



1 "Director" means director of health.

2 "Electric vehicle" means a vehicle that derives all or part  
3 of its power from electricity supplied by the electric grid and  
4 has a battery or equivalent energy storage device that can be  
5 charged from an electricity supply external to the vehicle with  
6 an electric plug.

7 "Environmentally sound management practices" means the  
8 policies and procedures for the collection, transportation,  
9 reuse, and recycling or disposal of used electric vehicle  
10 batteries, implemented by a producer to ensure compliance with  
11 all applicable federal, state, and county laws to protect human  
12 health, safety, and the environment, and to provide for the  
13 adequate recordkeeping, tracking, and documentation of the  
14 disposal of used propulsion batteries in the State.

15 "Producer" means a propulsion battery manufacturer,  
16 remanufacturer, or importer; a person who repurposes propulsion  
17 batteries; or a motor vehicle manufacturer, brand, or trademark  
18 licensee, or importer, who manufactures, sells, offers for sale,  
19 or imports a propulsion battery in or into the State.

20 "Propulsion battery" means an electrical energy storage  
21 device, consisting of one or more individual battery modules or



1 battery cells, which are used to supply power to propel an  
2 electric vehicle. "Propulsion battery" includes lithium-ion  
3 batteries and nickel-metal hydride batteries. "Propulsion  
4 battery" does not include a starter battery or a battery used  
5 for, or embedded in, products for industrial applications.

6 "Remanufacture" means any repair or modification to a  
7 propulsion battery that results in the complete battery, or any  
8 battery modules or battery cells being used for the same purpose  
9 or application as the one for which the battery was originally  
10 designed.

11 "Repurpose" means any operation to a propulsion battery  
12 that results in the complete battery, or any battery modules or  
13 battery cells being used for a different purpose or application  
14 than the one the battery was originally designed.

15 "Reuse" means the use of a propulsion battery in another  
16 vehicle of the same type that does not require modification to  
17 the battery.

18 "Solid waste" has the same meaning as defined in section  
19 342J-2.



1           342I-B Propulsion batteries; disposal as solid waste;  
2 prohibited. (a) No person shall dispose of a propulsion  
3 battery, battery module, or battery cell as solid waste.

4           (b) No propulsion battery retailer or wholesaler, or  
5 authorized collection or recycling facility, in the State shall  
6 accept for collection or disposal any propulsion batteries as  
7 solid waste. A solid waste collector may refuse to collect a  
8 solid waste container containing a propulsion battery or any  
9 battery module.

10          (c) No solid waste facility in the State shall accept for  
11 disposal a propulsion battery, battery module, or battery cell,  
12 or a truckload or roll-off container of solid waste containing a  
13 propulsion battery, battery module, or battery cell.

14           342I-C Consumer disposal of propulsion batteries. A  
15 person seeking to discard a propulsion battery may deliver the  
16 battery or the vehicle that contains the battery to:

17          (1) A location designated by the producer of the battery,  
18 as specified in the producer's battery management  
19 plan; or

20          (2) A recycling center authorized by the department to  
21 recycle electric vehicle batteries.



1           **342I-D Collection of used propulsion batteries; refusal**  
2 **for collection; prohibited.** (a) No producer of propulsion  
3 batteries shall refuse to recover a used propulsion battery that  
4 it has manufactured, branded, imported, or imbedded into a  
5 product in the State if the battery is collected from a location  
6 or using a mechanism designated by the producer in its battery  
7 management plan. The producer shall provide for the proper  
8 reuse, remanufacturing, repurposing, or recycling of a  
9 propulsion battery returned pursuant to this subsection.

10           (b) This section shall not apply to the original producer  
11 of a propulsion battery that has been remanufactured,  
12 repurposed, branded, imported, retailed, or embedded into a  
13 product application by a secondary producer, unless the  
14 secondary producer is in a contractual relationship with the  
15 original producer pursuant to section 342I-F.

16           **342I-E Propulsion battery disposal; producer**  
17 **responsibility.** A producer shall be deemed responsible for the  
18 end-of-life management of propulsion batteries as follows:

19           (1) For a propulsion battery embedded in a vehicle that is  
20 sold in the State, or sold or distributed in or into  
21 the State via remote sale or distribution:



- 1 (A) If the battery is sold in a vehicle under the  
2 vehicle manufacturer's own brand, the vehicle  
3 manufacturer shall be responsible for the  
4 battery;
- 5 (B) If the battery is sold in a vehicle under a  
6 different brand than that of the vehicle  
7 manufacturer, the person that is the licensee of  
8 the brand or trademark under which the vehicle is  
9 sold, offered for sale, or distributed in or into  
10 the State, whether or not the trademark is  
11 registered in the State, shall be responsible for  
12 the battery; or
- 13 (C) If there is no person described by subparagraph  
14 (A) or (B) within the United States, the person  
15 that imports the battery-containing vehicle into  
16 the United States for sale, offering for sale, or  
17 distribution in the State shall be deemed  
18 responsible for the battery; and
- 19 (2) For a propulsion battery that is not embedded in a  
20 vehicle that is sold in the State, or sold or



1 distributed in or into the State via remote sale or  
2 distribution:

3 (A) If the battery was manufactured in the United  
4 States and has not been remanufactured or  
5 repurposed, the battery manufacturer shall be  
6 responsible for the battery;

7 (B) If the battery has been remanufactured or  
8 repurposed in the United States, the person that  
9 remanufactures or repurposes the battery shall be  
10 responsible for the battery, except as otherwise  
11 provided in section 342I-F(b); or

12 (C) If there is no person described by subparagraph  
13 (A) or (B) within the United States, the person  
14 that imports the battery into the United States  
15 for sale, offering for sale, or distribution in  
16 the State shall be responsible for the battery.

17 **342I-F Battery management plan.** (a) By January 1, 2025,  
18 each producer of propulsion batteries sold within the State,  
19 either individually or as a part of a group of producers, shall  
20 develop and submit a battery management plan to the department  
21 for review and approval. Each producer shall consult with the



1 department to develop a battery management plan. The plan shall  
2 provide for each producer to be responsible for the collection  
3 and management of the producer's used propulsion batteries that  
4 are offered to the producer for take-back by the current battery  
5 owner.

6 (b) Notwithstanding section 342I-E to the contrary, the  
7 original producer of a propulsion battery shall not be  
8 responsible for the management of a battery that a secondary  
9 producer has remanufactured or repurposed unless:

10 (1) The secondary producer is in a contractual  
11 relationship with the original producer, which  
12 provides for the retention of responsibility for the  
13 end-of-life management of the battery by the primary  
14 producer; and

15 (2) The contract has been provided to the department as  
16 part of a battery management plan or through another  
17 means approved by the department.

18 (c) A battery management plan prepared and submitted  
19 pursuant to this section shall include:





- 1           (1) Methods that will be used to collect and store the  
2           used propulsion batteries returned to the producer,  
3           including proposed collection services;
- 4           (2) Methods that will be utilized to transport used  
5           propulsion batteries to authorized recycling  
6           facilities, including the name and location of all  
7           authorized recyclers to be directly utilized pursuant  
8           to the plan;
- 9           (3) Processes and methods that will be utilized to  
10          remanufacture, repurpose, or recycle propulsion  
11          batteries that have reached the end of their service  
12          life, including a plan for a final disposal of  
13          batteries in accordance with environmentally sound  
14          management practices, if necessary;
- 15          (4) A strategy for informing consumers, vehicle repair  
16          facilities, and vehicle dismantlers in the State of  
17          the requirement to properly manage propulsion  
18          batteries, the environmental impact of the improper  
19          handling or disposal of used propulsion batteries, and  
20          the mechanisms for the management of propulsion



1 batteries that are available pursuant to the battery  
2 management plan;

3 (5) The means that will be used to implement and finance  
4 the battery management plan; and

5 (6) Any other information, policies, or procedures that  
6 the department deems appropriate.

7 (d) Within one hundred twenty days after receipt by the  
8 department of a complete battery management plan, the department  
9 shall approve, approve in part, or disapprove of the plan. In  
10 making a determination pursuant to this section, the department  
11 may solicit information from producers or other stakeholders as  
12 the department deems appropriate. The department may assess a  
13 producer a reasonable fee to cover the department's costs for  
14 plan review, program implementation, and enforcement costs.

15 If the department approves the battery management plan, the  
16 producer shall implement the plan within ninety days after  
17 receipt of approval from the department or as otherwise agreed  
18 to by the department.

19 If the department approves in part the battery management  
20 plan, the department shall indicate the portions of the plan  
21 that do not comply with this part or any rules adopted. The



1 producer shall implement the components of the plan, as  
2 approved, within ninety days after the receipt of approval by  
3 the department or as otherwise agreed to by the department. To  
4 bring the entire plan into compliance with this part and any  
5 rules adopted, the producer shall submit a revised battery  
6 management plan within thirty days after receipt of notification  
7 of the approval in part by the department. The department shall  
8 review and approve, conditionally approve, or disapprove a  
9 revised battery management plan within thirty days after receipt  
10 of the revised plan.

11 If the battery management plan is disapproved, the  
12 department shall inform the producer of the reasons for the  
13 disapproval. The producer shall have thirty days to submit a  
14 revised battery management plan to the department.

15 The department may review a battery management plan  
16 approved pursuant to this section and recommend modifications at  
17 any time upon a finding that the approved battery management  
18 plan, as implemented, is deficient.

19 (e) If one hundred twenty days after receipt by the  
20 department of a complete battery management plan, the department  
21 has not approved, approved in part, or disapproved the battery



1 management plan pursuant to this section, the battery management  
2 plan shall be deemed to be conditionally approved. A producer,  
3 subject to any modifications required by the department, shall  
4 implement a conditionally approved battery management plan  
5 within ninety days after the plan has been deemed conditionally  
6 approved by the department.

7 (f) After January 1, 2025, the department may impose  
8 additional plan requirements for any portion of a battery  
9 management plan that does not comply with this part, and any  
10 rules adopted, for a plan component that has not been approved  
11 pursuant to this section.

12 (g) Within ninety days after the department's approval of  
13 a battery management plan submitted in accordance with this  
14 section, the department shall post each battery management plan  
15 and a list identifying each of the producers participating in a  
16 battery management plan at a publicly accessible location on the  
17 department's website.

18 (h) In implementing a battery management plan approved  
19 pursuant to this part, a producer shall provide consumers with  
20 educational materials related to the producer's approved battery  
21 management plan and the collection services that are available.



1 The educational materials shall include but are not limited to  
2 information identifying the end-of-life management options that  
3 are available for propulsion batteries through the battery  
4 management plan.

5 The department shall establish a system to address consumer  
6 complaints and a public education program to assure the  
7 widespread dissemination of information concerning the purpose  
8 of this part.

9 **342I-G Recovery of costs.** (a) Upon request from the  
10 department, any costs incurred and payable from the fund as a  
11 result of electric vehicle battery cleanups and associated  
12 environmental assessments and remediation shall be recovered by  
13 the attorney general from the liable entity. The amount of any  
14 cost that may be recovered pursuant to this section for an  
15 electric vehicle battery cleanup and associated assessment and  
16 remedial action paid from the fund shall include the amount paid  
17 from the fund and legal interest.

18 (b) Moneys recovered by the attorney general pursuant to  
19 this section shall be deposited to the special account of the  
20 environmental management special fund.



1 (c) Any action for recovery of response costs shall  
2 commence within two years after the date of completion of all  
3 response actions.

4 **342I-H Entry and inspection of facilities.** The department  
5 or other authorized party may enter and inspect any building or  
6 place at any reasonable time for the purpose of:

- 7 (1) Investigating an actual or suspected violation of this  
8 part;
- 9 (2) Conducting reasonable tests;
- 10 (3) Taking samples; and
- 11 (4) Reviewing and copying records.

12 **342I-I Enforcement** The department shall enforce this  
13 part. Authorized employees of the department may issue  
14 warnings, citations, or administrative orders, or commence civil  
15 action in the appropriate circuit environmental court against  
16 persons who fail to comply with this part.

17 **342I-J Penalties.** (a) Any person that violates this part  
18 shall be fined not more than \$ for each separate  
19 offense; provided that the failure to post the notice under  
20 section 342I-F(h), following a warning issued by the director,  
21 shall be subject to a fine of \$ for each separate



1 offense. Each battery improperly disposed of or accepted shall  
2 constitute a separate offense. The fines imposed pursuant to  
3 this subsection shall be cumulative.

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

6 (c) Remedies shall be by citations, civil actions, or as  
7 provided under sections 342H-10 and 342H-11.

8 **342I-K Disposition of collected fines and penalties.**

9 Fines and penalties collected under this part shall be deposited  
10 into the environmental response revolving fund, established by  
11 section 128D-2."

12 SECTION 2. In codifying the new sections added by section  
13 1 of this Act, the revisor of statutes shall substitute  
14 appropriate section numbers for the letters used in designating  
15 the new sections in this Act.

16 SECTION 3. This Act shall take effect upon its approval.

17

INTRODUCED BY:

Lisa Morton

JAN 19 2024



# H.B. NO. 1972

**Report Title:**

DOH; Electric Vehicle Battery Recycling and Disposal Program;  
Electric Vehicles; Propulsion Batteries; Hazardous Substances;  
Fines

**Description:**

Establishes an electric vehicle battery recycling and disposal program. Prohibits disposal of propulsion batteries as solid waste. Prohibits producers of propulsion batteries from refusing propulsion batteries for reuse, remanufacturing, repurposing, or recycling. Establishes producer responsibility for propulsion batteries embedded into vehicles or sold separately in the State or through remote sale. Authorizes the Department of Health to inspect any place, building, or premise and issue warnings and citations for failure to comply. Establishes requirements for a battery management plan. Establishes fines.

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