

# HOUSE BILL NO. 2611

## 103RD GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE VEIT.

6327H.011

JOSEPH ENGLER, Chief Clerk

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### AN ACT

To amend chapter 701, RSMo, by adding thereto one new section relating to battery recycling, with penalty provisions.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 701, RSMo, is amended by adding thereto one new section, to be  
2 known as section 701.155, to read as follows:

**701.155. 1. This section shall be known and may be cited as the "Lithium  
2 Battery Recycling and Safety Act".**

3 **2. As used in this section, the following terms shall mean:**

4 **(1) "Battery", a medium-format rechargeable battery with a rating between  
5 three hundred to two thousand watt-hours, a lithium-ion rechargeable battery that uses  
6 lithium ions to store energy, or a portable battery that can be carried by hand and is  
7 used to charge or operate electronic devices. A "Battery" does not mean:**

8 **(a) A battery contained within a medical device;**

9 **(b) A battery that contains an electrolyte as a free liquid;**

10 **(c) A lead-acid battery of any size;**

11 **(d) A battery that is a component of a motor vehicle or intended for use  
12 exclusively in a motor vehicle; or**

13 **(e) A battery that is not intended or designed to be removed from any product  
14 that is manufactured, distributed, or sold in the state;**

15 **(2) "Battery recycling program" or "program", a battery recycling program  
16 sponsored by the department where the department provides or contracts for the  
17 transport, processing, or recycling of batteries;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18           (3) "Collection site", any location, event, or other department-approved  
19 collection service at which batteries are accepted into the battery recycling program;

20           (4) "Department", the department of natural resources;

21           (5) "Director", the director of the department of natural resources or the  
22 director's designee;

23           (6) "Representative organization", a nonprofit organization established to  
24 implement the battery recycling program.

25           3. Any person or entity engaged in the manufacture, distribution, or sale of  
26 batteries in the state shall establish or join a representative organization. The  
27 representative organization shall develop and submit to the director for the director's  
28 approval a plan for the establishment of a battery recycling program no less than every  
29 five years. The plan shall:

30           (1) List contact information of each person or entity engaged in the  
31 manufacture, distribution, or sale of batteries and battery brands covered by the  
32 program;

33           (2) Describe the education and communication strategies used to promote  
34 participation in the battery recycling program;

35           (3) Describe the methods of funding the battery recycling program in a manner  
36 that equitably distributes the program's costs between the members of the  
37 representative organization;

38           (4) Establish battery collection rate goals for every year for the first three years  
39 after the implementation of the program that are based on the estimated total weight of  
40 batteries that have been sold in the state in the previous three calendar years prior to the  
41 implementation of the program;

42           (5) Identify proposed battery collection service providers, including sorters,  
43 transporters, or processors, to be used by the program for the final disposition of  
44 batteries;

45           (6) Establish a goal for the number and geographic distribution of sites for the  
46 collection of batteries;

47           (7) Describe how the program will compensate service providers for activities  
48 conducted under the program including, but not limited to, collection, transportation,  
49 and final disposition of batteries;

50           (8) Describe the public outreach methods used to increase the public awareness  
51 of the program; and

52           (9) List any other information the department deems relevant.

53           4. The department shall enforce the representative organization's compliance  
54 with the plan under subsection 3 of this section and may, by regulation or by using

55 existing regulations promulgated under sections 260.230, 260.240, and 260.249, establish  
56 enforcement procedures and penalties.

57       **5. After the program is implemented, a person or an entity shall not**  
58 **manufacture, distribute, sell, or make available for sale batteries in the state unless**  
59 **the person or entity participates in a battery recycling program. A person or an entity**  
60 **shall not charge a point-of-sale fee to consumers to cover the costs of the battery**  
61 **recycling program.**

62       **6. After the program is implemented, all batteries shall be disposed of only into**  
63 **receptacles at collection sites approved by the program. A battery shall not be disposed**  
64 **of into any household waste or household recycling receptacle or container.**

65       **7. A person or an entity engaged in the manufacture, distribution, or sale of**  
66 **batteries shall be deemed to be in compliance with this section if on the date a battery is**  
67 **offered for sale, the person or entity is listed on the department's website as being**  
68 **included in the program.**

69       **8. Any person may report violations of this section to the department. If the**  
70 **department finds that the person or entity engaged in the manufacture, distribution, or**  
71 **sale of batteries violated provisions of this section, the department shall ask the attorney**  
72 **general to commence a civil action in a court of competent jurisdiction. If the court**  
73 **finds that the person or entity violated provisions of this section, the court may grant**  
74 **injunctive relief, damages, attorney's fees, and any other relief the court finds**  
75 **appropriate.**

76       **9. By June 1, 2028, and by June first of each following year, a representative**  
77 **organization shall submit an annual report to the department covering the preceding**  
78 **calendar year of the battery recycling program. The report shall contain the following:**

79       **(1) An independent financial assessment of the program by a third-party**  
80 **assessor, including a breakdown of the program's expenses including, but not limited to,**  
81 **collection expenses, recycling expenses, and public outreach expenses;**

82       **(2) The annual weight of batteries collected under the program;**

83       **(3) The collection rate achieved under the program, including a description of**  
84 **how the collection rate was calculated;**

85       **(4) A list of all facilities used in the collection, transportation, processing, or**  
86 **disposition of batteries;**

87       **(5) The estimated aggregate sales of batteries sold in the state; and**

88       **(6) Any other information the department deems relevant.**

89       **10. The report under subsection 9 of this section shall be posted on the**  
90 **department's website and on the websites of the representative organizations.**

91           **11. The department shall promulgate rules to implement the provisions of this**  
92 **section. Any rule or portion of a rule, as that term is defined in section 536.010, that is**  
93 **created under the authority delegated in this section shall become effective only if it**  
94 **complies with and is subject to all of the provisions of chapter 536 and, if applicable,**  
95 **section 536.028. This section and chapter 536 are nonseverable and if any of the powers**  
96 **vested with the general assembly pursuant to chapter 536 to review, to delay the**  
97 **effective date, or to disapprove and annul a rule are subsequently held unconstitutional,**  
98 **then the grant of rulemaking authority and any rule proposed or adopted after August**  
99 **28, 2026, shall be invalid and void.**

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