

HOUSE BILL No. 2567

By Committee on Agriculture and Natural Resources

Requested by Alex Orel on behalf of the National Waste & Recycling Association

1-27

1 AN ACT concerning the environment; enacting the safe battery collection
2 and recycling act; prohibiting the sale of covered batteries or battery-
3 containing products unless the producer is part of a battery stewardship
4 organization with an approved plan; requiring battery stewardship
5 organizations to submit a battery stewardship plan to the secretary of
6 health and environment for approval; providing the responsibilities of
7 battery stewardship organizations, including cost coverage and
8 reimbursement to local governments; mandating the collection of
9 covered batteries and setting criteria for collection sites and events;
10 promoting the implementation of the battery stewardship plan through
11 education, outreach and safety training; requiring annual reports from
12 battery stewardship organizations, detailing financials, collection data
13 and outreach efforts; mandating the department to publish approved
14 plans and reports on its website, while protecting proprietary
15 information; providing liability protection for compliance with an
16 approved battery stewardship plan; allowing independent fee-based
17 collection services under certain conditions; prohibiting improper
18 disposal of covered batteries and outlining responsibilities for waste
19 facilities; establishing penalties for violations of the act, including false
20 statements and fee nonpayment; directing the department to review
21 studies on expanding coverage to other products or batteries; allowing
22 battery stewardship organizations to recover costs from noncompliant
23 producers through civil actions; establishing the battery stewardship
24 fund for administering the act; authorizing the secretary to adopt rules
25 and regulations for the administration of the act; limiting the number of
26 full time equivalent positions that the department can fill to administer
27 and enforce the act; amending K.S.A. 65-3427 and repealing the
28 existing section.
29

30 *Be it enacted by the Legislature of the State of Kansas:*

31 New Section 1. (a) Sections 1 through 17, and amendments thereto,
32 shall be known and may be cited as the safe battery collection and
33 recycling act.

34 (b) (1) It is in the public interest of the citizens of Kansas to
35 encourage the recovery and reuse of materials, such as metals, that replace

1 the output of mining and other extractive industries.

2 (2) Without a dedicated battery stewardship program, battery user
3 confusion regarding proper management options for portable and medium-
4 format batteries will persist.

5 (3) Ensuring the proper handling, recycling and end-of-life
6 management of used portable and medium-format batteries prevents the
7 release of toxic materials into the environment and removes materials from
8 the waste stream that, if mishandled, may present safety concerns to
9 workers, such as igniting fires at recycling and solid waste handling
10 facilities. For this reason, batteries should not be placed into commingled
11 recycling containers or disposed of by traditional garbage collection
12 containers.

13 (4) Jurisdictions around the world have successfully implemented
14 battery stewardship laws that have helped address the challenges posed by
15 the end-of-life management of portable and medium-format batteries.
16 Since it is difficult for businesses and consumers to differentiate between
17 types and chemistries of batteries, it is the best practice for battery
18 stewardship programs to collect all portable battery types and chemistries.

19 New Sec. 2. As used in this act, unless the context requires otherwise:
20 (a) "Act" means the safe battery collection and recycling act.

21 (b) (1) "Battery-containing product" means a product that contains or
22 is packaged with a covered battery.

23 (2) "Battery-containing product" does not include computers, small-
24 scale servers, computer monitors, electronic keyboards and mice, printers,
25 fax machines, scanners, televisions, digital video disc players and
26 recorders, video cassette recorders, digital converter boxes, cable
27 receivers, satellite receivers, portable digital music players and video game
28 consoles.

29 (c) "Battery stewardship organization" means an organization
30 designated by a producer or a group of five or more producers that directly
31 implements a battery stewardship plan approved by the department under
32 section 4, and amendments thereto.

33 (d) "Collection event" means the same as defined in a battery
34 stewardship plan approved by the secretary under section 4, and
35 amendments thereto.

36 (e) (1) "Covered battery" means a portable battery or a medium
37 format battery.

38 (2) "Covered battery" does not include:

39 (A) A battery that is contained in a medical device regulated under
40 the federal food, drug, and cosmetic act, 21 U.S.C. 301 et seq., as in effect
41 on July 1, 2026, and that is not designed or marketed for sale or resale at
42 retail locations for personal use;

43 (B) a battery that contains an electrolyte as a free liquid or a product

1 that contains such a battery;

2 (C) a battery that is designed to power a motor vehicle, part of a
3 motor vehicle or a component part of a motor vehicle assembled by or for
4 a vehicle manufacturer or franchise dealer, including replacement parts for
5 use in a motor vehicle;

6 (D) a battery in a product that is not intended or designed to be easily
7 removed from the product;

8 (E) a battery or battery-containing product that is being recalled for
9 safety reasons; or

10 (F) a battery or battery-containing product offered for resale by a
11 business that, as part of its operations, offers products for resale to other
12 businesses or to consumers.

13 (f) "Damaged and defective batteries" means batteries that:

14 (1) Have been damaged or identified by the manufacturer as being
15 defective for safety reasons; and

16 (2) have the potential to produce a dangerous evolution of heat or fire
17 or short circuit.

18 (g) "Department" means the department of health and environment;

19 (h) "Medium format battery" means any of the following:

20 (1) For batteries that are not capable of being recharged, a battery that
21 weighs more than $4\frac{4}{10}$ pounds but not more than 25 pounds; or

22 (2) for rechargeable batteries, a battery that weighs more than 11
23 pounds or that has a rating of more than 300 watt-hours, or both, but does
24 not weigh more than 25 pounds or have a rating of more than 2,000 watt-
25 hours.

26 (i) "Portable battery" means any of the following:

27 (1) For batteries that are not capable of being recharged, a battery that
28 weighs not more than $4\frac{4}{10}$ pounds; or

29 (2) for rechargeable batteries, a battery that weighs not more than 11
30 pounds and that has a rating of not more than 300 watt-hours.

31 (j) (1) "Producer" means a person who sells, offers for sale or
32 distributes for sale a covered battery or battery-containing product in this
33 state and is any of the following:

34 (A) If the covered battery or battery-containing product is sold under
35 a brand of the battery's or product's manufacturer, the person who
36 manufactures the battery or product;

37 (B) if the covered battery or battery-containing product is sold under
38 a retail brand or under a brand owned by a person other than the battery's
39 or product's manufacturer, the person that owns the brand;

40 (C) if subparagraphs (A) and (B) do not apply, the person that is the
41 licensee of a brand or trademark under which the covered battery or
42 battery-containing product is sold, offered for sale or distributed for sale in
43 or into this state, regardless of whether the trademark is registered in this

1 state;

2 (D) if subparagraphs (A) through (C) do not apply to any person
3 within the United States, the person that is the importer of record for the
4 covered battery or battery-containing product that is brought into the
5 United States for the purpose of selling, offering for sale or distributing for
6 sale the battery or product in or into this state; or

7 (E) if subparagraphs (A) through (D) do not apply to any person with
8 a commercial presence in this state, the person who first sells, offers for
9 sale or distributes for sale the covered battery or battery-containing
10 product in or into this state.

11 (2) "Producer" does not include a person that only sells, offers for
12 sale or distributes for sale a battery-containing product if the battery is
13 supplied by another producer that has designated a battery stewardship
14 organization to implement a battery stewardship plan and the producer
15 certifies this fact in writing to the person that only sells, offers for sale or
16 distributes for sale the battery-containing product.

17 (k) "Rechargeable battery" means a battery that contains one or more
18 voltaic or galvanic cells electrically connected to produce electric energy
19 and is designed to be recharged.

20 (l) (1) "Recycling" means preparing batteries for use in
21 manufacturing processes or for recovery of usable materials and delivering
22 the materials for use.

23 (2) "Recycling" does not include:

24 (A) Destruction by incineration or other processes;

25 (B) land disposal of recyclable materials; and

26 (C) reuse, repair or any other process through which batteries are
27 returned in their original form.

28 (m) "Recycling efficiency rate" means the percentage calculated by
29 dividing the weight of components and materials recycled by a battery
30 stewardship organization by the weight of covered batteries collected by
31 the battery stewardship organization.

32 (n) "Retailer" means a person that sells or offers for sale a covered
33 battery in or into this state.

34 (o) "Secretary" means the secretary of health and environment.

35 New Sec. 3. (a) (1) Beginning on January 1, 2028, no producer or
36 retailer may sell, offer for sale or distribute for sale in or into this state any
37 covered battery or battery-containing product unless the producer of the
38 covered battery or battery-containing product is a member of a battery
39 stewardship organization operating under a battery stewardship plan
40 approved by the secretary under section 4, and amendments thereto.

41 (2) This subsection does not apply to a retailer if the website
42 maintained by the department under section 9, and amendments thereto,
43 lists, as of the date that a battery or product is made available for retail

1 sale, the producer or brand of the battery or product as being covered by a
2 battery stewardship plan approved by the secretary under section 4, and
3 amendments thereto.

4 (b) (1) Beginning on January 1, 2028, no producer or retailer may
5 sell, offer for sale or distribute for sale in or into this state any covered
6 battery or battery-containing product unless the covered battery or battery
7 in the battery-containing product is marked with an identification of the
8 producer of the battery.

9 (2) This subsection does not apply if the battery is less than $\frac{1}{2}$ inch in
10 diameter or does not contain a surface with a length that exceeds $\frac{1}{2}$ inch.

11 (c) (1) Beginning on January 1, 2029, no producer or retailer may
12 sell, offer for sale or distribute for sale in or into this state any covered
13 battery or battery-containing product unless the covered battery or the
14 battery in the battery-containing product is marked to ensure proper
15 collection and recycling by:

16 (A) Identifying the chemistry of the battery; and

17 (B) including an indication that the battery should not be disposed of
18 as household waste.

19 (2) This subsection shall not apply if the battery is less than $\frac{1}{2}$ inch in
20 diameter or does not have a surface longer than $\frac{1}{2}$ inch.

21 (d) A producer, retailer or battery stewardship organization may not
22 charge a point-of-sale fee to consumers to cover the costs of implementing
23 a battery stewardship plan approved by the secretary under section 4, and
24 amendments thereto.

25 New Sec. 4. (a) Each battery stewardship organization shall submit a
26 battery stewardship plan to the secretary for review and approval by
27 January 1, 2027.

28 (b) A battery stewardship plan shall have a term of not more than five
29 years and shall include all the following:

30 (1) The names and contact information for each producer member
31 covered under a battery stewardship organization's plan;

32 (2) the brands of all the covered batteries that the battery stewardship
33 organization's producer members sell, offer for sale or distribute for sale in
34 or into this state. The battery stewardship plan shall cover all such brands;

35 (3) performance goals under the plan and a process for achieving
36 these goals. Performance goals shall include target recycling efficiency
37 rates of at least 60% for rechargeable batteries and 70% for batteries that
38 are not capable of being recharged and goals for public awareness,
39 convenience and accessibility;

40 (4) a process for making retailers aware of the prohibitions contained
41 in section 3, and amendments thereto;

42 (5) consumer awareness goals and a description of the education and
43 outreach strategy that the battery stewardship organization will implement

1 pursuant to section 7, and amendments thereto;

2 (6) a process for making available to collection sites, for voluntary
3 use, signage, written materials, and other promotional materials to inform
4 consumers of the available end-of-life management options for covered
5 batteries collected under the battery stewardship plan;

6 (7) collection site safety training procedures related to covered
7 battery collection activities at collection sites, including a description of
8 operating protocols to reduce risks of spills or fires, response protocols in
9 the event of a spill or fire and protocols for safe management of damaged
10 batteries that are returned to collection sites;

11 (8) a method for fully funding the battery stewardship organization's
12 plan in a manner that equitably distributes the plan's costs among the
13 members of the battery stewardship organization;

14 (9) provisions for collecting covered batteries at no cost, regardless of
15 the brand or producer of the covered battery, on a continuous, convenient,
16 visible and accessible basis and a description of how the battery
17 stewardship organization will comply with section 6, and amendments
18 thereto;

19 (10) the addresses of collection sites that will accept covered batteries
20 under the plan and the criteria used to determine whether an entity may
21 serve as a collection site;

22 (11) the names of proposed service providers, including sorters,
23 transporters and processors, to be used for the final disposition of batteries;

24 (12) provisions for recordkeeping, tracking and documenting the
25 management and disposition of collected covered batteries; and

26 (13) an explanation for any delay anticipated by the battery
27 stewardship organization in managing medium-format batteries.

28 (c) A battery stewardship organization whose battery stewardship
29 plan is approved under this section shall submit a new plan to the
30 department for approval not fewer than once every five years. If the
31 performance goals under the previously approved plan are not met, the
32 new plan shall include corrective measures implemented by the battery
33 stewardship organization to meet those goals, which may include
34 improvements to the collection site network or increased expenditures for
35 education and outreach.

36 (d) A battery stewardship organization whose battery stewardship
37 plan is approved under this section shall provide plan amendments to the
38 secretary for approval when proposing any material changes to an
39 approved plan.

40 (e) (1) Within 120 days after receiving a proposed battery
41 stewardship plan or a proposed amendment described in subsection (d), the
42 secretary shall approve, conditionally approve or deny the plan or
43 amendment.

1 (2) If the secretary denies the plan or amendment:

2 (A) The department shall notify in writing the battery stewardship
3 organization of the denial and explain how the proposed plan or
4 amendment does not comply with this act;

5 (B) the battery stewardship organization shall submit a revised plan
6 or amendment or notice of plan or amendment withdrawal within 60 days
7 after the denial; and

8 (C) the secretary shall approve or deny the revised plan or
9 amendment within 90 days after resubmittal. The denial of a revised plan
10 or amendment may be appealed, and the appeal shall be in accordance
11 with the Kansas administrative procedure act, K.S.A. 77-501 et seq., and
12 amendments thereto.

13 (f) A battery stewardship organization operating under a plan
14 approved by the secretary under this section shall notify the department
15 within 90 days of:

16 (1) A producer beginning or ceasing participation in the battery
17 stewardship organization; or

18 (2) adding or removing a processor or transporter under the approved
19 plan.

20 (g) (1) A battery stewardship organization shall pay a fee to the
21 department upon approval of a plan under this section or on January 1,
22 2027, whichever is later, and on an annual basis thereafter.

23 (2) The secretary shall set the fee amount. Such fee amount shall be
24 sufficient to cover all costs incurred by the department in administering
25 and enforcing this act for fiscal year 2028 and each fiscal year thereafter.

26 (3) The department shall use the battery stewardship fund to cover all
27 costs incurred in implementing, administering and enforcing the act until
28 the end of fiscal year 2027.

29 (4) Fees paid under this subsection shall be remitted to the state
30 treasurer in accordance with the provisions of K.S.A. 75-4215, and
31 amendments thereto. Upon receipt of such remittance, the state treasurer
32 shall deposit the entire amount in the state treasury to the credit of the
33 battery stewardship fund.

34 New Sec. 5. A battery stewardship organization implementing a
35 battery stewardship plan approved under section 4, and amendments
36 thereto, shall:

37 (a) Be responsible for all costs associated with implementing the
38 plan;

39 (b) reimburse local governmental units for demonstrable costs
40 incurred because of a local government facility or solid waste facility
41 serving as a collection site under the plan; and

42 (c) collect charges from participating producers sufficient to cover the
43 costs of:

1 (1) Implementation, including battery collection, transportation and
2 processing;

3 (2) education and outreach;

4 (3) program evaluations; and

5 (4) payment of the annual fee to the department under section 4, and
6 amendments thereto.

7 New Sec. 6. (a) A battery stewardship organization implementing a
8 battery stewardship plan approved under section 4, and amendments
9 thereto, shall:

10 (1) Provide for the collection of all covered batteries from any person,
11 regardless of the chemistry or brand of the battery, on a free, continuous,
12 convenient, visible and accessible basis;

13 (2) provide to collection sites under the plan, at no cost to the sites,
14 suitable collection containers for covered batteries that are segregated from
15 other solid waste, or make alternative arrangements for the collection of
16 such batteries at the site, with the agreement of the collection site;

17 (3) ensure that medium format batteries are collected only at
18 household hazardous waste collection sites or other staffed collection sites
19 that meet applicable federal, state and local requirements for managing
20 medium format batteries;

21 (4) provide for the collection of damaged and defective batteries, by
22 persons trained to handle and ship such batteries, at collection sites and at
23 each permanent household hazardous waste facility and each household
24 hazardous waste collection event provided by the department;

25 (5) ensure statewide collection opportunities for all covered batteries;

26 (6) (A) coordinate activities with others, such as electronic waste
27 recyclers and other battery stewardship organizations, to provide efficient
28 delivery of services and avoid unnecessary duplication of effort and
29 expense; and

30 (B) use existing public and private waste collection services and
31 facilities, transporters, consolidators, processors and retailers that are cost-
32 effective, mutually agreeable and otherwise practical;

33 (7) for portable batteries, provide the following within three years
34 after approval of the battery stewardship plan:

35 (A) At least one permanent collection site within a 15-mile radius for
36 at least 95% of state residents; or

37 (B) at least one collection service or collection event for each county
38 or for every 30,000 residents of a county, whichever is higher;

39 (8) for medium format batteries, provide the following within three
40 years after approval of the battery stewardship plan:

41 (A) At least 10 permanent collection sites in this state. Such sites
42 shall be reasonably dispersed throughout the state; and

43 (B) a collection event at least once every three years in each county

1 that does not have a permanent collection site. Any such collection event
2 shall provide for the collection of all medium format batteries, including
3 damaged and defective medium format batteries; and

4 (9) use as a collection site or the site of a collection event any entity
5 that meets the criteria for a collection site or collection event under an
6 approved battery stewardship plan and that requests to serve as a collection
7 site or collection event, up to the number of collection sites required to
8 comply with paragraphs (7) and (8).

9 (b) A battery stewardship organization implementing a battery
10 stewardship plan approved under section 4, and amendments thereto, may
11 issue a warning to suspend or terminate a collection site or service that
12 does not comply with the criteria contained in the approved plan or that
13 poses an immediate concern to health and safety.

14 (c) (1) A battery stewardship organization is not required to provide
15 for the collection of:

16 (A) Battery-containing products;

17 (B) covered batteries that remain contained in a battery-containing
18 product at the time of delivery to a collection site or collection event; or

19 (C) batteries or battery-containing products being recalled for safety
20 reasons.

21 (2) A battery stewardship organization may seek reimbursement from
22 the producer of a battery or battery-containing product being recalled for
23 safety reasons for the costs incurred in collecting, transporting or
24 processing such batteries or battery-containing products.

25 New Sec. 7. To promote the implementation of a battery stewardship
26 plan approved under section 4, and amendments thereto, a battery
27 stewardship organization shall:

28 (a) Develop and maintain a website;

29 (b) develop and place advertisements on social media or other
30 relevant media platforms;

31 (c) develop promotional materials about the program and the
32 restrictions on disposing of covered batteries under section 12, and
33 amendments thereto;

34 (d) develop and distribute collection site safety training procedures to
35 collection sites to help ensure proper management of covered batteries at
36 collection sites;

37 (e) provide consumer-focused educational materials to each
38 collection site used under the plan that are accessible by customers of
39 retailers that sell covered batteries or battery-containing products;

40 (f) provide safety information related to covered battery collection
41 activities to the operator of each collection site used under the plan,
42 including appropriate protocols to reduce risks of spills or fires, to respond
43 to a spill or fire and to manage a collected damaged or defective battery;

1 (g) provide educational materials to the operator of each collection
2 site used under the plan for the management of recalled batteries;

3 (h) upon request by a retailer or other potential collection site,
4 provide educational materials describing collection opportunities for
5 covered batteries;

6 (i) coordinate with other battery stewardship organizations
7 implementing a battery stewardship plan in providing education and
8 outreach under this section; and

9 (j) conduct a survey, during the first year of implementing a battery
10 stewardship plan and once every five years thereafter, of public awareness
11 of the outreach efforts undertaken pursuant to this section. The battery
12 stewardship organization shall share the survey results with the
13 department.

14 New Sec. 8. (a) Not later than June 1, 2029, and not later than June 1
15 of each year thereafter, a battery stewardship organization implementing a
16 battery stewardship plan approved under section 4, and amendments
17 thereto, shall submit to the department a report that includes:

18 (1) A summary financial statement documenting the financing of the
19 plan and an analysis of plan costs and expenditures, including an analysis
20 of the plan's expenses, such as collection, transportation, recycling,
21 education and administrative overhead. The summary financial statement
22 shall be sufficiently detailed to provide transparency showing that funds
23 collected from producers are spent on plan implementation in this state;

24 (2) the weight, by chemistry, of covered batteries collected under the
25 plan;

26 (3) the weight of materials recycled from covered batteries collected
27 under the plan, in total and by method of battery recycling;

28 (4) a calculation of the recycling efficiency rate under the plan;

29 (5) a list of all facilities used in the processing or disposition of
30 covered batteries under the plan and a summary of any violations of
31 environmental laws and regulations during the previous three years at each
32 facility;

33 (6) for each facility used for the final disposition of covered batteries
34 under the plan, a description of how the facility recycled or otherwise
35 managed batteries and battery components;

36 (7) the weight and chemistry of covered batteries sent to each facility
37 that is used for the final disposition of batteries. This information may be
38 approximated based on extrapolations of national or regional data for
39 programs in operation in multiple states;

40 (8) the estimated aggregate sales, by weight and chemistry, of
41 covered batteries, including covered batteries contained in or packaged
42 with battery-containing products, sold in this state by the battery
43 stewardship organization's participating producers for each of the previous

1 three calendar years;

2 (9) a description of how collected batteries were managed and
3 recycled, including a discussion of best available technologies and the
4 recycling efficiency rate;

5 (10) a description of education and outreach efforts supporting plan
6 implementation, including:

7 (A) A summary of education and outreach provided to consumers,
8 collection sites, manufacturers, distributors and retailers to promote the
9 collection and recycling of covered batteries;

10 (B) a description of how such education and outreach met the
11 requirements of section 7, and amendments thereto;

12 (C) samples of education and outreach materials;

13 (D) a summary of coordinated education and outreach efforts with
14 any other battery stewardship organizations implementing a battery
15 stewardship plan; and

16 (E) a summary of any changes made during the previous calendar
17 year to education and outreach activities;

18 (11) a list of all collection sites used to implement the plan, an
19 address for each listed site, a link to the website of each listed site, if
20 available, and an up-to-date map indicating the location of each site;

21 (12) a description of methods used to collect, transport and recycle
22 covered batteries under the plan;

23 (13) a summary of progress made toward the performance goals
24 under the plan and an explanation of why performance goals were not met
25 if applicable;

26 (14) an evaluation of the effectiveness of education and outreach
27 activities; and

28 (15) if a battery stewardship organization has disposed of covered
29 batteries through energy recovery, incineration or landfilling during the
30 preceding calendar year of plan implementation, the steps that the battery
31 stewardship organization will take to make the recycling of covered
32 batteries cost-effective, if possible, or to otherwise achieve an increase in
33 battery recycling efficiency rates by the battery stewardship organization.

34 (b) After five years of implementation of an approved battery
35 stewardship plan, a battery stewardship organization or a producer member
36 of such organization shall hire an independent third party to conduct a one-
37 time audit of the battery stewardship plan and plan operation. The auditor
38 shall examine the effectiveness of the battery stewardship plan in
39 collecting and recycling covered batteries. The auditor shall also examine
40 the cost-effectiveness of the plan and compare it to the cost-effectiveness
41 of collection plans and programs for covered batteries in other
42 jurisdictions. A copy of such audit shall be submitted to the department.

43 New Sec. 9. (a) Subject to subsection (b), the department shall

1 include on the department's website:

2 (1) A copy of all battery stewardship plans approved under section 4,
3 and amendments thereto, and any amendments to such plans;

4 (2) the names of the producer members covered under an approved
5 battery stewardship plan;

6 (3) a list of brands of covered batteries under an approved battery
7 stewardship plan; and

8 (4) a copy of each annual report submitted to the department under
9 section 8(a), and amendments thereto.

10 (b) Any proprietary information submitted to the department under
11 this section shall not be included on the department's website and be
12 subject to public disclosure pursuant to the Kansas open records act,
13 K.S.A. 45-215 et seq., and amendments thereto. The provisions of this
14 subsection shall expire on July 1, 2031, unless the legislature reviews and
15 reenacts this provision pursuant to K.S.A. 45-229, and amendments
16 thereto, prior to July 1, 2031.

17 New Sec. 10. A producer, retailer or battery stewardship organization
18 is not liable for any claim of a violation of antitrust laws or laws relating to
19 fraudulent, deceptive or unfair methods of competition or trade practices
20 arising from conduct that complies with a battery stewardship plan
21 approved under section 4, and amendments thereto.

22 New Sec. 11. (a) (1) Nothing in this act prevents or prohibits a person
23 from offering or performing a fee-based household collection service or a
24 mail-back service for covered batteries or a recycler located in this state
25 from offering a fee-based battery collection service for covered batteries,
26 independent from a battery stewardship organization if:

27 (A) The services are performed and facilities are operated in
28 compliance with all applicable federal, state and local laws and
29 requirements; and

30 (B) except as provided in subsection (b), all batteries collected by the
31 person or recycler from customers in this state are provided to a battery
32 stewardship organization implementing a battery stewardship plan
33 approved under section 4, and amendments thereto.

34 (2) After providing collected batteries to a battery stewardship
35 organization, any transport and processing of such batteries by the battery
36 stewardship organization shall be done at the battery stewardship
37 organization's expense.

38 (3) A battery stewardship organization may refuse to accept batteries
39 from any such person or recycler if the department is notified of the reason
40 for such refusal.

41 (b) A person or recycler described in subsection (a) may keep the
42 covered batteries collected from customers in this state for purposes of
43 recycling if such person or recycler provides collection data and recycling

1 data to the department. Such data shall include:

2 (1) The weight, by chemistry, of covered batteries collected;

3 (2) the weight of materials recycled from covered batteries collected,
4 in total and by method of battery recycling;

5 (3) a calculation of such person's or recycler's recycling efficiency
6 rate;

7 (4) a list of all facilities used in the processing or disposition of
8 covered batteries and a summary of any violations of environmental laws
9 and regulations during the previous three years at each facility;

10 (5) a description of how each facility used for the final disposition of
11 covered batteries, recycled or otherwise, manages batteries and battery
12 components; and

13 (6) the weight and chemistry of covered batteries sent to each facility
14 that is used for the final disposition of batteries.

15 (c) Such person or recycler shall not receive compensation from a
16 battery stewardship organization for any batteries collected, transported or
17 recycled under this subsection.

18 New Sec. 12. (a) Beginning on January 1, 2028:

19 (1) A person shall dispose of a covered battery only by delivery to a
20 collection site or collection event operated under a battery stewardship
21 plan approved under section 4, and amendments thereto, unless the battery
22 is regulated as hazardous waste;

23 (2) no person may knowingly cause or allow the mixing of a covered
24 battery with recyclable materials that are intended for processing and
25 sorting at a material recovery facility;

26 (3) no person may knowingly cause or allow the mixing of a covered
27 battery with municipal waste that is intended for disposal at a landfill;

28 (4) no person may knowingly cause or allow the disposal of a
29 covered battery in a landfill;

30 (5) no person may knowingly cause or allow the mixing of a covered
31 battery with waste that is intended for burning or incineration; and

32 (6) no person may knowingly cause or allow the burning or
33 incineration of a covered battery.

34 (b) An owner or operator of a solid waste facility may not be found in
35 violation of this section if the facility has posted in a conspicuous location
36 a sign stating that covered batteries shall be managed through collection
37 sites established by a battery stewardship organization and such covered
38 batteries are not accepted for disposal.

39 (c) A solid waste collector may not be found in violation of this
40 section for a covered battery placed in a disposal container by a third party.

41 (d) A battery stewardship organization shall not refuse to accept
42 covered batteries that a recycling or solid waste facility inadvertently
43 receives if the batteries are properly packaged, unless the department is

1 notified of the reason for such refusal.

2 New Sec. 13. (a) Any person who violates this act, other than a
3 violation of section 12, and amendments thereto, shall be subject to a civil
4 penalty of \$10,000 for each violation. Any person who fails to pay the fee
5 required under section 4(g), and amendments thereto, shall also be subject
6 to a civil penalty of \$10,000.

7 (b) A person who knowingly makes a false material statement to the
8 department related to a battery stewardship plan submitted under section 4,
9 and amendments thereto, shall be guilty of a severity level 8, nonperson
10 felony.

11 (c) The attorney general or the county attorney of any county in
12 which a violation of the act occurs may, in addition to any other penalty,
13 bring an action to enjoin any person from violating the act, other than a
14 violation of section 12, and amendments thereto.

15 (d) The secretary shall remit all civil penalties collected pursuant to
16 this section to the state treasurer in accordance with the provisions of
17 K.S.A. 75-4215, and amendments thereto. Upon receipt of such
18 remittance, the state treasurer shall deposit the entire amount in the state
19 treasury to the credit of the state general fund.

20 New Sec. 14. (a) The department shall review and evaluate the
21 studies and assessments carried out by Illinois, Vermont and Washington
22 regarding whether products or batteries that are not currently covered by
23 this act should be covered at a later date. The department may review
24 similar studies or assessments carried out by any other state or person.

25 (b) Not later than May 31, 2028, the department shall electronically
26 submit a report to the house standing committee on agriculture and natural
27 resources and the senate standing committee on agriculture and natural
28 resources. The report shall include the findings and recommendations of
29 any study or assessment reviewed by the department under this section.
30 The report may include recommendations for legislation based on the
31 department's evaluation of such studies and assessments.

32 New Sec. 15. (a) (1) A battery stewardship organization
33 implementing an approved battery stewardship plan may bring a civil
34 action or actions to recover costs, damages and fees as specified in this
35 subsection from a producer who sells or otherwise makes available in
36 Kansas covered batteries or battery-containing products not included under
37 an approved plan in violation of the requirements of this act.

38 (2) An action under this subsection may be brought against one or
39 more defendants. An action under this subsection shall only be brought
40 against a defendant producer:

41 (A) If the battery stewardship organization incurs costs in Kansas,
42 including legal fees and expenses and reasonable incremental
43 administrative and program promotional costs, in excess of \$1,000; and

1 (B) to collect, transport and recycle or otherwise dispose of the
2 covered batteries or battery-containing products of a nonparticipating
3 producer.

4 (b) A battery stewardship organization implementing an approved
5 battery stewardship plan may bring a civil action against a producer of a
6 recalled battery to recover costs associated with handling the recalled
7 battery, including legal fees and expenses.

8 (c) A battery stewardship organization implementing an approved
9 battery stewardship plan may:

10 (1) Bring a civil action against another battery stewardship
11 organization that underperforms on battery collection obligations under
12 this act by failing to collect and provide for the end-of-life management of
13 batteries; and

14 (2) seek a civil penalty roughly equivalent to the costs imposed on the
15 plaintiff battery stewardship organization due to the failures of the
16 defendant battery stewardship organization, plus legal fees and expenses.

17 New Sec. 16. (a) There is hereby established in the state treasury the
18 battery stewardship fund. Such fund shall be administered by the secretary
19 of health and environment. All expenditures from the battery stewardship
20 fund shall be made in accordance with appropriation acts upon warrants of
21 the director of accounts and reports issued pursuant to vouchers approved
22 by the secretary or the secretary's designee. All moneys received by the
23 secretary from or for administering the act shall be deposited in the state
24 treasury in accordance with the provisions of K.S.A. 75-4215, and
25 amendments thereto, and credited for the battery stewardship fund.

26 (b) On or before the 10th of each month, the director of accounts and
27 reports shall transfer from the state general fund to the battery stewardship
28 fund interest earnings based on:

29 (1) The average daily balance of moneys in the battery stewardship
30 fund for the preceding month; and

31 (2) the net earnings rate of the pooled money investment portfolio for
32 the preceding month.

33 New Sec. 17. The secretary may adopt rules and regulations to carry
34 out the provisions of this act.

35 Sec. 18. K.S.A. 65-3427 is hereby amended to read as follows: 65-
36 3427. The number of full-time and regular part-time positions equated to
37 full time, excluding seasonal and temporary positions, for the department
38 of health and environment for:

39 (a) Any solid waste management programs and functions pursuant to
40 K.S.A. 65-3401 through 65-3425, and amendments thereto, shall not
41 exceed 44; and

42 (b) *administering and enforcing the safe battery collection and*
43 *recycling act, sections 1 through 17, and amendments thereto, shall not*

1 *exceed two.*

2 Sec. 19. K.S.A. 65-3427 is hereby repealed.

3 Sec. 20. This act shall take effect and be in force from and after its
4 publication in the statute book.