WITH THE COLLECTION SITE FOR THE COLLECTION OF COVERED BATTERIES
2 AT THE COLLECTION SITE.

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

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

8 (II) ACCOMPANIED BY SIGNAGE THAT IS MADE AVAILABLE TO THE
9 COLLECTION SITE BY THE ORGANIZATION AND THAT INFORMS CONSUMERS
10 REGARDING THE END-OF-LIFE MANAGEMENT OPTIONS FOR COVERED
11 BATTERIES COLLECTED BY THE COLLECTION SITE.

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

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

19 (4) (a) (I) A BATTERY STEWARDSHIP ORGANIZATION
20 IMPLEMENTING A BATTERY STEWARDSHIP PLAN SHALL:

21 (A) ENSURE STATEWIDE COLLECTION OPPORTUNITIES FOR ALL
22 COVERED BATTERIES IN ACCORDANCE WITH SUBSECTIONS (4)(b) AND
23 (4)(c) OF THIS SECTION; AND

24 (B) FOR THE PURPOSES OF PROVIDING EFFICIENT DELIVERY OF
25 SERVICES AND AVOIDING UNNECESSARY DUPLICATION OF EFFORT AND
26 EXPENSE, COORDINATE ACTIVITIES WITH OTHER PROGRAM OPERATORS,
27 INCLUDING COVERED BATTERY COLLECTORS, RECYCLING PROGRAMS, AND

1 ELECTRONIC WASTE RECYCLERS, WITH REGARD TO THE PROPER
2 MANAGEMENT OR RECYCLING OF COLLECTED COVERED BATTERIES.

3 (II) A BATTERY STEWARDSHIP ORGANIZATION SHALL DETERMINE
4 STATEWIDE COLLECTION OPPORTUNITIES THROUGH GEOGRAPHIC
5 INFORMATION MODELING THAT CONSIDERS PERMANENT COLLECTION
6 SITES.

7 (III) A BATTERY STEWARDSHIP PROGRAM MAY RELY, IN PART, ON
8 COLLECTION EVENTS TO SUPPLEMENT THE COLLECTION SITE CRITERIA
9 REQUIRED BY SUBSECTIONS (4)(b) AND (4)(c) OF THIS SECTION. ONLY
10 PERMANENT COLLECTION SERVICES SPECIFIED IN SUBSECTIONS (4)(b) AND
11 (4)(c) OF THIS SECTION SATISFY THE REQUIREMENTS OF THIS SUBSECTION
12 (4)(a).

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

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

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

25 (c) (I) WITHIN SIX MONTHS AFTER A BATTERY STEWARDSHIP PLAN
26 IS APPROVED PURSUANT TO SECTION 25-17-1005 (1) AND NO LATER THAN
27 JANUARY 1, 2028, A BATTERY STEWARDSHIP ORGANIZATION SHALL

1 PROVIDE STATEWIDE COLLECTION OPPORTUNITIES FOR MEDIUM-FORMAT
2 BATTERIES THAT INCLUDE:

3 (A) AT LEAST FIFTEEN PERMANENT COLLECTION SITES IN THE
4 STATE;

5 (B) REASONABLE GEOGRAPHIC DISPERSION OF COLLECTION SITES
6 THROUGHOUT THE STATE;

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

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

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

16 (d) THE STATEWIDE COLLECTION OPPORTUNITIES SET FORTH IN
17 SUBSECTIONS (4)(b) AND (4)(c) OF THIS SECTION MAY BE SATISFIED BY
18 THE COLLECTION LOCATIONS PARTICIPATING IN A HOUSEHOLD BATTERY
19 RECYCLING PROGRAM SPONSORED BY THE EXECUTIVE DIRECTOR OR A
20 LOCAL GOVERNMENT.

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

23 (6) (a) IF COST-EFFECTIVE, MUTUALLY AGREEABLE, AND
24 OTHERWISE PRACTICABLE, A BATTERY STEWARDSHIP ORGANIZATION
25 SHALL USE EXISTING PUBLIC AND PRIVATE WASTE COLLECTION SERVICES
26 AND FACILITIES IN IMPLEMENTING A BATTERY STEWARDSHIP PROGRAM,
27 INCLUDING COLLECTION SITES THAT ARE ESTABLISHED THROUGH OTHER

1 BATTERY COLLECTION SERVICES, TRANSPORTERS, CONSOLIDATORS,
2 PROCESSORS, ELECTRONIC WASTE RECYCLERS, AND RETAILERS.

3 (b) UPON THE SUBMISSION OF A REQUEST BY AN ENTITY TO SERVE
4 AS A COLLECTION SITE, A BATTERY STEWARDSHIP PROGRAM SHALL USE
5 THE ENTITY AS A COLLECTION SITE FOR COVERED BATTERIES FOR UP TO
6 THE MINIMUM NUMBER OF COLLECTION SITES REQUIRED FOR COMPLIANCE
7 WITH SUBSECTIONS (4)(b) AND (4)(c) OF THIS SECTION IF THE ENTITY
8 MEETS THE CRITERIA FOR COLLECTION SITES IN THE APPROVED PLAN.

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

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

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

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

19 **25-17-1009. Assessment of battery-containing products**

20 **required.** (1) ON OR BEFORE DECEMBER 1, 2027, A BATTERY
21 STEWARDSHIP ORGANIZATION SHALL COMPLETE AN ASSESSMENT OF THE
22 OPPORTUNITIES AND CHALLENGES ASSOCIATED WITH THE END-OF-LIFE
23 MANAGEMENT OF PORTABLE AND MEDIUM-FORMAT EMBEDDED BATTERIES
24 IN THE STATE. A BATTERY STEWARDSHIP ORGANIZATION SHOULD, TO THE
25 EXTENT FEASIBLE, EXTRAPOLATE FINDINGS FROM RELATED STUDIES AND
26 APPLY THE FINDINGS TO THE ASSESSMENT FOR COLORADO.

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

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

4 (3) AS PART OF THE ASSESSMENT, A BATTERY STEWARDSHIP
5 ORGANIZATION SHALL IDENTIFY ADJUSTMENTS TO THE BATTERY
6 STEWARDSHIP PROGRAM REQUIREMENTS ESTABLISHED BY THIS PART 10
7 THAT WOULD MAXIMIZE PUBLIC HEALTH, SAFETY, AND ENVIRONMENTAL
8 BENEFITS. BASED ON THE ASSESSMENT, A BATTERY STEWARDSHIP
9 ORGANIZATION SHALL MAKE RECOMMENDATIONS FOR ADDITIONAL
10 POLICIES OR PROGRAMS TO ALLOW FOR COLLECTION AND RECYCLING OF
11 EMBEDDED BATTERIES.

12 (4) THE ASSESSMENT MUST CONSIDER:

13 (a) THE DIFFERENT CATEGORIES AND USES OF
14 BATTERY-CONTAINING PRODUCTS;

15 (b) METHODS BY WHICH UNWANTED BATTERY-CONTAINING
16 PRODUCTS ARE MANAGED IN COLORADO AND OTHER STATES AND UNITED
17 STATES TERRITORIES;

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

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

26 (e) UNIQUE CHALLENGES BASED ON REGIONAL POPULATION
27 DENSITIES OR OTHER GEOGRAPHIC CHARACTERISTICS AND PROPOSED

1 SOLUTIONS TO SUCH CHALLENGES THAT ARE RELEVANT TO COLORADO
2 REGIONS AND POPULATION DENSITIES;

3 (f) COSTS TO SCHOOLS AND SCHOOL DISTRICTS, LOCAL
4 GOVERNMENTS, EVENT VENUES, WASTE HAULERS, AND RECYCLERS FOR
5 THE COLLECTION OF BATTERY-CONTAINING DEVICES AND MITIGATION OF
6 LITTERED DEVICES; ==

7 (g) RECYCLABILITY AND THE ENVIRONMENTAL AND PUBLIC
8 HEALTH IMPACTS CAUSED BY THE LITTERING, COLLECTING, AND
9 RECYCLING OF DIFFERENT TYPES OF BATTERY-CONTAINING PRODUCTS,
10 INCLUDING IDENTIFYING WHETHER CERTAIN PRODUCTS INVOLVE GREATER
11 BARRIERS TO RECYCLING OR LARGER SAFETY RISKS TO WORKERS OR THE
12 PUBLIC; AND

13 (h) WHETHER THE TECHNOLOGY EXISTS TO SAFELY AND RELIABLY
14 REPAIR OR REFURBISH BATTERIES FOR REUSE.

15 (5) THE DEPARTMENT SHALL SUBMIT THE ASSESSMENT COMPLETED
16 PURSUANT TO THIS SECTION TO THE GENERAL ASSEMBLY ON OR BEFORE
17 OCTOBER 1, 2027.

18 **25-17-1010. Education and outreach requirements -**
19 **coordination with other battery stewardship organizations - survey**
20 **of public awareness. (1) A BATTERY STEWARDSHIP ORGANIZATION**
21 **SHALL CARRY OUT PROMOTIONAL ACTIVITIES IN SUPPORT OF THE**
22 **IMPLEMENTATION OF A BATTERY STEWARDSHIP PROGRAM, INCLUDING:**

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

24 (b) THE DEVELOPMENT AND DISTRIBUTION OF PERIODIC PRESS
25 RELEASES AND ARTICLES;

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

1 (d) THE DEVELOPMENT OF PROMOTIONAL MATERIALS ABOUT THE
2 PROGRAM AND THE REQUIREMENTS FOR THE DISPOSAL OF COVERED
3 BATTERIES PURSUANT TO SECTION 25-17-1014 TO BE USED BY PERSONS,
4 INCLUDING RETAILERS, GOVERNMENT AGENCIES, WASTE AND RECYCLING
5 COLLECTORS, AND NONPROFIT ORGANIZATIONS;

6 (e) THE DEVELOPMENT AND DISTRIBUTION TO COLLECTION SITES
7 OF COLLECTION SITE SAFETY TRAINING PROCEDURES THAT ARE IN
8 COMPLIANCE WITH STATE AND LOCAL LAW TO HELP ENSURE PROPER
9 MANAGEMENT OF COVERED BATTERIES AT COLLECTION SITES; AND

10 (f) THE DEVELOPMENT AND IMPLEMENTATION OF OUTREACH AND
11 EDUCATIONAL RESOURCES THAT ARE CONCEPTUALLY, LINGUISTICALLY,
12 AND CULTURALLY ACCURATE FOR THE COMMUNITIES SERVED AND THAT
13 REACH THE STATE'S DIVERSE ETHNIC POPULATIONS, INCLUDING THROUGH
14 MEANINGFUL CONSULTATION WITH DISPROPORTIONATELY IMPACTED
15 COMMUNITIES.

16 (2) A BATTERY STEWARDSHIP ORGANIZATION SHALL PROVIDE:

17 (a) CONSUMER-FOCUSED EDUCATIONAL AND PROMOTIONAL
18 MATERIALS TO EACH COLLECTION SITE USED BY THE BATTERY
19 STEWARDSHIP PROGRAM AND TO RETAILERS THAT SELL COVERED
20 BATTERIES OR BATTERY-CONTAINING PRODUCTS;

21 (b) SAFETY INFORMATION RELATED TO COVERED BATTERY
22 COLLECTION ACTIVITIES TO THE OPERATOR OF EACH COLLECTION SITE,
23 INCLUDING APPROPRIATE PROTOCOLS TO REDUCE RISKS OF SPILLS OR
24 FIRES, RESPONSE PROTOCOLS IN THE EVENT OF A SPILL OR FIRE, AND
25 RESPONSE PROTOCOLS IN THE EVENT OF DETECTION OF A DAMAGED OR
26 DEFECTIVE BATTERY;

27 (c) SAFETY TRAINING MATERIALS FOR FIREFIGHTERS AND FIRST

1 RESPONDERS RELATED TO BATTERY FIRES, RESPONSE PROTOCOLS IN THE
2 EVENT OF A BATTERY FIRE, AND PROTOCOLS FOR SAFE MANAGEMENT OF
3 COVERED AND DAMAGED OR DEFECTIVE BATTERIES; AND

4 (d) EDUCATIONAL MATERIALS TO THE OPERATOR OF EACH
5 COLLECTION SITE FOR THE MANAGEMENT OF RECALLED BATTERIES, WHICH
6 ARE NOT REQUIRED TO BE COLLECTED PURSUANT TO THIS PART 10, TO
7 HELP FACILITATE THE TRANSPORTATION AND PROCESSING OF RECALLED
8 BATTERIES.

9 (3) A BATTERY STEWARDSHIP ORGANIZATION MAY SEEK
10 REIMBURSEMENT FROM THE PRODUCER OF A RECALLED BATTERY FOR
11 EXPENSES INCURRED IN THE COLLECTION, TRANSPORTATION, AND
12 PROCESSING OF THE RECALLED BATTERY.

13 (4) UPON REQUEST BY A RETAILER OR OTHER POTENTIAL
14 COLLECTOR, A BATTERY STEWARDSHIP ORGANIZATION SHALL PROVIDE THE
15 RETAILER OR OTHER POTENTIAL COLLECTOR EDUCATIONAL MATERIALS
16 DESCRIBING COLLECTION OPPORTUNITIES FOR BATTERIES.

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

23 (6) DURING THE FIRST YEAR OF PROGRAM IMPLEMENTATION, AND
24 EVERY FIVE YEARS THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION
25 SHALL CARRY OUT, IN COORDINATION WITH THE OTHER APPROVED
26 BATTERY STEWARDSHIP ORGANIZATIONS, A SURVEY OF PUBLIC
27 AWARENESS REGARDING THE REQUIREMENTS OF THE PROGRAM

1 ESTABLISHED PURSUANT TO THIS PART 10. THE BATTERY STEWARDSHIP
2 ORGANIZATION SHALL SHARE THE RESULTS OF THE PUBLIC AWARENESS
3 SURVEY WITH THE EXECUTIVE DIRECTOR THROUGH THE ANNUAL
4 REPORTING PROCESS DESCRIBED IN SECTION 25-17-1011.

5 **25-17-1011. Annual reporting requirements - proprietary**
6 **information.** (1) ON OR BEFORE JUNE 1, 2028, AND ON OR BEFORE EACH
7 JUNE 1 THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION SHALL
8 SUBMIT AN ANNUAL REPORT TO THE EXECUTIVE DIRECTOR COVERING THE
9 PRECEDING CALENDAR YEAR OF BATTERY STEWARDSHIP PLAN
10 IMPLEMENTATION. THE REPORT MUST INCLUDE THE FOLLOWING:

11 (a) AN INDEPENDENT THIRD-PARTY FINANCIAL ASSESSMENT OF
12 THE PROGRAM IMPLEMENTED BY THE ORGANIZATION, INCLUDING A
13 BREAKDOWN OF THE PROGRAM'S EXPENSES, SUCH AS COLLECTION
14 EXPENSES, RECYCLING EXPENSES, EDUCATION AND OUTREACH EXPENSES,
15 AND OVERHEAD EXPENSES;

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

1 COLORADO.

2 (c) THE WEIGHT, BY CHEMISTRY, OF COVERED BATTERIES
3 COLLECTED UNDER THE PROGRAM;

4 (d) THE WEIGHT OF MATERIALS RECYCLED FROM COVERED
5 BATTERIES COLLECTED UNDER THE PROGRAM, IN TOTAL AND BY METHOD
6 OF BATTERY RECYCLING;

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

9 (f) A LIST OF ALL FACILITIES USED IN THE PROCESSING AND FINAL
10 DISPOSITION OF COVERED BATTERIES, INCLUDING IDENTIFICATION OF A
11 FACILITY'S LOCATION AND WHETHER THE FACILITY IS LOCATED
12 DOMESTICALLY, IN AN ORGANIZATION FOR ECONOMIC COOPERATION AND
13 DEVELOPMENT COUNTRY, OR IN A COUNTRY THAT MEETS ORGANIZATION
14 FOR ECONOMIC COOPERATION AND DEVELOPMENT OPERATING
15 STANDARDS. FOR DOMESTIC FACILITIES, THE ORGANIZATION SHALL
16 PROVIDE A SUMMARY OF THE VIOLATIONS OF ENVIRONMENTAL LAWS AND
17 REGULATIONS AT EACH FACILITY OVER THE THREE YEARS IMMEDIATELY
18 PRECEDING THE SUBMISSION OF THE ANNUAL REPORT.

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

22 (h) THE WEIGHT AND CHEMISTRY OF COVERED BATTERIES SENT TO
23 EACH FACILITY USED FOR THE FINAL DISPOSITION OF BATTERIES. THE
24 INFORMATION IN THIS SUBSECTION (1)(h) MAY BE APPROXIMATED FOR
25 PROGRAM OPERATIONS IN THE STATE BASED ON EXTRAPOLATIONS OF
26 NATIONAL OR REGIONAL DATA FOR PROGRAMS IN OPERATION IN MULTIPLE
27 STATES.

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

5 (j) THE ESTIMATED AGGREGATE SALES, BY WEIGHT AND
6 CHEMISTRY, OF COVERED BATTERIES AND OF BATTERIES CONTAINED IN OR
7 WITH BATTERY-CONTAINING PRODUCTS SOLD, OFFERED FOR SALE, OR
8 DISTRIBUTED IN OR INTO THE STATE BY PARTICIPATING PRODUCERS FOR
9 EACH OF THE THREE YEARS IMMEDIATELY PRECEDING THE SUBMISSION OF
10 THE ANNUAL REPORT;

11 (k) A DESCRIPTION OF THE MANNER IN WHICH THE COLLECTED
12 COVERED BATTERIES WERE MANAGED AND RECYCLED, INCLUDING A
13 DISCUSSION OF BEST AVAILABLE TECHNOLOGIES AND RECYCLING
14 EFFICIENCY RATE;

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

17 (I) AN EVALUATION OF THE EFFECTIVENESS OF EDUCATION AND
18 OUTREACH ACTIVITIES;

19 (II) A SUMMARY OF EDUCATION AND OUTREACH PROVIDED TO
20 CONSUMERS, COLLECTION SITES, MANUFACTURERS, DISTRIBUTORS, AND
21 RETAILERS BY THE PROGRAM OPERATOR FOR THE PURPOSE OF PROMOTING
22 THE COLLECTION AND RECYCLING OF COVERED BATTERIES;

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

25 (IV) SAMPLES OF EDUCATION AND OUTREACH MATERIALS;

26 (V) A SUMMARY OF COORDINATED EDUCATION AND OUTREACH
27 EFFORTS WITH ANY OTHER BATTERY STEWARDSHIP ORGANIZATIONS

1 IMPLEMENTING AN APPROVED PLAN; AND

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

5 (m) A LIST OF ALL COLLECTION SITES USED TO IMPLEMENT THE
6 PROGRAM, AN ADDRESS FOR EACH COLLECTION SITE, AN UP-TO-DATE MAP
7 INDICATING THE LOCATION OF EACH COLLECTION SITE, AND LINKS TO
8 APPROPRIATE WEBSITES WHERE THERE ARE EXISTING WEBSITES
9 ASSOCIATED WITH A COLLECTION SITE;

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

12 (o) A SUMMARY OF PROGRESS MADE TOWARD THE PERFORMANCE
13 GOALS ESTABLISHED PURSUANT TO SECTION 25-17-1006 AND AN
14 EXPLANATION OF WHY PERFORMANCE GOALS WERE NOT MET, IF
15 APPLICABLE.

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

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

24 **25-17-1012. Annual fee - battery stewardship fund -**
25 **responsibilities of the executive director.** (1) (a) WITHIN TWELVE
26 MONTHS AFTER COLLECTING DUES, AND ON OR BEFORE EACH JULY 1
27 THEREAFTER, A BATTERY STEWARDSHIP ORGANIZATION SHALL PAY TO THE

1 DEPARTMENT AN ANNUAL FEE IN THE AMOUNT DESCRIBED IN SUBSECTION
2 (1)(b)(I) OR (1)(b)(II) OF THIS SECTION, AS APPLICABLE. THE STATE
3 TREASURER SHALL CREDIT THE ANNUAL FEES TO THE FUND.

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

8 (II) BY DECEMBER 31, 2027, AND BY DECEMBER 31 OF EACH YEAR
9 THEREAFTER, THE DEPARTMENT SHALL NOTIFY EACH ORGANIZATION OF
10 THE ORGANIZATION'S PORTION OF THE COSTS OF ADMINISTERING,
11 IMPLEMENTING, AND ENFORCING THIS PART 10 DURING THE IMMEDIATELY
12 PRECEDING YEAR.

13 (III) WITHIN FORTY-FIVE DAYS AFTER THE RECEIPT OF THE
14 DEPARTMENT'S COST ACCOUNTING, EACH ORGANIZATION SHALL PAY TO
15 THE DEPARTMENT AN ANNUAL FEE IN THE AMOUNT REQUESTED PURSUANT
16 TO SUBSECTION (1)(b)(I) OR (1)(b)(II) OF THIS SECTION, AS APPLICABLE.

17 (2) (a) THE BATTERY STEWARDSHIP FUND IS CREATED IN THE
18 STATE TREASURY.

19 (b) THE FUND CONSISTS OF FEES PAID TO THE DEPARTMENT
20 PURSUANT TO SUBSECTION (1) OF THIS SECTION AND ANY OTHER MONEY
21 THAT THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
22 FUND.

23 (c) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
24 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
25 FUND TO THE FUND.

26 (d) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
27 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE FUND TO

1 COVER THE EXECUTIVE DIRECTOR'S RESPONSIBILITIES IN IMPLEMENTING,
2 ADMINISTERING, AND ENFORCING THIS PART 10, WHICH INCLUDE:

3 (I) REVIEWING SUBMITTED BATTERY STEWARDSHIP PLANS AND
4 PLAN AMENDMENTS AND MAKING DETERMINATIONS AS TO WHETHER TO
5 APPROVE, DISAPPROVE, OR CONDITIONALLY APPROVE THE PLAN OR PLAN
6 AMENDMENT;

7 (II) REVIEWING ANNUAL REPORTS SUBMITTED PURSUANT TO
8 SECTION 25-17-1011 WITHIN NINETY DAYS AFTER SUBMISSION TO ENSURE
9 COMPLIANCE WITH SECTION 25-17-1011;

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

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

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

18 **25-17-1013. Marking requirements for batteries - rules.**

19 (1) (a) EXCEPT AS OTHERWISE PROVIDED IN RULES ADOPTED BY THE
20 COMMISSION PURSUANT TO SUBSECTION (2) OF THIS SECTION, ON AND
21 AFTER JANUARY 1, 2027, A PRODUCER OR RETAILER SHALL NOT SELL,
22 OFFER FOR SALE, OR DISTRIBUTE IN OR INTO THE STATE A COVERED
23 BATTERY OR BATTERY-CONTAINING PRODUCT UNLESS THE COVERED
24 BATTERY IS:

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

27 (II) MARKED WITH PROPER LABELING TO ENSURE PROPER

1 COLLECTION AND RECYCLING, BY IDENTIFYING THE CHEMISTRY OF THE
2 COVERED BATTERY AND INCLUDING AN INDICATION THAT THE COVERED
3 BATTERY SHOULD NOT BE DISPOSED OF AS HOUSEHOLD WASTE.

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

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

13 **25-17-1014. Battery disposal and collection requirements.**

14 (1) ON AND AFTER JANUARY 1, 2029, A PERSON SHALL MANAGE
15 UNWANTED COVERED BATTERIES THROUGH THE FOLLOWING METHODS:

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

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

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

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

27 (b) A PERSON SHALL COLLECT, TRANSPORT, AND PROCESS

1 COVERED BATTERIES IN ACCORDANCE WITH THIS PART 10, UNLESS THE
2 COVERED BATTERIES ARE HAZARDOUS WASTE AS DEFINED UNDER FEDERAL
3 OR STATE HAZARDOUS OR SOLID WASTE LAWS;

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

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

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

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

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

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

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

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

23 **25-17-1015. Civil penalties - enforcement.** (1) A PRODUCER OR
24 BATTERY STEWARDSHIP ORGANIZATION THAT VIOLATES THIS PART 10 IS
25 LIABLE FOR A CIVIL PENALTY OF SEVEN THOUSAND DOLLARS PER
26 VIOLATION; EXCEPT THAT A FAILURE TO PAY A FEE PURSUANT TO SECTION
27 25-17-1012 SUBJECTS THE BATTERY STEWARDSHIP ORGANIZATION THAT

1 FAILS TO PAY THE FEE TO A CIVIL PENALTY THAT IS DOUBLE THE
2 APPLICABLE FEE.

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

7 (b) A PRODUCER OR ORGANIZATION MAY SUBMIT A WRITTEN
8 REQUEST FOR A HEARING TO THE EXECUTIVE DIRECTOR BY PERSONAL
9 SERVICE OR BY CERTIFIED MAIL WITHIN THIRTY-FIVE CALENDAR DAYS
10 AFTER THE DATE OF ISSUANCE OF THE ORDER IMPOSING AN
11 ADMINISTRATIVE PENALTY. THE COMMISSION SHALL CONDUCT THE
12 HEARING IN ACCORDANCE WITH SECTION 24-4-105.

13 (c) IF A REQUEST FOR A HEARING IS FILED, THE REQUIREMENT TO
14 PAY A PENALTY IS STAYED PENDING A FINAL DECISION BY THE COMMISSION
15 AFTER A HEARING ON THE MERITS. THE EXECUTIVE DIRECTOR IS NOT
16 PRECLUDED FROM IMPOSING AN ADMINISTRATIVE PENALTY AGAINST THE
17 PRODUCER OR ORGANIZATION FOR SUBSEQUENT VIOLATIONS OF THIS PART
18 10 COMMITTED DURING THE PENDENCY OF THE STAY.

19 (d) THE EXECUTIVE DIRECTOR BEARS THE BURDEN OF PROOF BY A
20 PREPONDERANCE OF THE EVIDENCE IN A HEARING HELD PURSUANT TO THIS
21 SECTION.

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

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

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

3 **25-17-1016. Antitrust.** IF A BATTERY STEWARDSHIP
4 ORGANIZATION ENGAGES IN AN ACTIVITY PERFORMED SOLELY IN
5 FURTHERANCE OF IMPLEMENTING AN APPROVED PLAN IN COMPLIANCE
6 WITH THIS PART 10, THE ACTIVITY IS NOT A VIOLATION OF THE ANTITRUST,
7 RESTRAINT OF TRADE, AND UNFAIR TRADE PRACTICES PROVISIONS OF THE
8 "UNFAIR PRACTICES ACT", ARTICLE 2 OF TITLE 6, OR THE "COLORADO
9 STATE ANTITRUST ACT OF 2023", ARTICLE 4 OF TITLE 6.

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

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

22 (b) THE PERSON SHALL MAKE AVAILABLE ALL BATTERIES
23 COLLECTED FROM THE PERSON'S COLORADO CUSTOMERS TO A BATTERY
24 STEWARDSHIP ORGANIZATION; AND

25 (c) AFTER CONSOLIDATION OF PORTABLE OR MEDIUM-FORMAT
26 BATTERIES AT THE PERSON'S FACILITIES, THE TRANSPORT TO AND
27 PROCESSING OF THE BATTERIES BY THE BATTERY STEWARDSHIP

1 ORGANIZATION'S DESIGNATED SORTERS OR PROCESSORS IS AT THE
2 BATTERY STEWARDSHIP ORGANIZATION'S EXPENSE.

3 **25-17-1018. Rules.** THE COMMISSION MAY ADOPT RULES
4 IMPLEMENTING THIS PART 10.

5 **SECTION 2. Act subject to petition - effective date.** This act
6 takes effect at 12:01 a.m. on the day following the expiration of the
7 ninety-day period after final adjournment of the general assembly; except
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V
9 of the state constitution against this act or an item, section, or part of this
10 act within such period, then the act, item, section, or part will not take
11 effect unless approved by the people at the general election to be held in
12 November 2026 and, in such case, will take effect on the date of the
13 official declaration of the vote thereon by the governor.