

SENATE BILL 686

M3

5lr2428

By: **Senator Augustine**

Introduced and read first time: January 26, 2025

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Extended Producer Responsibility for Batteries and**
3 **Battery-Containing Products**
4 **(Battery Stewardship Act)**

5 FOR the purpose of requiring certain producers of batteries and battery-containing
6 products to individually or as part of a battery stewardship organization submit a
7 certain battery stewardship plan to the Department of the Environment for review
8 and approval on or before a certain date and in accordance with certain
9 requirements; prohibiting, on or after a certain date, a producer of certain batteries
10 or battery-containing products from selling, offering for sale, distributing, or
11 importing certain batteries or battery-containing products unless the producer,
12 individually or as part of a battery stewardship organization, has an approved
13 battery stewardship plan on file with the Department; requiring a battery
14 stewardship organization to pay certain costs to the Department; requiring a battery
15 stewardship program to be implemented within a certain amount of time after the
16 Department approves a certain battery stewardship plan; establishing requirements
17 for battery stewardship programs; requiring the Department to establish the Battery
18 Stewardship Advisory Council to advise on the implementation of certain provisions
19 of this Act and assist with the development and review of battery stewardship plans;
20 repealing provisions of law requiring certain batteries sold by a marketer to an end
21 user in the State to be covered by one or more unit management programs; and
22 generally relating to producer responsibility for batteries and battery-containing
23 products.

24 BY renumbering
25 Article – Environment
26 Section 9–1733 and 9–1734
27 to be Section 9–1734 and 9–1735, respectively
28 Annotated Code of Maryland
29 (2014 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1701(a) and 9–1702(a) through (c)
Annotated Code of Maryland
(2014 Replacement Volume and 2024 Supplement)

BY repealing
Article – Environment
Section 9–1701(b–1), (i–1), (o–1) through (o–3), (r–2), and (r–3)
Annotated Code of Maryland
(2014 Replacement Volume and 2024 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1701(i–2) and (r–4) and 9–1702(d)
Annotated Code of Maryland
(2014 Replacement Volume and 2024 Supplement)

BY adding to
Article – Environment
Section 9–1733; and 9–1738 through 9–1746 to be under the new part “Part VI.
Battery Stewardship Program”
Annotated Code of Maryland
(2014 Replacement Volume and 2024 Supplement)

BY repealing
Article – Environment
Section 6–1101 through 6–1114 and the subtitle “Subtitle 11. Rechargeable
Batteries”
Annotated Code of Maryland
(2013 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 9–1733 and 9–1734 of Article – Environment of the Annotated Code of
Maryland be renumbered to be Section(s) 9–1734 and 9–1735, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:

Article – Environment

9–1701.

(a) In this subtitle the following words have the meanings indicated.

[(b–1) (1) “Architectural paint” means interior and exterior architectural coatings
sold in containers of 5 gallons or less.

(2) “Architectural paint” does not include industrial coatings, original equipment coatings, or specialty coatings.]

[(i-1) “Distributor” means a company that has a contractual relationship with one or more producers to market and sell architectural paint to retailers in the State.]

[(i-2)] **(I-1)** “Food residuals” means material derived from the processing or discarding of food, including pre- and post-consumer vegetables, fruits, grains, dairy products, and meats.

[(o-1) “Paint stewardship assessment” means the amount added to the purchase price of architectural paint sold in the State that is necessary to cover the Paint Stewardship Program’s cost of collecting, transporting, and processing postconsumer paint statewide.]

[(o-2) “Postconsumer paint” means architectural paint not used and no longer wanted by a purchaser.]

[(o-3) “Producer” means a manufacturer of architectural paint that sells, offers for sale, or distributes the paint in the State under the producer’s own name or brand.]

[(r-2) “Representative organization” means a nonprofit organization created by producers to implement a Paint Stewardship Program.]

[(r-3) “Retailer” means any person that offers architectural paint for sale at retail in the State.]

[(r-4)] **(R-2)** “Sale” or “sell” means any transfer of title for consideration, including remote sales conducted through sales outlets, catalogues, the Internet, or any other similar electronic means.

9-1702.

(a) There is an Office of Recycling created within the Department.

(b) The Secretary shall appoint a Director and sufficient staff to perform the functions of the Office. After July 1, 1989, the number of staff shall be as provided in the budget.

(c) The Secretary may adopt regulations to carry out the provisions of this subtitle.

(d) The Office shall:

(1) Assist the counties in developing an acceptable recycling plan required under § 9–1703 of this subtitle and § 9–505 of this title, including technical assistance to the local governments;

(2) Coordinate the efforts of the State to facilitate the implementation of the recycling goals at the county level;

(3) Review all recycling plans submitted as part of a county plan as required under § 9–505 of this title and advise the Secretary on the adequacy of the recycling plan;

(4) Administer the Statewide Electronics Recycling Program under Part IV of this subtitle;

(5) Promote the development of markets for recycled materials and recycled products in the State in accordance with § 9–1702.1 of this subtitle; [and]

(6) Review and approve plans and annual reports, including the paint stewardship assessment, submitted in accordance with a Paint Stewardship Program established under Part V of this subtitle; AND

(7) REVIEW AND APPROVE PLANS AND ANNUAL REPORTS SUBMITTED IN ACCORDANCE WITH A BATTERY STEWARDSHIP PROGRAM ESTABLISHED UNDER PART VI OF THIS SUBTITLE.

9–1733.

(A) IN THIS PART V OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) (1) “ARCHITECTURAL PAINT” MEANS INTERIOR AND EXTERIOR ARCHITECTURAL COATINGS SOLD IN CONTAINERS OF 5 GALLONS OR LESS.

(2) “ARCHITECTURAL PAINT” DOES NOT INCLUDE INDUSTRIAL COATINGS, ORIGINAL EQUIPMENT COATINGS, OR SPECIALTY COATINGS.

(C) “DISTRIBUTOR” MEANS A COMPANY THAT HAS A CONTRACTUAL RELATIONSHIP WITH ONE OR MORE PRODUCERS TO MARKET AND SELL ARCHITECTURAL PAINT TO RETAILERS IN THE STATE.

(D) “PAINT STEWARDSHIP ASSESSMENT” MEANS THE AMOUNT ADDED TO THE PURCHASE PRICE OF ARCHITECTURAL PAINT SOLD IN THE STATE THAT IS NECESSARY TO COVER THE PAINT STEWARDSHIP PROGRAM’S COST OF COLLECTING, TRANSPORTING, AND PROCESSING POSTCONSUMER PAINT STATEWIDE.

(E) “POSTCONSUMER PAINT” MEANS ARCHITECTURAL PAINT NOT USED AND NO LONGER WANTED BY A PURCHASER.

(F) “PRODUCER” MEANS A MANUFACTURER OF ARCHITECTURAL PAINT THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE PAINT IN THE STATE UNDER THE PRODUCER’S OWN NAME OR BRAND.

(G) “REPRESENTATIVE ORGANIZATION” MEANS A NONPROFIT ORGANIZATION CREATED BY PRODUCERS TO IMPLEMENT A PAINT STEWARDSHIP PROGRAM.

(H) “RETAILER” MEANS ANY PERSON THAT OFFERS ARCHITECTURAL PAINT FOR SALE AT RETAIL IN THE STATE.

9–1736. RESERVED.

9–1737. RESERVED.

PART VI. BATTERY STEWARDSHIP PROGRAM.

9–1738.

(A) IN THIS PART VI OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “ADVISORY COUNCIL” MEANS THE BATTERY STEWARDSHIP ADVISORY COUNCIL ESTABLISHED UNDER § 9–1742 OF THIS SUBTITLE.

(C) (1) “BATTERY-CONTAINING PRODUCT” MEANS A PRODUCT THAT CONTAINS OR IS PACKAGED WITH TWO OR MORE COVERED BATTERIES.

(2) “BATTERY-CONTAINING PRODUCT” DOES NOT INCLUDE AN ELECTRONIC DEVICE THAT IS SUBJECT TO A COVERED ELECTRONIC DEVICE TAKEBACK PROGRAM IN ACCORDANCE WITH PART IV OF THIS SUBTITLE.

(D) “BATTERY STEWARDSHIP ORGANIZATION” MEANS A NONPROFIT ORGANIZATION THAT IS:

(1) EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; AND

(2) CREATED BY A GROUP OF PRODUCERS TO IMPLEMENT A BATTERY STEWARDSHIP PROGRAM IN ACCORDANCE WITH THIS SUBTITLE.

(E) “BATTERY STEWARDSHIP PLAN” MEANS A PLAN SUBMITTED TO THE DEPARTMENT BY A PRODUCER OR BATTERY STEWARDSHIP ORGANIZATION IN ACCORDANCE WITH § 9-1739 OF THIS SUBTITLE.

(F) “COLLECTION SITE” MEANS A LOCATION DESIGNATED UNDER A BATTERY STEWARDSHIP PLAN TO ACCEPT COVERED BATTERIES AND BATTERY-CONTAINING PRODUCTS FROM COVERED ENTITIES.

(G) (1) “COVERED BATTERY” MEANS A:

(I) PORTABLE BATTERY;

(II) MEDIUM-FORMAT BATTERY; OR

(III) PRIMARY BATTERY.

(2) “COVERED BATTERY” DOES NOT INCLUDE:

(I) ANY MEDICAL DEVICE, PROVIDED THAT THE MEDICAL DEVICE IS NOT DESIGNED AND MARKETING FOR SALE OR RESALE PRINCIPALLY TO CONSUMERS FOR PERSONAL USE; OR

(II) A LARGE LEAD ACID BATTERY.

(H) (1) “COVERED ENTITY” MEANS AN INDIVIDUAL OR ENTITY THAT CAN USE A BATTERY STEWARDSHIP PROGRAM AT NO COST.

(2) “COVERED ENTITY” INCLUDES:

(I) A RESIDENT OF THE STATE;

(II) A NONPROFIT ORGANIZATION LOCATED IN THE STATE;

(III) A FOR-PROFIT ENTITY LOCATED IN THE STATE; AND

(IV) A UNIT OF STATE OR LOCAL GOVERNMENT.

(I) “MEDIUM-FORMAT BATTERY” MEANS A RECHARGEABLE BATTERY THAT:

1 (1) (I) WEIGHS MORE THAN 11 POUNDS; OR

2 (II) HAS A RATING OF MORE THAN 300 WATT-HOURS;

3 (2) WEIGHS 25 POUNDS OR LESS; AND

4 (3) HAS A RATING OF 2,000 WATT-HOURS OR LESS.

5 (J) “PORTABLE BATTERY” MEANS A RECHARGEABLE BATTERY THAT:

6 (1) WEIGHS 11 POUNDS OR LESS; AND

7 (2) HAS A RATING OF 300 WATT-HOURS OR LESS.

8 (K) “PRIMARY BATTERY” MEANS A NONRECHARGEABLE BATTERY THAT:

9 (1) WEIGHS 4.4 POUNDS OR LESS;

10 (2) IS SEALED; AND

11 (3) IS OF A TYPE USED BY CONSUMERS AS A POWER SOURCE FOR
12 CONSUMER PRODUCTS.

13 (L) (1) “PRODUCER” MEANS A PERSON THAT:

14 (I) WITH RESPECT TO A COVERED BATTERY THAT IS SOLD,
15 OFFERED FOR SALE, OR DISTRIBUTED IN THE STATE:

16 1. A. HAS LEGAL OWNERSHIP OF THE BRAND OF THE
17 COVERED BATTERY UNDER WHICH THE COVERED BATTERY IS SOLD; OR

18 B. IS THE MANUFACTURER OF THE COVERED BATTERY,
19 IF THE COVERED BATTERY LACKS IDENTIFICATION OF THE BRAND;

20 2. IS THE LICENSEE OF THE BRAND OR TRADEMARK
21 UNDER WHICH THE COVERED BATTERY IS SOLD, WHETHER OR NOT THE TRADEMARK
22 IS REGISTERED IN THE STATE, IF THE COVERED BATTERY IS MANUFACTURED BY A
23 PERSON OTHER THAN THE BRAND OWNERS; OR

24 3. IS THE PERSON THAT IMPORTS THE COVERED
25 BATTERY INTO THE UNITED STATES FOR USE IN A COMMERCIAL ENTERPRISE THAT
26 SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE COVERED BATTERY IN THE STATE,
27 IF THERE IS NO PERSON DESCRIBED IN ITEMS 1 AND 2 OF THIS ITEM; AND

(II) WITH RESPECT TO A BATTERY-CONTAINING PRODUCT THAT IS SOLD, OFFERED FOR SALE, OR DISTRIBUTED IN THE STATE:

1. A. HAS LEGAL OWNERSHIP OF THE BRAND OF THE BATTERY-CONTAINING PRODUCT UNDER WHICH THE BATTERY-CONTAINING PRODUCT IS SOLD; OR

B. IS THE MANUFACTURER OF THE BATTERY-CONTAINING PRODUCT, IF THE BATTERY-CONTAINING PRODUCT LACKS IDENTIFICATION OF THE BRAND;

2. IS THE LICENSEE OF THE BRAND OR TRADEMARK UNDER WHICH THE BATTERY-CONTAINING PRODUCT IS SOLD, WHETHER OR NOT THE TRADEMARK IS REGISTERED IN THE STATE, IF THE BATTERY-CONTAINING PRODUCT IS MANUFACTURED BY A PERSON OTHER THAN THE BRAND OWNERS; OR

3. IS THE PERSON THAT IMPORTS THE BATTERY-CONTAINING PRODUCT INTO THE UNITED STATES FOR USE IN A COMMERCIAL ENTERPRISE THAT SELLS, OFFERS FOR SALE, OR DISTRIBUTES THE BATTERY-CONTAINING PRODUCT IN THE STATE, IF THERE IS NO PERSON DESCRIBED IN ITEMS 1 AND 2 OF THIS ITEM.

(2) "PRODUCER" DOES NOT INCLUDE AN ENTITY THAT HAS EXECUTED AN AGREEMENT WITH ANOTHER ENTITY, UNDER WHICH THE OTHER ENTITY HAS AGREED TO ASSUME RESPONSIBILITY UNDER A BATTERY STEWARDSHIP PROGRAM FOR ANY COVERED BATTERY OR BATTERY-CONTAINING PRODUCT ATTRIBUTABLE TO THE FIRST ENTITY.

(M) "PROGRAM" MEANS A BATTERY STEWARDSHIP PROGRAM ESTABLISHED UNDER A BATTERY STEWARDSHIP PLAN APPROVED BY THE DEPARTMENT UNDER § 9-1739 OF THIS SUBTITLE.

9-1739.

(A) (1) ON OR BEFORE JANUARY 1, 2026, THE DEPARTMENT SHALL APPROVE A SINGLE BATTERY STEWARDSHIP ORGANIZATION TO FULFILL THE REQUIREMENTS OF THIS SUBSECTION.

(2) (I) BEGINNING JULY 1, 2026, AND EACH YEAR THEREAFTER, THE BATTERY STEWARDSHIP ORGANIZATION SHALL FILE A REGISTRATION FORM WITH THE DEPARTMENT.

(II) THE REGISTRATION FORM SHALL INCLUDE:

1. A LIST OF THE PRODUCERS PARTICIPATING IN THE BATTERY STEWARDSHIP ORGANIZATION;

2. A LIST OF THE BRANDS OF EACH PRODUCER PARTICIPATING IN THE BATTERY STEWARDSHIP ORGANIZATION;

3. A LIST OF THE COVERED BATTERIES AND BATTERY-CONTAINING PRODUCTS OF EACH PRODUCER PARTICIPATING IN THE BATTERY STEWARDSHIP ORGANIZATION; AND

4. THE NAME, ADDRESS, AND CONTACT INFORMATION OF A PERSON RESPONSIBLE FOR ENSURING COMPLIANCE BY THE BATTERY STEWARDSHIP ORGANIZATION AND THE MEMBER PRODUCERS WITH THIS PART VI OF THIS SUBTITLE.

(III) AT THE TIME OF FILING THE REGISTRATION FORM, THE BATTERY STEWARDSHIP ORGANIZATION SHALL PAY TO THE DEPARTMENT AN ANNUAL REGISTRATION FEE TO COVER THE COSTS OF RECORD KEEPING, AS SET BY THE DEPARTMENT IN REGULATION.

(3) (I) ON OR AFTER JULY 1, 2029, A NONPROFIT ORGANIZATION MAY REQUEST THAT THE DEPARTMENT DESIGNATE THE NONPROFIT ORGANIZATION AS AN ADDITIONAL BATTERY STEWARDSHIP ORGANIZATION.

(II) THE DEPARTMENT MAY DESIGNATE A NONPROFIT ORGANIZATION AS AN ADDITIONAL BATTERY STEWARDSHIP ORGANIZATION IF THE DEPARTMENT DETERMINES THAT THE DESIGNATION OF THE ADDITIONAL BATTERY STEWARDSHIP ORGANIZATION IS NECESSARY TO:

1. INCREASE RECYCLING RATES; OR

2. IMPROVE RECYCLING SERVICES FOR A SPECIFIC TYPE OF COVERED BATTERY OR BATTERY-CONTAINING PRODUCT.

(III) IF THE DEPARTMENT APPROVES THE DESIGNATION OF AN ADDITIONAL BATTERY STEWARDSHIP ORGANIZATION UNDER THIS SUBSECTION, THE BATTERY STEWARDSHIP ORGANIZATION SHALL:

1. NOT LATER THAN 30 DAYS AFTER BEING APPROVED BY THE DEPARTMENT AND ON OR BEFORE JULY 1 EACH YEAR THEREAFTER, FILE A REGISTRATION FORM WITH THE DEPARTMENT CONTAINING THE INFORMATION

1 REQUIRED UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION AND PAY THE ANNUAL
2 REGISTRATION FEE DESCRIBED IN PARAGRAPH (2)(III) OF THIS SUBSECTION; AND

3 2. COORDINATE WITH THE BATTERY STEWARDSHIP
4 ORGANIZATION APPROVED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE
5 DEPARTMENT, AND LOCAL GOVERNMENTS TO ENSURE THAT:

6 A. BATTERY COLLECTION AND RECYCLING SERVICES
7 ARE PROVIDED IN A SEAMLESS MANNER; AND

8 B. PUBLIC OUTREACH, EDUCATION, AND
9 COMMUNICATION ARE PROVIDED IN A CONSISTENT MANNER.

10 (B) (1) ON OR BEFORE JULY 1, 2026, AND EVERY 5 YEARS THEREAFTER,
11 EACH PRODUCER SHALL, INDIVIDUALLY OR AS PART OF A BATTERY STEWARDSHIP
12 ORGANIZATION, SUBMIT A BATTERY STEWARDSHIP PLAN TO THE DEPARTMENT FOR
13 REVIEW AND APPROVAL.

14 (2) BEFORE SUBMITTING THE PLAN REQUIRED UNDER THIS
15 SUBSECTION TO THE DEPARTMENT, A PRODUCER OR BATTERY STEWARDSHIP
16 ORGANIZATION SHALL CONSULT WITH THE ADVISORY COUNCIL ESTABLISHED
17 UNDER § 9-1742 OF THIS SUBTITLE.

18 (3) ON OR AFTER JANUARY 1, 2027, A PRODUCER MAY NOT SELL,
19 OFFER FOR SALE, DISTRIBUTE, OR IMPORT FOR SALE OR DISTRIBUTION COVERED
20 BATTERIES OR BATTERY-CONTAINING PRODUCTS IN OR INTO THE STATE UNLESS
21 THE PRODUCER, INDIVIDUALLY OR AS PART OF A BATTERY STEWARDSHIP
22 ORGANIZATION, HAS AN APPROVED BATTERY STEWARDSHIP PLAN ON FILE WITH
23 THE DEPARTMENT.

24 (C) A BATTERY STEWARDSHIP PLAN SHALL:

25 (1) IDENTIFY THE PRODUCERS COVERED BY THE PLAN, INCLUDING
26 THE CONTACT INFORMATION FOR EACH PARTICIPATING PRODUCER AND THE
27 BATTERY STEWARDSHIP ORGANIZATION;

28 (2) IDENTIFY EACH BRAND OF COVERED BATTERY AND
29 BATTERY-CONTAINING PRODUCT COVERED BY THE PLAN;

30 (3) ESTABLISH, IN ACCORDANCE WITH SUBSECTION (D) OF THIS
31 SECTION, PERFORMANCE GOALS THAT MEASURE, ON AN ANNUAL BASIS, THE
32 ACHIEVEMENTS OF THE BATTERY STEWARDSHIP PROGRAM TO BE IMPLEMENTED BY
33 THE BATTERY STEWARDSHIP ORGANIZATION, INCLUDING:

1 (I) THE COLLECTION RATE FOR BATTERIES IN THE STATE;

2 (II) THE RECYCLING EFFICIENCY RATE OF THE PROGRAM; AND

3 (III) PUBLIC AWARENESS OF THE PROGRAM;

4 (4) DESCRIBE HOW THE PERFORMANCE GOALS ESTABLISHED UNDER
5 ITEM (3) OF THIS SUBSECTION WILL BE MET OR EXCEEDED;

6 (5) PROVIDE A LIST OF THE COLLECTION SITES SUPPORTED BY THE
7 PROGRAM, INCLUDING THE ADDRESSES OF THE COLLECTION SITES, AND DESCRIBE
8 HOW THE PROGRAM WILL PROVIDE FREE, CONVENIENT, AND EQUITABLE SERVICE
9 IN EVERY REGION OF THE STATE IN ACCORDANCE WITH SUBSECTION (E) OF THIS
10 SECTION;

11 (6) DESCRIBE, IN ACCORDANCE WITH SUBSECTION (F) OF THIS
12 SECTION, THE FINANCING METHOD THAT WILL BE USED TO IMPLEMENT THE
13 PROGRAM;

14 (7) DESCRIBE HOW STAKEHOLDER COMMENTS WERE CONSIDERED IN
15 THE DEVELOPMENT OF THE PLAN;

16 (8) DESCRIBE HOW STAFFING AND ADMINISTERING THE
17 IMPLEMENTATION OF THE PROGRAM WILL BE HANDLED;

18 (9) DESCRIBE THE ACTIONS TAKEN OR THAT WILL BE TAKEN FOR
19 PUBLIC OUTREACH, EDUCATION, AND COMMUNICATION, TAKING INTO ACCOUNT
20 THAT PUBLIC OUTREACH, EDUCATION, AND COMMUNICATION SHALL:

21 (I) PROMOTE THE RESPONSIBLE END-OF-LIFE MANAGEMENT
22 OF COVERED BATTERIES AND BATTERY-CONTAINING PRODUCTS; AND

23 (II) PROVIDE INFORMATION ON HOW TO SAFELY RETURN
24 COVERED BATTERIES AND BATTERY-CONTAINING PRODUCTS FOR COLLECTION AND
25 RECYCLING;

26 (10) DESCRIBE THE PROCESS BY WHICH A LOCAL GOVERNMENT
27 FACILITY THAT ACTS AS A COLLECTION SITE UNDER THE PROGRAM MAY REQUEST
28 REIMBURSEMENT FOR COSTS ASSOCIATED WITH ACCEPTING AND STORING
29 COVERED BATTERIES AND BATTERY-CONTAINING PRODUCTS; AND

30 (11) INCLUDE ANY OTHER INFORMATION THAT IS REQUIRED BY THE
31 DEPARTMENT.

(D) THE PERFORMANCE GOALS ESTABLISHED FOR A BATTERY STEWARDSHIP PROGRAM SHALL AT A MINIMUM INCLUDE:

(1) TARGET COLLECTION RATES FOR RECHARGEABLE BATTERIES AND PRIMARY BATTERIES; AND

(2) TARGET RECYCLING EFFICIENCY RATES OF AT LEAST:

(I) 60% FOR RECHARGEABLE BATTERIES; AND

(II) 70% FOR PRIMARY BATTERIES.

(E) (1) A BATTERY STEWARDSHIP PROGRAM SHALL PROVIDE FREE, CONVENIENT, AND EQUITABLE SERVICE IN EVERY REGION OF THE STATE, SUCH THAT THE COLLECTION OF COVERED BATTERIES AND BATTERY-CONTAINING PRODUCTS IS AS EASY AS TRASH DISPOSAL.

(2) THE DEPARTMENT, IN CONSULTATION WITH THE ADVISORY COUNCIL ESTABLISHED UNDER § 9-1742 OF THIS SUBTITLE, SHALL BY REGULATION ESTABLISH REQUIREMENTS REGARDING:

(I) THE MINIMUM TOTAL NUMBER OF COLLECTION SITES PROVIDED BY A PROGRAM;

(II) THE PROXIMITY OF COLLECTION SITES TO POPULATION CENTERS; AND

(III) THE USE OF ANNUAL BATTERY COLLECTION EVENTS IN REGIONS WHERE THE ESTABLISHMENT OF A PERMANENT COLLECTION SITE IS NOT PRACTICABLE.

(3) MEDIUM-FORMAT BATTERIES MAY BE COLLECTED ONLY AT HOUSEHOLD HAZARDOUS WASTE ACCEPTANCE SITES OR OTHER STAFFED COLLECTION SITES THAT MEET APPLICABLE STATE AND FEDERAL REQUIREMENTS TO MANAGE MEDIUM-FORMAT BATTERIES.

(F) THE FINANCING METHOD THAT WILL BE USED BY A BATTERY STEWARDSHIP ORGANIZATION TO IMPLEMENT A BATTERY STEWARDSHIP PROGRAM SHALL:

(1) APPORTION ALL COSTS OF THE PROGRAM AMONG THE PRODUCERS PARTICIPATING IN THE PROGRAM;

1 **(2) BE STRUCTURED IN A MANNER THAT ENCOURAGES**
2 **PARTICIPATING PRODUCERS TO EMBRACE DESIGN ATTRIBUTES THAT REDUCE THE**
3 **ENVIRONMENTAL IMPACTS OF THEIR PRODUCTS, INCLUDING THROUGH THE USE OF**
4 **ECO-MODULATED FEES TO:**

5 **(I) ENCOURAGE DESIGNS INTENDED TO FACILITATE REUSE**
6 **AND RECYCLING;**

7 **(II) ENCOURAGE THE USE OF RECYCLED CONTENT;**

8 **(III) DISCOURAGE THE USE OF PROBLEMATIC MATERIALS THAT**
9 **INCREASE THE COSTS OF MANAGING BATTERIES; AND**

10 **(IV) ENCOURAGE OTHER DESIGN ATTRIBUTES THAT REDUCE**
11 **ENVIRONMENTAL IMPACTS OR ENHANCE THE SAFETY OF BATTERIES; AND**

12 **(3) MEET ANY OTHER REQUIREMENT ESTABLISHED BY THE**
13 **DEPARTMENT BY REGULATION.**

14 **(G) (1) WITHIN 120 DAYS AFTER RECEIVING A PROPOSED BATTERY**
15 **STEWARDSHIP PLAN, THE DEPARTMENT SHALL APPROVE, APPROVE WITH**
16 **CONDITIONS, OR REJECT THE PLAN.**

17 **(2) IN MAKING A DETERMINATION UNDER PARAGRAPH (1) OF THIS**
18 **SUBSECTION, THE DEPARTMENT SHALL CONSIDER WHETHER:**

19 **(I) THE BATTERY STEWARDSHIP PLAN COMPLIES WITH THE**
20 **REQUIREMENTS OF THIS SECTION, INCLUDING WHETHER THE FINANCING METHOD**
21 **WILL COVER THE COSTS OF IMPLEMENTING THE PROGRAM; AND**

22 **(II) THE BATTERY STEWARDSHIP ORGANIZATION ENGAGED**
23 **SUFFICIENTLY WITH STAKEHOLDERS, INCLUDING LOCAL GOVERNMENTS, IN**
24 **DEVELOPING THE PLAN.**

25 **(3) NOT LATER THAN 60 DAYS AFTER THE DATE A BATTERY**
26 **STEWARDSHIP PLAN IS INITIALLY APPROVED UNDER THIS SECTION, THE ENTITY**
27 **THAT SUBMITTED THE PLAN SHALL PAY TO THE DEPARTMENT:**

28 **(I) THE DEPARTMENT'S COST OF REVIEWING THE PLAN; AND**

29 **(II) THE DEPARTMENT'S ESTIMATED COSTS OF**
30 **ADMINISTERING, OVERSEEING, AND ENFORCING THE PLAN BETWEEN THE INITIAL**
31 **DATE OF APPROVAL AND THE DATE OF THE INITIAL ANNUAL REPORT REQUIRED**
32 **UNDER § 9-1743 OF THIS SUBTITLE.**

1 **(H) IMPLEMENTATION OF THE BATTERY STEWARDSHIP PROGRAM**
2 **DESCRIBED IN AN APPROVED BATTERY STEWARDSHIP PLAN SHALL BEGIN NOT**
3 **LATER THAN 6 MONTHS AFTER THE DATE THE PLAN IS APPROVED BY THE**
4 **DEPARTMENT.**

5 **(I) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**
6 **AND SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN APPROVED BATTERY**
7 **STEWARDSHIP PLAN SHALL EXPIRE AFTER 5 YEARS.**

8 **(2) A BATTERY STEWARDSHIP PLAN MAY CONTINUE AFTER 5 YEARS**
9 **IF IT IS RENEGOTIATED, RENEWED, OR AMENDED AND APPROVED BY THE**
10 **DEPARTMENT IN ACCORDANCE WITH THIS SUBTITLE.**

11 **(3) THE DEPARTMENT MAY RESCIND APPROVAL OF A BATTERY**
12 **STEWARDSHIP PLAN AT ANY TIME FOR GOOD CAUSE.**

13 **(4) IF THE DEPARTMENT RESCINDS AN APPROVAL OF A BATTERY**
14 **STEWARDSHIP PLAN UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE BATTERY**
15 **STEWARDSHIP ORGANIZATION MAY AMEND THE PLAN AND SUBMIT IT TO THE**
16 **DEPARTMENT FOR APPROVAL IN ACCORDANCE WITH THIS SUBTITLE.**

17 **(5) IF, BASED ON THE ANNUAL REPORT SUBMITTED UNDER § 9-1743**
18 **OF THIS SUBTITLE, THE PERFORMANCE GOALS ESTABLISHED UNDER SUBSECTION**
19 **(C)(3) OF THIS SECTION HAVE NOT BEEN ACHIEVED, THE DEPARTMENT MAY:**

20 **(I) REQUIRE THAT A BATTERY STEWARDSHIP ORGANIZATION**
21 **AMEND THE BATTERY STEWARDSHIP PLAN; AND**

22 **(II) IMPOSE A PENALTY ON A PRODUCER OR BATTERY**
23 **STEWARDSHIP ORGANIZATION IN ACCORDANCE WITH § 9-1746 OF THIS SUBTITLE.**

24 **(6) IF THE DEPARTMENT REQUIRES A BATTERY STEWARDSHIP**
25 **ORGANIZATION TO AMEND A BATTERY STEWARDSHIP PLAN UNDER PARAGRAPH (5)**
26 **OF THIS SUBSECTION, THE BATTERY STEWARDSHIP ORGANIZATION SHALL COVER**
27 **THE COST OF THE DEPARTMENT'S REVIEW AND SUPPLEMENTAL WORK ON THE**
28 **PLAN.**

29 **9-1740.**

30 **IN DESIGNING AND IMPLEMENTING A BATTERY STEWARDSHIP PROGRAM, A**
31 **BATTERY STEWARDSHIP ORGANIZATION SHALL:**

(1) USE EXISTING PUBLIC AND PRIVATE WASTE COLLECTION SERVICES AND FACILITIES, INCLUDING BATTERY COLLECTION LOCATIONS, TRANSPORTERS, CONSOLIDATORS, PROCESSORS, AND RETAILERS, IF COST-EFFECTIVE, MUTUALLY AGREEABLE, AND OTHERWISE PRACTICABLE; AND

(2) COORDINATE ACTIVITIES WITH RELEVANT OPERATORS, INCLUDING ELECTRONIC WASTE RECYCLERS, FOR THE PURPOSE OF PROVIDING THE EFFICIENT DELIVERY OF SERVICES AND AVOIDING UNNECESSARY DUPLICATION OF EFFORT.

9-1741.

(A) A BATTERY STEWARDSHIP ORGANIZATION SHALL COVER ALL COSTS OF A BATTERY STEWARDSHIP PROGRAM, INCLUDING:

(1) THE COSTS TO:

(I) COLLECT, TRANSPORT, PROCESS, AND OTHERWISE MANAGE THE COVERED BATTERIES AND BATTERY-CONTAINING PRODUCTS RETURNED BY COVERED ENTITIES;

(II) RAISE PUBLIC AWARENESS OF AND PARTICIPATION IN THE PROGRAM;

(III) REIMBURSE LOCAL GOVERNMENTS THAT SERVE AS COLLECTION SITES OR OTHERWISE ASSIST WITH IMPLEMENTING THE PROGRAM; AND

(IV) RECYCLE, REUSE, OR SAFELY DISPOSE OF COVERED BATTERIES AND BATTERY-CONTAINING PRODUCTS, INCLUDING ANY DAMAGED OR DEFECTIVE COVERED BATTERIES OR BATTERY-CONTAINING PRODUCTS, COLLECTED UNDER THE PROGRAM; AND

(2) THE ADMINISTRATIVE COSTS OF THE DEPARTMENT TO IMPLEMENT THIS PART VI OF THIS SUBTITLE.

(B) AT A MINIMUM, A BATTERY STEWARDSHIP ORGANIZATION SHALL PROVIDE AT NO COST TO COLLECTION SITES:

(1) APPROPRIATE CONTAINERS FOR COVERED BATTERIES SUBJECT TO THE BATTERY STEWARDSHIP ORGANIZATION'S PROGRAM, INCLUDING APPROPRIATE CONTAINERS FOR DAMAGED AND DEFECTIVE BATTERIES;

(2) TRAINING;

(3) SIGNAGE,

(4) SAFETY GUIDANCE; AND

(5) EDUCATIONAL MATERIALS.

9–1742.

(A) THE DEPARTMENT SHALL ESTABLISH THE BATTERY STEWARDSHIP ADVISORY COUNCIL TO:

(1) ADVISE ON THE IMPLEMENTATION OF THIS PART VI OF THIS SUBTITLE, INCLUDING THE ADOPTION OF IMPLEMENTING REGULATIONS; AND

(2) ASSIST WITH THE DEVELOPMENT AND REVIEW OF BATTERY STEWARDSHIP PLANS UNDER § 9–1739 OF THIS SUBTITLE.

(B) (1) THE ADVISORY COUNCIL SHALL CONSIST OF MEMBERS APPOINTED BY THE SECRETARY, REPRESENTING A BROAD RANGE OF INTERESTED STAKEHOLDERS, INCLUDING:

(I) REPRESENTATIVES OF LOCAL GOVERNMENT;

(II) INDUSTRY REPRESENTATIVES; AND

(III) REPRESENTATIVES OF THE ENVIRONMENTAL COMMUNITY.

(2) IN APPOINTING MEMBERS TO THE ADVISORY COUNCIL, THE SECRETARY SHALL, TO THE EXTENT PRACTICABLE, ENSURE THAT THE MEMBERSHIP OF THE ADVISORY COUNCIL REPRESENTS:

(I) ALL GEOGRAPHIC REGIONS OF THE STATE; AND

(II) LARGE AND SMALL COUNTIES AND MUNICIPALITIES.

(C) THE SECRETARY SHALL DESIGNATE THE CHAIR OF THE ADVISORY COUNCIL.

(D) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE ADVISORY COUNCIL.

(E) A MEMBER OF THE ADVISORY COUNCIL:

1 (1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE
2 ADVISORY COUNCIL; BUT

3 (2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE
4 STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

5 (F) THE ADVISORY COUNCIL SHALL MEET AT THE REQUEST OF THE
6 SECRETARY.

7 (G) THE ADVISORY COUNCIL SHALL:

8 (1) MAKE RECOMMENDATIONS TO THE DEPARTMENT REGARDING
9 BATTERY STEWARDSHIP PLAN APPROVAL;

10 (2) MAKE RECOMMENDATIONS TO THE DEPARTMENT AND BATTERY
11 STEWARDSHIP ORGANIZATIONS REGARDING PROGRAM IMPLEMENTATION; AND

12 (3) PERFORM ANY OTHER FUNCTION ASSIGNED TO THE ADVISORY
13 COUNCIL BY THE SECRETARY.

14 **9-1743.**

15 (A) BEGINNING MARCH 1, 2028, EACH BATTERY STEWARDSHIP
16 ORGANIZATION THAT HAS AN APPROVED BATTERY STEWARDSHIP PLAN ON FILE
17 WITH THE DEPARTMENT SHALL REPORT ANNUALLY TO THE DEPARTMENT ON THE
18 PROGRESS TOWARD MEETING PLAN REQUIREMENTS AND PROGRAM GOALS FOR THE
19 IMMEDIATELY PRECEDING CALENDAR YEAR.

20 (B) THE REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION
21 SHALL INCLUDE:

22 (1) A DETAILED DESCRIPTION OF THE REIMBURSEMENT METHODS
23 USED FOR COLLECTING, TRANSPORTING, AND PROCESSING COVERED BATTERIES
24 AND BATTERY-CONTAINING PRODUCTS UNDER THE PROGRAM;

25 (2) (I) THE STATUS ON ACHIEVING THE PERFORMANCE GOALS
26 ESTABLISHED UNDER § 9-1739(C)(3) OF THIS SUBTITLE; AND

27 (II) IF THE GOALS HAVE NOT BEEN ACHIEVED, A DESCRIPTION
28 OF THE ACTIONS PROPOSED TO ACHIEVE THE GOALS;

1 **(3) THE AMOUNT OF EACH CATEGORY OF COVERED BATTERIES AND**
2 **BATTERY-CONTAINING PRODUCTS COLLECTED IN THE STATE UNDER THE**
3 **PROGRAM, INCLUDING THE METHOD OF DISPOSITION OF EACH CATEGORY;**

4 **(4) THE TOTAL COST OF IMPLEMENTING THE PROGRAM;**

5 **(5) SAMPLES OF ALL EDUCATIONAL MATERIALS PROVIDED TO**
6 **COLLECTION SITES AND THE PUBLIC UNDER THE PROGRAM;**

7 **(6) A DETAILED DESCRIPTION OF THE ACTIONS TAKEN AND AN**
8 **EVALUATION OF THE METHODS USED TO DISSEMINATE EDUCATIONAL MATERIALS,**
9 **INCLUDING RECOMMENDATIONS, IF ANY, FOR HOW THE EDUCATIONAL COMPONENT**
10 **OF THE PROGRAM CAN BE IMPROVED; AND**

11 **(7) ANY OTHER INFORMATION AS REQUIRED BY THE DEPARTMENT.**

12 **(C) WHEN PROVIDING THE DEPARTMENT WITH THE ANNUAL REPORT**
13 **REQUIRED UNDER THIS SECTION, A BATTERY STEWARDSHIP ORGANIZATION SHALL**
14 **PAY TO THE DEPARTMENT THE DEPARTMENT'S ESTIMATED COSTS OF**
15 **ADMINISTERING, OVERSEEING, AND ENFORCING THE PLAN FOR THE 1 YEAR**
16 **IMMEDIATELY FOLLOWING THE ANNUAL REPORT.**

17 **(D) FINANCIAL, PRODUCTION, OR SALES DATA REPORTED TO THE**
18 **DEPARTMENT BY A BATTERY STEWARDSHIP ORGANIZATION SHALL BE KEPT**
19 **CONFIDENTIAL BY THE DEPARTMENT AND MAY NOT BE SUBJECT TO PUBLIC**
20 **INSPECTION.**

21 **(E) SUBJECT TO SUBSECTION (D) OF THIS SECTION, THE REPORT SHALL BE**
22 **POSTED ON THE WEBSITE OF THE DEPARTMENT AND THE BATTERY STEWARDSHIP**
23 **ORGANIZATION.**

24 **9-1744.**

25 **ANY PERSON PARTICIPATING IN A BATTERY STEWARDSHIP PLAN IN**
26 **COMPLIANCE WITH THIS SUBTITLE IS IMMUNE FROM LIABILITY UNDER STATE LAW**
27 **RELATING TO ANTITRUST AND RESTRAINT OF TRADE FOR ANY COOPERATED**
28 **ACTIVITIES ARISING OUT OF THE RECYCLING, REUSE, AND DISPOSAL OF PACKAGING**
29 **MATERIALS.**

30 **9-1745.**

31 **THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS**
32 **SUBTITLE.**

1 **9–1746.**

2 **THE PROVISIONS OF §§ 9–334 THROUGH 9–344 OF THIS TITLE APPLY TO**
3 **ENFORCE VIOLATIONS OF:**

4 **(1) THIS SUBTITLE;**

5 **(2) ANY REGULATION ADOPTED UNDER THIS SUBTITLE; OR**

6 **(3) ANY ORDER ISSUED UNDER THIS SUBTITLE.**

7 SECTION 3. AND BE IT FURTHER ENACTED, That Section(s) 6–1101 through
8 6–1114 and the subtitle “Subtitle 11. Rechargeable Batteries” of Article – Environment of
9 the Annotated Code of Maryland be repealed.

10 SECTION 4. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take
11 effect January 1, 2028.

12 SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section
13 4 of this Act, this Act shall take effect July 1, 2025.