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# A BILL FOR AN ACT

RELATING TO SOLID WASTE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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PART I

SECTION 1. The legislature finds that recycling helps to protect the environment and moves the State toward a more sustainable future. The legislature further finds that because some products contain materials that are not easily recyclable, these products are designated as solid waste for purposes of disposal. This designation has created an additional burden on waste disposal facilities and has increased the risk of harming the environment. The legislature also finds that although batteries may constitute toxic waste and contain valuable and reusable materials, most batteries still end up in the State's landfills. The legislature notes that the State does not have a proper facility to dispose of toxic waste of any kind, including batteries. Therefore, the legislature believes that statewide recycling operations should be expanded to include battery waste.



1           Accordingly, the purpose of this Act is to require  
2 retailers of batteries to participate in or implement a program  
3 to recycle used batteries, and to require the department of  
4 health to expand its recycling and waste disposal operations to  
5 accommodate the recycling of batteries.

6   PART II

7           SECTION 2. Chapter 342I, Hawaii Revised Statutes, is  
8 amended by adding a new part to be appropriately designated and  
9 to read as follows:

10   **"PART       .   BATTERIES"**

11           **§342I-A Definitions.** As used in this part:

12           "Battery" means any battery that is not a lead acid battery  
13 as defined in section 342I-1.

14           "Consumer" means a person or entity who purchases or owns a  
15 battery for final use. "Consumer" does not include a person or  
16 entity who serves as an intermediary between a distributor and a  
17 retailer for the purpose of conducting wholesale transactions.

18           "Department" means the department of health.

19           "Distributor" means a person or entity that sells batteries  
20 to a retailer.



1 "Retailer" means a person or entity who sells batteries  
2 directly to consumers. "Retailer" may include a manufacturer of  
3 batteries that sells the batteries directly to consumers.

4 "Retailer" does not include:

5 (1) A person or entity who primarily sells food and is  
6 listed in the most recent publication of the  
7 Progressive Grocers Marketing Guidebook;

8 (2) A person or entity whose annual gross sales are equal  
9 to or less than \$1,000,000; and

10 (3) A person or entity whose sales of batteries are  
11 limited to those that are contained in or packaged  
12 with a battery-operated device.

13 "Sell" or "sale" means a transfer for consideration of  
14 title or of the right to use, by lease or sales contract,  
15 including but not limited to transactions conducted through  
16 sales outlets, catalogs, or the internet or other similar  
17 electronic means, but does not include a wholesale transaction  
18 between a distributor and a retailer.

19 "Used battery" means a battery that has been previously  
20 used and is made available, by a consumer, for reuse, recycling,  
21 or proper disposal.



1           **§342I-B Used battery collection program; established.** (a)

2 Any retailer selling batteries in the State shall participate in  
3 or implement a program in which the retailer accepts collection  
4 of used batteries from consumers; provided that the retailer  
5 shall provide collection and reuse, recycling, or disposal  
6 services at no cost to the consumer regardless of the type or  
7 brand of battery that the retailer previously sold to the  
8 consumer; provided further that the amount of used batteries  
9 that a retailer is required to accept at no cost to the consumer  
10 shall be limited to the total amount of batteries sold to the  
11 consumer at the time of collection or the amount of batteries  
12 previously sold to the consumer, or both.

13           (b) The retailer shall be responsible for the reuse,  
14 recycling, or proper disposal of any used batteries collected  
15 pursuant to subsection (a).

16           **§342I-C Notice to consumers.** (a) The retailer shall make  
17 information available to consumers about the battery recycling  
18 program offered by the retailer pursuant to this part; provided  
19 that:

1           (1) These materials shall be presented in a manner so as  
2           to encourage the consumer to participate in the  
3           program; and

4           (2) The information shall be communicated in one or more  
5           of the following forms:

6           (A) Signage that is prominently displayed within the  
7           retailer's physical location and easily visible  
8           to the consumer;

9           (B) Written materials provided to the consumer at the  
10          time of purchase or delivery, or both;

11          (C) Reference to the battery recycling program in the  
12          retailer's advertising or other promotional  
13          materials, or both; or

14          (D) Direct communications, whether written or oral,  
15          with the consumer at the time of purchase.

16          (b) If a retailer sells a battery through a catalog order,  
17          telephone order, online order, or other method that does not  
18          involve in-store sales, the retailer shall provide reasonable  
19          notice to the consumer at the time of purchase or delivery of  
20          the opportunity to return used batteries at no cost for reuse,  
21          recycling, or proper disposal through either:



- 1           (1) The retailer's battery collection and recycling
- 2                   program established pursuant to section 342I-B; or
- 3           (2) A battery recycling program operated by another entity
- 4                   in which the retailer participates;
- 5 provided that the notice shall be placed on an applicable
- 6 invoice or purchase order, or packaged with the battery and
- 7 shall include informational materials, including but not limited
- 8 to applicable internet links or telephone numbers that provide
- 9 consumers access to additional information about the
- 10 opportunities and locations for free battery recycling.

11           **§342I-D Departmental assessment.** (a) Prior to July 1 of

12 each year, the department shall obtain information from a

13 representative sample of all battery handling and battery

14 recycling facilities in the State, as determined by the

15 department, regarding the estimated amount, by weight, of each

16 type of battery accepted by retailers for recycling during the

17 previous calendar year.

18           (b) The department shall make this information available

19 to the public on the department's website."

20           SECTION 3. Section 342I-1, Hawaii Revised Statutes, is

21 amended to read as follows:



1           "§342I-1 Lead acid batteries; disposal prohibited. (a)

2 No person may:

3           (1) Place a used lead acid battery in mixed municipal  
4           solid waste; or

5           (2) Discard or otherwise dispose of a lead acid battery,  
6           except by delivery to:

7           (A) A lead acid battery retailer or wholesaler;

8           (B) A collection or recycling facility permitted  
9           under chapter 342H; or

10           (C) A secondary lead smelter permitted by the United  
11           States Environmental Protection Agency.

12           (b) No lead acid battery retailer or wholesaler, or  
13 authorized collection or recycling facility, shall accept for  
14 disposal any lead acid batteries that have had their electrolyte  
15 removed, unless cracks in the battery shell due to aging or  
16 accident are in evidence to indicate passive leaking of the  
17 electrolyte.

18           (c) As used in this part, "lead acid battery" shall not  
19 include small sealed lead acid batteries."



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PART III

SECTION 4. (a) The department of health shall expand its current recycling operations to include recycling of every type of battery.

(b) Any facility established or modified by the department to recycle batteries pursuant to this part shall be accessible to the public no later than July 1, 2020.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of \$ or so much thereof as may be necessary for fiscal year 2019-2020 and the same sum or so much thereof as may be necessary for fiscal year 2020-2021 for the purposes of this part.

The sums appropriated shall be expended by the solid and hazardous waste branch of the department of health for the purposes of this Act.

PART IV

SECTION 6. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 7. In codifying the new sections added by section 2 of this Act, the revisor of statutes shall substitute



# H.B. NO. 1576

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

3 SECTION 8. New statutory material is underscored.

4 SECTION 9. This Act shall take effect on July 1, 2019;  
5 provided that the part II of this Act shall take effect on  
6 July 1, 2020.

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JAN 24 2019



# H.B. NO. 1576

**Report Title:**

DOH; Batteries; Retailers; Recycling; Reuse; Disposal;  
Appropriation

**Description:**

Requires a retailer of certain batteries to implement a program in which the retailer accepts used batteries for reuse, recycling, or other means of disposal. Requires the Department of Health to expand its recycling operations to accommodate the recycling of batteries. Appropriates moneys.

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

