



1 established by the department pursuant to rules  
2 adopted in accordance with chapter 91; and  
3 (3) Post written notice that shall be at least five inches  
4 by seven inches in size and shall contain the  
5 universal recycling symbol and the following language:  
6 (A) "Recycle your used alkaline batteries"; and  
7 (B) "State law requires us to accept and provide a  
8 refund for used alkaline batteries returned for  
9 recycling".

10 **§342I-B Recycling.** Any person accepting used alkaline  
11 batteries for recycling shall transport the used alkaline  
12 batteries to a transfer facility approved by the department.

13 **§342I-C Deposit into environmental management special**  
14 **fund.** The surcharge collected pursuant to this part shall be  
15 deposited into a special account in the environmental management  
16 special fund established by section 342G-63. All interest  
17 earned or accrued on moneys deposited in the fund pursuant to  
18 this section shall become part of the account. Moneys from the  
19 special account may be used by the department to:

20 (1) Provide refunds to customers returning used alkaline  
21 batteries to persons selling alkaline batteries at



1 retail or offering alkaline batteries for retail sale  
2 in the State; and

3 (2) Implement the surcharge program under this part.

4 **§342I-D Recordkeeping.** All persons selling alkaline  
5 batteries at wholesale or offering alkaline batteries for  
6 wholesale sale in the State shall maintain records for three  
7 years that provide, at a minimum, the following information:

8 (1) The name, phone number, and address of the person from  
9 whom the alkaline batteries were received;

10 (2) The date of receipt of the alkaline batteries; and

11 (3) The record of shipment indicating the ultimate retail  
12 destination of the alkaline batteries and the date of  
13 shipment.

14 **§342I-E Entry and inspection of records.** The director of  
15 health may enter and inspect any building or place for the  
16 purpose of:

17 (1) Investigating an actual or suspected violation of this  
18 part;

19 (2) Conducting reasonable tests;

20 (3) Taking samples; and

21 (4) Reviewing and copying records.



1           **§342I-F Penalties.** (a) Any person who violates this part  
2 shall be fined not more than \$           for each separate  
3 offense; provided that the failure to post the notice required  
4 under section 342I-A, following a warning issued by the director  
5 of health, shall be subject to a fine of \$2,000 for each  
6 separate offense. Each battery improperly disposed of or  
7 accepted shall constitute a separate offense. The fines imposed  
8 pursuant to this subsection shall be cumulative. Remedies shall  
9 be by citation, administrative action, or civil action.

10           (b) Any person who knowingly or wilfully violates this  
11 part shall be guilty of a misdemeanor.

12           (c) The director may institute a civil action in any court  
13 of competent jurisdiction for injunctive and other relief to:

- 14           (1) Prevent any violation of this part;
- 15           (2) Impose and collect civil penalties;
- 16           (3) Collect administrative penalties; or
- 17           (4) Obtain other relief.

18 The court may grant relief in accordance with the Hawaii rules  
19 of civil procedure."

20           SECTION 2. In codifying the new sections added by section  
21 1 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating  
2 the new sections in this Act.

3 SECTION 3. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 4. This Act shall take effect upon its approval.

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**Report Title:**

Alkaline batteries; Recycling

**Description:**

Establishes recycling program for alkaline batteries.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

