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## A BILL FOR AN ACT

RELATING TO RECYCLING.

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

1       SECTION 1. The legislature finds that the improper  
2 disposal of batteries and battery-embedded products creates  
3 significant safety and environmental dangers. For example, in  
4 2016, a four-alarm fire at a material recovery facility in San  
5 Mateo County, California, caused millions of dollars in damage.  
6 The fire was likely caused by a rechargeable battery.

7       In particular, lithium-ion batteries pose significant fire  
8 risks, with well-publicized incidents having occurred in homes  
9 and airliners. Despite laws regulating the disposal of  
10 lithium-ion batteries, many are improperly discarded and end up  
11 in landfills or other inappropriate parts of the solid waste  
12 system. The improper disposal of rechargeable lithium-ion  
13 batteries in the State's landfills creates unnecessary safety  
14 hazards for workers and surrounding residents, while also posing  
15 environmental threats to the State's land and water resources,  
16 including the aquifer.



1       The legislature finds that the lack of accessible recycling  
2 options causes many batteries to be improperly disposed of in  
3 landfills. The legislature further finds that requiring  
4 lithium-ion battery producers to play a more active role in the  
5 recovery and recycling of their products will help to ensure  
6 that lithium-ion batteries stay out of the State's landfills.

7       Accordingly, the purpose of this Act is to expand the  
8 Electronic Device Recycling and Recovery Act to include the  
9 collection and recycling of certain lithium-ion batteries.

10       SECTION 2. Section 339D-1, Hawaii Revised Statutes, is  
11 amended by adding four new definitions to be appropriately  
12 inserted and to read as follows:

13       "Covered battery":

14       (1) Means a lithium-ion battery device consisting of one  
15       or more electrically connected electrochemical cells  
16       designed to receive, store, and deliver electric  
17       energy;

18       (2) Includes a lithium-ion battery that is:

19       (A) A loose battery that is either sold separately  
20       from a product or that is designed to be easily



1 removed from a product by the user of the product  
2 with no more than common household tools; and

3 (B) A battery that is packed with, but not installed  
4 in, the product that the battery is intended to  
5 power, when the product is offered for sale by a  
6 manufacturer; and

7 (3) Does not include:

8 (A) A non-rechargeable battery;

9 (B) A rechargeable battery weighing more than five  
10 kilograms and having a watt-hour rating of more  
11 than three hundred watt-hours;

12 (C) A battery contained in a motor vehicle.

13 (D) A class I device as defined in title 21 United  
14 States Code section 360c that is either:

15 (i) A device described in title 42 Code of  
16 Federal Regulations section 414.202; or

17 (ii) Predominantly used in a health care setting  
18 by a health care provider or predominantly  
19 prescribed by a health care provider;

20 (E) A class II or class III device as defined in  
21 title 21 United States Code section 360c; and



1           (F) A battery that has been recalled.

2           "Electrochemical cell" means a system consisting of an  
3 anode, a cathode, and an electrolyte, plus electrical or  
4 mechanical connections needed to allow the cell to deliver or  
5 receive electric energy.

6           "Lithium-ion battery" means a rechargeable battery that  
7 uses lithium ions as the primary component of its electrolyte.

8           "Motor vehicle" has the same meaning as in section 291C-1;  
9 provided that, for purposes of this chapter, "motor vehicle"  
10 does not include a motorized scooter, motorized skateboard,  
11 motorized hoverboard, or a vehicle intended to propel or move  
12 upon a highway only one individual person or property."

13           SECTION 3. Section 339D-1, Hawaii Revised Statutes, is  
14 amended by amending the definition of "electronic device" to  
15 read as follows:

16           ""Electronic device":

17           (1) Means:

18                   (A) A computer, computer printer, computer monitor,  
19                   or portable computer with a screen size greater  
20                   than four inches measured diagonally; ~~and~~



(B) Any device that is capable of receiving broadcast, cable, or satellite signals and displaying television or video programming, including any direct view or projection television with a viewable screen of nine inches or larger with display technology based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology; and

(C) A covered battery; and

(2) Shall not include:

(A) An electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a motor vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;

(B) An electronic device that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting,



1 including diagnostic, monitoring, or control  
2 equipment;

3 (C) An electronic device that is contained within a  
4 clothes washer, clothes dryer, refrigerator,  
5 refrigerator and freezer, microwave oven,  
6 conventional oven or range, dishwasher, room air  
7 conditioner, dehumidifier, or air purifier;

8 (D) A telephone of any type including a mobile  
9 telephone; or

10 (E) A global positioning system."

11 SECTION 4. Section 339D-7.5, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 **"§339D-7.5 Manufacturer and agent responsibilities;**  
14 **regulatory compliance.** Each manufacturer shall be responsible  
15 for ensuring that the manufacturer and its agents follow all  
16 federal, state, and local regulations when collecting,  
17 transporting, and recycling electronic devices, and adopt  
18 environmentally sound recycling practices for the electronic  
19 devices. The manufacturer shall ensure that the manufacturer  
20 and its agents collect, store, transport, and recycle covered  
21 batteries in a safe manner."



SECTION 5. Section 339D-23, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) By September 1, 2022, and annually thereafter, each manufacturer shall submit a plan to the department to establish, conduct, and manage a program for the recycling of electronic devices sold in the State, which shall be subject to the following conditions:

(1) The plan shall not permit the charging of a fee at the point of collection if the electronic device is brought by the electronic device owner to a central location for recycling; provided that the plan may include a reasonable transportation fee if the manufacturer or manufacturer's agent removes the electronic device from the owner's premises at the owner's request and if the removal is not in conjunction with delivery of a new electronic device to the owner;

(2) The plan shall include a description of the methods for the convenient collection of electronic devices at no cost to the owner, except as provided in paragraph (1). The recycling plan shall provide for collection



1 services of electronic devices in each county and zip  
2 code tabulation area, as defined by the United States  
3 Census Bureau, with a population greater than  
4 twenty-five thousand. The recycling plan shall  
5 include at least one of the following:

6 (A) Staffed drop-off sites;

7 (B) Alternative collection services, including  
8 on-site pick-up services; or

9 (C) Collection events held at an easily accessible,  
10 central location;

11 (3) The plan shall provide collection services at a  
12 minimum of once per month;

13 (4) The plan shall not contain only a mail-back option;

14 (5) For the recycling of covered batteries, the plan shall  
15 specify the manner in which collection sites,  
16 services, and events will be operated to ensure that  
17 covered batteries are collected safely and handled in  
18 accordance with all applicable federal, state, and  
19 county laws and ordinances;





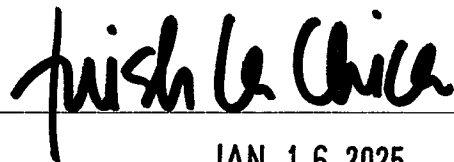
1       ~~[(5)]~~ (6)   The plan shall specify the use of only collectors  
2                   registered with the State pursuant to section 339D-28;  
3                   and

4       ~~[(6)]~~ (7)   The plan shall specify the use of recyclers that  
5                   have achieved and maintained third-party accredited  
6                   certification from the Responsible Recycling Standard  
7                   for Electronics Recyclers (R2), Standard for  
8                   Responsible Recycling and Reuse of Electronic  
9                   Equipment (e-Stewards), or an internationally  
10                  accredited third-party environmental management  
11                  standard for the safe and responsible handling of  
12                  electronic devices."

13       SECTION 6.   Statutory material to be repealed is bracketed  
14   and stricken.   New statutory material is underscored.

15       SECTION 7.   This Act shall take effect on January 1, 2026.

16                   INTRODUCED BY:



JAN 16 2025



# H.B. NO. 332

**Report Title:**

Lithium-ion Batteries; Recycling; Electronic Device Recycling and Recovery Act; DOH; Extended Producer Responsibility; E-Waste

**Description:**

Expands the Electronic Device Recycling and Recovery Act to include the collection and recycling of certain lithium-ion batteries. Requires manufacturers of lithium-ion batteries to recycle or arrange for the recycling of lithium-ion batteries sold in the State, and ensure the safe collection, storage, transportation, and recycling of batteries.

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

