

A bill for an act

relating to environment; establishing stewardship program for circuit boards, batteries, and electrical products; prohibiting mercury in batteries; authorizing rulemaking; appropriating money; amending Minnesota Statutes 2024, sections 115.071, subdivision 1; 115A.121; 115A.554; 116.92, subdivision 6, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 2024, sections 115A.1310, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12a, 12b, 12c, 13, 14, 15, 17, 18, 19, 20; 115A.1312; 115A.1314; 115A.1316; 115A.1318; 115A.1320; 115A.1322; 115A.1323; 115A.1324; 115A.1326; 115A.1328; 115A.1330; 115A.9155; 115A.9157, subdivisions 1, 2, 3, 5, 6, 7, 8, 9; 115A.961, subdivisions 1, 2, 3; 325E.125; 325E.1251.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2024, section 115.071, subdivision 1, is amended to read:

Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.755, this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to ~~325E.125~~ 325E.12 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance, and permits adopted or issued by the agency thereunder or under any other law now in force or hereafter enacted for the prevention, control, or abatement of pollution may be enforced by any one or any combination of the following: criminal prosecution; action to recover civil penalties; injunction; action to compel or cease performance; or other appropriate action, in accordance with the provisions of said chapters and this section.

EFFECTIVE DATE. This section is effective January 1, 2028.

Sec. 2. Minnesota Statutes 2024, section 115A.121, is amended to read:

**115A.121 TOXICS AND POLLUTION PREVENTION EVALUATION;
CONSOLIDATED REPORT.**

The commissioner shall prepare and adopt a report on pollution prevention activities required in chapters 115A, 115D, and 325E. ~~The report must include activities required under section 115A.1320.~~ The commissioner must submit the report to the senate and house of representatives committees having jurisdiction over environment and natural resources by December 31, 2013, and every four years thereafter.

EFFECTIVE DATE. This section is effective January 1, 2027.

**Sec. 3. [115A.1331] STEWARDSHIP PROGRAM FOR CIRCUIT BOARDS,
BATTERIES, AND ELECTRICAL PRODUCTS; DEFINITIONS.**

(a) The terms used in sections 115A.1331 to 115A.1347 have the meanings given in this section.

(b) "Battery" means one or more galvanic cells , including any structural members, insulative casing, and terminals.

(c) "Board" means the Covered Products Reimbursement Board established under section 115A.1333.

(d) "Brand" means a trademark, including both a registered and an unregistered trademark; a logo; a name; a symbol; a word; an identifier; or a traceable mark that identifies a covered product or other electrical product and identifies the owner or licensee of the brand as the producer of the product.

(e) "Circuit board" means a nonconductive substrate onto which one or more layers of conductive paths have been printed or wires attached for mounting and interconnecting electronic components, such as resistors, capacitors, diodes, transistors, integrated circuit chips, and connecting wires. Circuit boards include printed circuit boards, printed wiring boards, and any other style or type of circuit board.

(f) "Collection site" means a physical location where a collector collects covered products and other electrical products from members of the public and businesses. Collection site includes a location regardless of whether it is operated permanently, temporarily, or for purposes of a collection event.

(g) "Collector" means a person that collects covered products and other electrical products on behalf of the stewardship organization and receives reimbursement from the stewardship organization for the collector's costs to collect and manage the products.

(h) "Covered battery" means a battery of any type, physical size, or energy capacity except:

(1) a lead-acid battery subject to sections 325E.115 and 325E.1151; or

(2) a battery from an appliance or tool designed, manufactured, and intended solely for use in manufacturing, industrial, or other commercial settings.

(i) "Covered circuit board" means any circuit board except a circuit board from:

(1) a major appliance;

(2) an appliance or tool powered by electrical power of equal to or greater than 240 volts alternating current; or

(3) an appliance or tool designed, manufactured, and intended solely for use in manufacturing, industrial, or other commercial settings.

(j) "Covered product" means:

(1) a covered circuit board;

(2) a covered battery;

(3) a cathode-ray tube; and

(4) a product that has a covered circuit board, a covered battery, or a cathode-ray tube contained within it or otherwise attached or connected to it, except;

(i) a medical device meeting the definition of a device under United States Code, title 21, section 321, unless it is marketed for use in a household, as defined in section 115A.96; and

(ii) a motor vehicle, as defined in section 168.002.

(k) "Covered services" means collection, sorting, storage, transport, processing, repair, refurbishment, reuse, recycling, or disposal of covered products, other electrical products, and residual materials.

(l) "De minimis producer" means a producer that, in the most recent calendar year, had fewer than 100 covered products that were sold in or into the state and for which the producer was responsible.

(m) "Facilitate a sale" means to assist a person in transferring title or possession of a covered product or other electrical product, regardless of whether title or possession is ever acquired by the person facilitating a sale, such as by operating an online marketplace, publishing an offer for sale on a website, physically storing inventory of products, entering into a contract to allow another person to list a product for sale, processing payment on behalf of another person, entering into a contract with a buyer or a seller related to a sale, or otherwise providing a sales process. Facilitate a sale does not include acting solely as:

(1) an advertiser;

(2) a payment processor; or

(3) a common carrier.

(n) "Full collection site" means a collection site that meets the requirements of section 115A.1341, subdivision 1, paragraph (b).

(o) "Household hazardous waste collection program" means a program established under section 115A.96 to collect and manage household hazardous waste as defined in that section.

(p) "Independent auditor" means an independent and actively licensed certified public accountant that is:

(1) retained by the stewardship organization;

(2) not otherwise employed by or affiliated with the stewardship organization; and

(3) qualified to conduct an audit under section 115A.1337, subdivision 5, paragraph (b), clause (6).

(q) "Organohalogenated chemical" has the meaning given in section 325F.071.

(r) "Other electrical product" means an appliance or tool that is powered by electricity provided through a flexible cord with an attached standardized plug intended for temporary, manual connection to the electrical distribution system in a residential or commercial structure. Other electrical product does not include:

(1) a covered product;

(2) a major appliance;

(3) an appliance or tool powered by electrical power of greater than 240 volts alternating current; or

(4) an appliance or tool designed, manufactured, and intended solely for use in manufacturing, industrial, or other commercial settings.

5.1 (s) "Partial collection site" means a collection site that meets the requirements of section
5.2 115A.1341, subdivision 1, paragraph (c), and does not meet the requirements of paragraph
5.3 (b) of that subdivision.

5.4 (t) "Participant" means a producer that is named by the stewardship organization as
5.5 meeting the producer's obligations under sections 115A.1331 to 115A.1347 to contract with
5.6 a stewardship organization and to pay for a stewardship program that meets the producer's
5.7 obligations on the producer's behalf.

5.8 (u) "Producer" means, with respect to a covered product or other electrical product that
5.9 is sold, including online sales; offered for sale or promotional purposes; or distributed in
5.10 or into the state:

5.11 (1) a person that manufactured:

5.12 (i) the covered product;

5.13 (ii) any component of the covered product if the component is also a covered product;

5.14 or

5.15 (iii) the other electrical product;

5.16 (2) a person that imported into the United States:

5.17 (i) the covered product;

5.18 (ii) any component of the covered product if the component is also a covered product;

5.19 or

5.20 (iii) the other electrical product; and

5.21 (3) a person that owns or controls or is licensed to use a brand under which the covered
5.22 product or other electrical product is sold, including online sales; offered for sale or
5.23 promotional purposes; or distributed in or into the state.

5.24 (v) "Responsible market" means a market for covered products and other electrical
5.25 products, for reusable or repairable components of covered products and other electrical
5.26 products, for reclaimed materials from covered products and other electrical products, or
5.27 for any other recyclable residues from covered products and other electrical products that:

5.28 (1) reuses, recycles, or otherwise recovers materials and disposes of contaminants in a
5.29 manner that protects the environment and minimizes risks to public health and worker health
5.30 and safety;

(2) complies with all applicable federal, state, and local statutes, rules, ordinances, and other laws governing environmental, health, safety, and financial responsibility;

(3) possesses all licenses and permits required by a federal or state agency or political subdivision;

(4) if operating in the state, recycles covered products and other electrical products to the maximum extent practicable in accordance with section 115A.02, paragraph (b); and

(5) minimizes adverse impacts to environmental justice areas.

(w) "Stewardship organization" means a nonprofit organization as described in section 501(c)(3) of the Internal Revenue Code that enters into a contract with producers to draft and submit a plan for, implement, and administer a stewardship program under sections 115A.1331 to 115A.1347 on the producers' behalf.

(x) "Stewardship plan" means a plan that is prepared according to section 115A.1335 and submitted to the commissioner by a stewardship organization.

(y) "Stewardship program" means a system implemented by a stewardship organization that provides and pays for covered services and all other activities described in a stewardship plan approved by the commissioner under section 115A.1335, subdivision 4.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. [115A.1333] COVERED PRODUCTS REIMBURSEMENT BOARD.

Subdivision 1. **Establishment.** The Covered Products Reimbursement Board is established to recommend reimbursement rates to the commissioner. Except as provided in this section, chapter 15 does not apply to the board.

Subd. 2. **Membership.** (a) By January 1, 2026, the commissioner must appoint the initial membership of the Covered Products Reimbursement Board. Membership must consist of:

(1) two members representing household hazardous waste collection programs ;

(2) two members representing collectors, according to paragraph (c); and

(3) four members representing and nominated by the stewardship organization.

(b) In making appointments under paragraph (a), the commissioner may not appoint persons who are:

(1) current or elected Minnesota state representatives or senators;

(2) required to register as lobbyists under section 10A.03; or

(3) employees of the agency.

(c) Initial appointments under paragraph (a), clause (2), must represent potential collectors. After January 1, 2028, whenever the terms of these members expire according to subdivision 3, the new appointments must represent collectors. Members appointed under paragraph (a), clause (2), must not represent household hazardous waste collection programs

Subd. 3. **Terms; removal.** Members serve for a term of four years, except that one member appointed under subdivision 2, paragraph (a), clause (1); one member appointed under subdivision 2, paragraph (a), clause (2); and two members appointed under subdivision 2, paragraph (a), clause (3), must be appointed to serve an initial term of two years, so that membership terms are staggered. Members may be reappointed to another term following the end of a term. The removal of members is governed by section 15.059, subdivision 4.

Subd. 4. **Quorum; voting.** Meetings of the board must have at least a quorum of members, consisting of six members. Recommendations of the board require the affirmative vote of at least five members.

Subd. 5. **Administrative support; facilitator.** (a) The commissioner must provide administrative support to the board. The commissioner must ensure that all activities of the board that require public notice, such as notice of meetings, agendas and materials related to agenda items, and minutes, are published on the agency's publicly accessible website. The commissioner must provide meeting space and public access for meetings conducted by telephone or interactive technology.

(b) The commissioner must contract for a professional facilitator for the board. The facilitator must schedule and chair the meetings of the board but is not a member for purposes of quorum or voting. The facilitator must ensure that all activities of the board that require public notice are timely provided to the commissioner for publication.

Subd. 6. **Meetings.** (a) The board must meet at least biannually and as necessary to meet the requirements of subdivisions 7 to 9. Meetings may be scheduled at the request of the facilitator or a majority of the members.

(b) The board must comply with the Open Meeting Law under chapter 13D.

Subd. 7. **Recommendations for reimbursement rates.** (a) By July 1, 2027, and annually thereafter, the board must submit to the commissioner a recommendation for reimbursement rates to collectors for the following calendar year.

(b) Recommended rates must be differentiated by methods recommended by the board under subdivision 4, such as local property lease or purchase costs, prevailing local wages, or other factors to ensure convenient collection statewide according to section 115A.1335, subdivision 3, and that all costs of collection are covered according to paragraph (c).

(c) Recommended rates must cover all costs of collecting covered products and other electrical products incurred by collectors, including at least:

(1) labor and overhead;

(2) covered services performed by a collector in accordance with section 115A.1337, subdivision 1, paragraph (b);

(3) necessary collection and storage structures and containers as provided in section 115A.1347, subdivision 1, paragraph (d);

(4) employee training;

(5) necessary safety equipment, including appropriate fire protection and suppression equipment and supplies; and

(6) any other costs determined necessary by the commissioner.

(b) In making determinations under paragraph (a), clause (6), the commissioner may consider data submitted according to section 115A.1337, subdivision 5; the volume of covered products collected; the estimated volume of covered products sold in or into the state; the estimated volume of covered products disposed of in the state; and other information related to the effectiveness of the stewardship program.

(c) The board must also consider any additional financial incentives necessary to induce collectors to join the stewardship program in locations that would otherwise not be served, so that the stewardship organization can meet or exceed the required convenience standards under section 115A.1335, subdivision 3.

Subd. 8. Review and approval of reimbursement rates. (a) Within 90 days after receiving a recommendation on reimbursement rates submitted under subdivision 7, the commissioner must review the recommendation and approve or reject the recommendation.

(b) In conducting a review of a recommendation, the commissioner may consult with interested parties.

(c) For at least 30 days and before approving a recommendation under this subdivision, the commissioner must post the recommendation on the agency's publicly accessible website for public review and comment.

(d) If the commissioner determines that a recommendation does not meet the requirements of this section, the commissioner must reject the recommendation. The commissioner must provide a written notice of determination describing the reasons for the rejection to the board. The board must meet as necessary to submit a revised recommendation to the commissioner.

(e) After consultation under paragraph (b) and review of public comments under paragraph (c), if the commissioner determines that a recommendation meets the requirements of this section, the commissioner may approve the recommendation. The commissioner must provide a written notice of approval to the board and to the stewardship organization. In the notice, the commissioner must specify the effective date of the approved reimbursement rates.

(f) The stewardship organization must publish approved reimbursement rates on its publicly accessible website within 30 days after receiving the commissioner's written notice of approval. The commissioner may also publish the approved reimbursement rates on the agency's publicly accessible website.

Subd. 9. More-frequent rate changes. The board may, for good cause, submit a recommendation for reimbursement rates to the commissioner at less than an annual interval. The commissioner must review the recommendation according to subdivision 8. If the commissioner rejects the recommendation, then the previously approved reimbursement rates for that calendar year continue to be in effect.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. [115A.1335] STEWARDSHIP PLAN AND BUDGET.

Subdivision 1. Due date. By October 1, 2027, all producers must contract with a single stewardship organization to act on the producers' behalf. By that date, the stewardship organization must submit a single stewardship plan meeting the requirements of subdivision 2 to the commissioner to review for approval or rejection.

Subd. 2. Plan content; budget requirement. (a) The stewardship plan must include:

(1) identification of and contact information for the stewardship organization;

(2) identification of and contact information for all participants in the stewardship program;

(3) identification of and contact information for each collector; each person providing covered services for covered products or other electrical products, including any collector

- 10.1 that will perform covered services other than collection; and each facility at which covered
10.2 products and other electrical products will be managed under the stewardship plan;
- 10.3 (4) the address; county of location; and, in a form prescribed by the commissioner,
10.4 geolocation data for each collection site to be served by the stewardship organization under
10.5 the stewardship program and identification of the site as a full collection site, partial
10.6 collection site, or as operated by a household hazardous waste collection program;
- 10.7 (5) a list of the brands covered under the stewardship program;
- 10.8 (6) eligibility criteria for prospective collectors of covered products and other electrical
10.9 products under the stewardship program according to section 115A.1337, subdivision 3,
10.10 paragraph (c);
- 10.11 (7) a description of how the stewardship program will accept and provide covered services
10.12 and reimbursement under this section to any household hazardous waste collection program
10.13 in a manner that is equal to the services and reimbursement provided to all other collectors,
10.14 if the operator of the household hazardous waste collection program requests covered
10.15 services and reimbursement;
- 10.16 (8) a description of how the stewardship program will provide convenient, statewide
10.17 collection according to subdivision 3;
- 10.18 (9) a description of how the stewardship organization will annually monitor and ensure
10.19 continuing compliance with the convenience standards under subdivision 3;
- 10.20 (10) a description of how the stewardship organization will provide each collector served
10.21 by the stewardship program with the materials specified in section 115A.1337, subdivision
10.22 1, including specifications for appropriate containers, signage templates, and a copy of all
10.23 training and educational materials to be provided;
- 10.24 (11) a description of how collection sites will be accessible according to section
10.25 115A.1337, subdivision 2;
- 10.26 (12) the performance standards for persons providing covered services for covered
10.27 products and other electrical products on behalf of the stewardship organization and the
10.28 oversight methods by which the stewardship organization will ensure continuing compliance
10.29 with the performance standards. The performance standards must:
- 10.30 (i) meet the requirements of section 115A.1337, subdivision 3; and

11.1 (ii) ensure that covered products, other electrical products, and materials resulting from
11.2 recycling of covered products and other electrical products are managed through responsible
11.3 markets;

11.4 (13) a description of methods by which the stewardship organization will ensure that
11.5 covered products and any other electrical products that are waste for which the stewardship
11.6 organization is responsible are managed while in the state in compliance with rules adopted
11.7 under section 116.07 for managing solid waste and hazardous waste and, when outside the
11.8 state, with all federal, state, and local requirements applicable to managing solid waste and
11.9 hazardous waste, as applicable;

11.10 (14) a description of methods by which the stewardship organization will ensure that
11.11 covered products and any other electrical products for which the stewardship organization
11.12 is responsible are managed in compliance with safety and health requirements for employees
11.13 administered by the Department of Labor and Industry and with fire protection requirements
11.14 administered by the Department of Public Safety while in the state and, when outside the
11.15 state, with all federal, state, and local requirements applicable to safety and health
11.16 requirements for employees and fire protection requirements;

11.17 (15) a description of methods by which the stewardship organization will ensure that
11.18 covered products and other electrical products for which the stewardship organization is
11.19 responsible are transported in compliance with applicable regulations incorporated by
11.20 reference under section 221.033 for transporting hazardous materials while in the state and,
11.21 when outside the state, with all federal, state, and local requirements applicable to
11.22 transportation of hazardous materials;

11.23 (16) a statement of indemnification by the stewardship organization to collectors for
11.24 potential liability for improper downstream management of covered products and other
11.25 electrical products or residual materials by providers of covered services contracted for by
11.26 the stewardship organization and identified in the stewardship plan under clause (3);

11.27 (17) a description of how the stewardship organization will determine the mass of covered
11.28 products and other electrical products for which it has provided covered services under the
11.29 stewardship program by county of collection and, for covered batteries and covered products
11.30 that have covered batteries contained within them or otherwise attached or connected to
11.31 them, by battery chemistry;

11.32 (18) a description of the outreach and education methods and activities that the
11.33 stewardship organization will provide according to section 115A.1337, subdivision 4;

- 12.1 (19) a description of how the stewardship organization will employ at least one full-time
12.2 employee who is solely dedicated to implementing the stewardship program in this state
12.3 and serving as the primary contact between the stewardship organization and the agency;
- 12.4 (20) a description of the system by which the stewardship organization will provide
12.5 advance funding of or reimbursement to collectors in a manner that provides:
- 12.6 (i) a clear process for submitting and paying invoices;
- 12.7 (ii) reasonable timelines for reimbursement, at intervals no longer than monthly unless
12.8 otherwise agreed to by the person providing covered services to be reimbursed; and
- 12.9 (iii) a third-party mediator to resolve disputes that arise between the stewardship
12.10 organization and a person providing covered services regarding determining or paying
12.11 reimbursements;
- 12.12 (21) identification of groups of producers, such as by industry, covered product and
12.13 other electrical product type, or other method proposed by the stewardship organization,
12.14 and the proposed allocation of stewardship program costs among the groups of producers,
12.15 such that the costs of managing covered products or other electrical products produced by
12.16 a group of producers are not borne by other groups of producers;
- 12.17 (22) a description of how the stewardship organization will comply with subdivision 6,
12.18 paragraph (b);
- 12.19 (23) a description of how the stewardship organization will assist producers in complying
12.20 with the labeling requirements of section 115A.1347, subdivision 2, paragraph (a);
- 12.21 (24) a description of how the stewardship organization will ensure that covered products
12.22 and other electrical products managed under the stewardship program are recycled to the
12.23 maximum extent practicable in accordance with section 115A.02, paragraph (b);
- 12.24 (25) a description of how the stewardship organization will incentivize investment in
12.25 processes, product design and material use, technology, and personnel training that could
12.26 raise the future maximum extent practicable for recycling described in clause (24), including
12.27 consideration of covered product reuse, repair, and product life cycle;
- 12.28 (26) a description of how the stewardship organization will annually report to the
12.29 commissioner the number, type, and volume of covered products and other electrical products
12.30 collected during each calendar year, specifying the categories of the covered products and
12.31 other electrical products and the chemistries of the covered batteries collected;

13.1 (27) a description of how the stewardship organization will annually report to the
13.2 commissioner the end management, through reuse, repair, reclamation, recycling, or disposal,
13.3 of the covered products and other electrical products shipped from collection sites under
13.4 the stewardship program during each calendar year;

13.5 (28) a description of how the stewardship organization will take action to decrease the
13.6 incidence of covered products in solid waste in the state according to section 115A.1337,
13.7 subdivision 4, paragraph (c), including providing collection opportunities under subdivision
13.8 2, paragraph (b), of that section;

13.9 (29) a description of how the stewardship organization will assist persons providing
13.10 covered services after collection to identify, segregate, and properly manage
13.11 organohalogenated chemicals contained in or separated from covered products and reduce
13.12 the prevalence of organohalogenated chemicals in products derived from recycled covered
13.13 products; and

13.14 (30) a description of how the stewardship organization will, where feasible, assist
13.15 producers in reducing the occurrence of organohalogenated chemicals in covered products.

13.16 (b) By January 1, 2028, and by April 1 each year thereafter, the stewardship organization
13.17 must submit an anticipated annual budget for the stewardship program, broken down into
13.18 the stewardship program's estimated costs for administration, collection, sorting, storage,
13.19 transportation, processing, refurbishment, repair, reuse, recycling, disposal, and
13.20 communication costs, including the cost of fees under section 115A.1339 but not including
13.21 costs for lobbying, costs associated with litigation against the state, or penalties imposed
13.22 by the state. The budget is not subject to review and approval under subdivisions 4 and 5.

13.23 Subd. 3. **Convenience standards.** (a) The stewardship plan must provide convenient,
13.24 statewide collection for all covered products that are offered to collectors by a person in the
13.25 state, regardless of:

13.26 (1) a covered product's brand;

13.27 (2) a covered battery's energy capacity or chemistry;

13.28 (3) whether the producer of a covered product is a participant in the stewardship program;
13.29 or

13.30 (4) whether the brand of a covered product is covered under the stewardship program.

13.31 (b) The stewardship plan must meet the following convenience standards:

- 14.1 (1) for each county with a population of 10,000 or less, maintain at least two full
14.2 collection sites;
- 14.3 (2) for each county with a population greater than 10,000 but less than or equal to
14.4 100,000, maintain at least two full collection sites and at least one additional full collection
14.5 site for each additional 10,000 in population above a population of 10,000;
- 14.6 (3) for each county with a population greater than 100,000, maintain at least 11 full
14.7 collection sites and at least one additional full collection site for each additional 50,000 in
14.8 population above a population of 100,000;
- 14.9 (4) maintain a full collection site located within ten miles of the household of at least
14.10 95 percent of the residents of the state;
- 14.11 (5) ensure no net loss in estimated collection convenience and capacity for covered
14.12 products of any type; and
- 14.13 (6) any additional convenience standards that the commissioner determines are necessary
14.14 to provide convenient, statewide collection for covered products, including operation of
14.15 partial collection sites and additional full collection sites.
- 14.16 (c) In making a determination under paragraph (b), clause (6), the commissioner may
14.17 consider data submitted according to section 115A.1337, subdivision 5; the volume of
14.18 covered products collected; the estimated volume of covered products sold in or into the
14.19 state; the estimated volume of covered products disposed of in the state; the stewardship
14.20 organization's plans under subdivision 2, paragraph (a), clause (28); and other information
14.21 related to the effectiveness of the stewardship program.
- 14.22 **Subd. 4. Review of stewardship plan; implementation.** (a) Within 120 days after
14.23 receiving a complete stewardship plan submitted under this section, the commissioner must
14.24 determine whether the stewardship plan complies with the requirements of this section and
14.25 will ensure that elements required by subdivision 2, paragraph (a), will be met to the
14.26 maximum extent practicable. The commissioner must provide a written notice of
14.27 determination according to this subdivision.
- 14.28 (b) In conducting a review of a stewardship plan, the commissioner may consult with
14.29 interested parties.
- 14.30 (c) For at least 30 days and before approving a stewardship plan, the commissioner must
14.31 place the stewardship plan on the agency's publicly accessible website for public review
14.32 and comment.

(d) If the commissioner determines that a stewardship plan fails to meet the requirements of this section or will not ensure that elements required by subdivision 2, paragraph (a), will be met to the maximum extent practicable, the commissioner must reject the stewardship plan. The commissioner must provide a written notice of determination to the stewardship organization describing the reasons for the rejection.

(e) After any consultation under paragraph (b) and review of public comments received under paragraph (c), if the commissioner determines that a stewardship plan meets the requirements of subdivision 2, the commissioner must approve the stewardship plan. The commissioner must provide a written notice of determination to the stewardship organization.

(f) The stewardship organization must publish its approved stewardship plan on its publicly accessible website within 30 days after receiving written notice of approval but is not required to publish nonpublic data as defined under chapter 13. The commissioner may publish the approved stewardship plan on the agency's publicly accessible website but must not publish nonpublic data.

(g) The stewardship organization must implement the stewardship plan approved by the commissioner, including any amendments to the stewardship plan that are approved by the commissioner according to subdivision 5, within 60 days after receiving written notice of approval.

(h) For each stewardship plan or amendment submitted to the commissioner for review, the commissioner may consider the data submitted according to section 115A.1337, subdivision 5, and other relevant information to establish requirements to improve the effectiveness, performance, and awareness of the stewardship program.

Subd. 5. Amending or terminating stewardship plan. (a) The stewardship organization may amend a stewardship plan approved under subdivision 4 without review or approval by the commissioner to make the changes specified in clauses (1) to (3). Within 30 days after adopting an amendment under this paragraph, the stewardship organization must report the amendment to the commissioner and must publish the amended stewardship plan on the stewardship organization's publicly accessible website. The stewardship organization must implement amendments made to a stewardship plan under this paragraph within 60 days after adopting the amendment. The stewardship organization may:

(1) add, terminate, or replace a collector, collection site, person providing covered services, or facility at which covered services will be performed;

(2) add or remove participants or brands covered under the stewardship plan; or

16.1 (3) change contact staff or contact staff information for the stewardship organization,
16.2 participants, collectors, persons transporting covered products or other electrical products,
16.3 or facilities to be used for storage, processing, recycling, or disposal.

16.4 (b) Except for an amendment under paragraph (a), a proposed amendment to a
16.5 stewardship plan approved under subdivision 4 must be submitted to and reviewed and
16.6 approved by the commissioner before it may be implemented by the stewardship organization.
16.7 The commissioner must review and approve or reject the proposed amendment according
16.8 to subdivision 4.

16.9 (c) The stewardship organization with an approved stewardship plan must submit an
16.10 amended stewardship plan for review at least every five years according to this subdivision
16.11 and subdivision 4 if the commissioner has not during that time approved amendments
16.12 submitted for review under paragraph (b).

16.13 (d) The stewardship organization may terminate a stewardship plan by providing at least
16.14 90 days' written notice to the commissioner and to all participants in the stewardship program.
16.15 Before the stewardship plan is terminated, each participant must meet the requirements of
16.16 section 115A.1335, subdivision 1, by contracting with a new stewardship organization,
16.17 which must submit and obtain the commissioner's approval for a stewardship plan.

16.18 (e) The commissioner may terminate a stewardship plan for good cause, such as
16.19 significant noncompliance with this section; failure to ensure that covered products and
16.20 other electrical products collected in the state are being managed in responsible markets
16.21 and according to subdivision 2, paragraph (a), clauses (13) to (15); failure to timely submit
16.22 a stewardship plan for review according to paragraph (c); or failure to pay fees assessed
16.23 under section 115A.1339. If the commissioner terminates a stewardship plan, the
16.24 commissioner must provide the stewardship organization with written notice of termination
16.25 describing the good cause for termination. The commissioner must also notify all participants
16.26 in the stewardship program in writing using the contact information for the participants
16.27 provided in the stewardship plan.

16.28 Subd. 6. **Compliance.** (a) The stewardship organization must comply with its stewardship
16.29 plan approved by the commissioner, including any amendments to the stewardship plan
16.30 that are made according to subdivision 5, paragraph (a) or (b).

16.31 (b) The stewardship organization must comply with the reimbursement rates approved
16.32 by the commissioner.

16.33 (c) The stewardship organization must ensure that all costs of the stewardship program
16.34 are fully paid for by producers as a whole, except for de minimis producers. All costs of

17.1 the stewardship program must be allocated between groups of producers without any fee,
17.2 charge, surcharge, or any other cost to:

17.3 (1) any member of the public;

17.4 (2) any business other than a producer;

17.5 (3) any collector;

17.6 (4) any person providing covered services;

17.7 (5) the state or any political subdivision;

17.8 (6) de minimis producers; or

17.9 (7) any other person who is not a producer.

17.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

17.11 Sec. 6. **[115A.1337] STEWARDSHIP ORGANIZATION DUTIES.**

17.12 Subdivision 1. **Duties to collectors.** (a) The stewardship organization must provide the
17.13 following to each collector:

17.14 (1) reimbursement at the rates approved by the commissioner;

17.15 (2) all covered services after the initial collection of covered products and other electrical
17.16 products by the collector;

17.17 (3) containers as described in section 115A.1347, subdivision 1, paragraph (d);

17.18 (4) consistent signage identifying a collection site;

17.19 (5) training for collection site employees on identifying and safely handling and storing
17.20 covered batteries and covered products that have covered batteries contained within them
17.21 or otherwise attached or connected to them, including damaged, defective, or recalled
17.22 batteries, also known as DDR batteries;

17.23 (6) educational materials that address the information described in subdivision 4,
17.24 paragraph (a), clause (3), for distribution to members of the public and businesses in
17.25 Minnesota. The educational materials must be made available in English and at least the
17.26 three most frequent languages spoken at home in the state other than English, according to
17.27 the state demographer; and

17.28 (7) direction to an alternate collector whenever a collector determines and reports to the
17.29 stewardship organization, according to section 115A.1341, subdivision 1, paragraph (d),

18.1 that the collector cannot safely collect a covered product. The stewardship organization
18.2 must ensure that the covered product is collected by another collector.

18.3 (b) The stewardship organization must allow a collector to perform covered services
18.4 other than collection if the collector meets the performance standards in the stewardship
18.5 plan under section 115A.1335, subdivision 2, paragraph (a), clause (12), and the collector
18.6 is identified in the stewardship plan as providing covered services other than collection
18.7 according to section 115A.1335, subdivision 2, paragraph (a), clause (3).

18.8 (c) For covered services provided under paragraph (b), the stewardship organization
18.9 must reimburse the collector for the cost of the performed covered services according to
18.10 section 115A.1335, subdivision 2, paragraph (a), clause (20).

18.11 (d) A collector may request the stewardship organization to add a person to provide
18.12 covered services to the stewardship plan as an amendment under section 115A.1335,
18.13 subdivision 5, paragraph (a), and the stewardship organization must consider the request if
18.14 the person meets the performance standards in the stewardship plan.

18.15 Subd. 2. **Accessibility.** (a) The stewardship organization must provide convenient,
18.16 equitable, and accessible service to all Minnesotans, including but not limited to people of
18.17 color; Minnesota Tribal governments as defined in section 10.65, subdivision 2; those that
18.18 are non-English speaking; immigrant and refugee communities; those with limited access
18.19 to transportation; and those in environmental justice areas.

18.20 (b) The stewardship program must include collection opportunities beyond those required
18.21 under section 115A.1335, subdivision 3, to better serve populations under paragraph (a),
18.22 such as additional partial collection sites, individual pickup from households, and temporary
18.23 events to provide enhanced collection availability.

18.24 (c) Where feasible, the stewardship organization must encourage establishing collection
18.25 sites in proximity to local public transit.

18.26 Subd. 3. **Oversight; eligibility of persons providing covered services.** (a) The
18.27 stewardship organization must ensure that:

18.28 (1) covered products and other electrical products managed under the stewardship
18.29 program are recycled to the maximum extent practicable in accordance with section 115A.02,
18.30 paragraph (b); and

18.31 (2) residual materials are managed in compliance with applicable hazardous waste or
18.32 solid waste requirements by:

18.33 (i) each person transporting covered products or other electrical products; and

(ii) each facility listed in the stewardship plan at which storage, processing, recycling, or disposal of covered products and other electrical products is performed.

(b) To ensure that covered products and other electrical products are managed to the maximum extent practicable in accordance with section 115A.02, paragraph (b), the commissioner may require performance standards and oversight methods in lieu of or in addition to the performance standards and oversight methods used by a stewardship organization under paragraph (a) and section 115A.1335, subdivision 2, paragraph (a), clause (12), for persons providing covered services for covered products and other electrical products. The commissioner may consider data submitted under subdivision 5; the availability and feasibility of technology, processes, and methods for managing covered products and other electrical products; and other information related to the effectiveness of the stewardship program.

(c) The stewardship organization must allow any person that agrees to operate or continues to operate a full collection site in compliance with section 115A.1341 and any household hazardous waste collection program to serve as a collector. The stewardship organization must consider allowing any person that agrees to operate or continues to operate a partial collection site in compliance with section 115A.1341 to serve as a collector. Except for a household hazardous waste collection program, a stewardship organization may terminate a collector and cease payment to the collector for good cause.

Subd. 4. **Stewardship program effectiveness.** (a) To support the effectiveness of the stewardship program, the stewardship organization must provide outreach and education to:

(1) persons that might sell, offer for sale or promotional purposes, or distribute covered products or other electrical products in or into the state, to inform the persons of the requirements of section 115A.1347, subdivision 2;

(2) potential collectors and persons who are collecting covered products before the effective date of this section to inform the collectors how to request coverage by the stewardship program; and

(3) members of the public to raise awareness of:

(i) public health and safety and environmental risks caused by improperly charging, storing, and disposing of covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them;

(ii) public health and environmental risks caused by improperly disposing of covered products;

(iii) methods to safely charge and store covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them;

(iv) the benefits of repairing, reusing, and recycling covered products and other electrical products in contrast to disposal; and

(v) the existence of the stewardship program and the ability to recycle covered products and other electrical products at no cost, including the location and convenience of collection sites in the state.

(b) The stewardship organization must maintain a publicly accessible website to locate collection sites through map-based and text-based searches.

(c) The stewardship organization must, in addition to the requirements of paragraphs (a) and (b), take action to decrease the incidence of covered products in solid waste generated in the state as soon as practicable and to the maximum extent achievable. The commissioner may determine the effectiveness of the stewardship program using information from waste composition studies conducted under section 115A.412 and other information available to the commissioner and may require the stewardship organization to submit information and implement actions to decrease the incidence of covered products in solid waste in accordance with section 115A.1335, subdivision 2, paragraph (a), clause (28), and subdivision 3, paragraph (b), clause (6), of that section.

Subd. 5. **Reporting.** (a) The stewardship organization must report an amendment to the stewardship plan made under section 115A.1335, subdivision 5, paragraph (a), to the commissioner within 30 days after making the amendment.

(b) By April 1 each year, the stewardship organization must report to the commissioner, in a form and manner prescribed by the commissioner, on the stewardship organization's activities during the preceding calendar year. The stewardship organization must also submit a copy of the report to the board. The report must include:

(1) the address, county of location, and geolocation data for each collection site used by the stewardship organization under the stewardship program during the preceding calendar year;

(2) the number, type, and volume of covered products and other electrical products collected during each calendar year, specifying the categories of the covered products and

21.1 other electrical products and the chemistries of the covered batteries collected, in accordance
21.2 with section 115A.1335, subdivision 2, paragraph (a), clause (26);

21.3 (3) the end management, through reuse, repair, reclamation, recycling, or disposal, of
21.4 the covered products and other electrical products shipped from collection sites under the
21.5 stewardship program, in accordance with section 115A.1335, subdivision 2, paragraph (a),
21.6 clause (27);

21.7 (4) the effectiveness of the stewardship organization's actions to decrease the incidence
21.8 of covered products in solid waste in the state, in accordance with section 115A.1335,
21.9 subdivision 2, paragraph (a), clause (28), including the support of partial collection sites;

21.10 (5) a description of the actions taken by the stewardship organization regarding
21.11 identification, management, and reduction in prevalence of organohalogenated chemicals
21.12 in covered products under section 115A.1335, subdivision 2, paragraph (a), clauses (29)
21.13 and (30);

21.14 (6) the results of the oversight according to section 115A.1335, subdivision 2, paragraph
21.15 (a), clause (12), verifying that the performance standards were met by each of the persons
21.16 providing covered services;

21.17 (7) a description of outreach and education activities performed by the stewardship
21.18 organization during the preceding calendar year according to subdivision 4;

21.19 (8) a financial report on the stewardship program, including actual costs and funding
21.20 compared to the budget for the year submitted under section 115A.1335, subdivision 2,
21.21 paragraph (b). The financial report must include an audit report of the stewardship program
21.22 by an independent auditor. The independent auditor must be selected by the stewardship
21.23 organization and approved or rejected by the commissioner. If the commissioner rejects an
21.24 independent auditor, the stewardship organization must select a different independent auditor
21.25 for approval or rejection by the commissioner. The independent audit must meet the
21.26 requirements of Accounting Standards Update 2018-08, Not-for-Profit Entities (Topic 958),
21.27 Financial Accounting Standards Board, as amended;

21.28 (9) the proposed and actual budget for the year in which the report is submitted; and

21.29 (10) starting on the second April after the stewardship organization's first stewardship
21.30 plan is approved by the commissioner, and then every third year thereafter, a performance
21.31 audit of the stewardship program. The performance audit must conform to audit standards
21.32 established by the United States Government Accountability Office; the National Association

22.1 of State Auditors, Comptrollers and Treasurers; or another nationally recognized organization
22.2 approved by the commissioner.

22.3 **EFFECTIVE DATE.** This section is effective January 1, 2028.

22.4 Sec. 7. **[115A.1339] FEES.**

22.5 Subdivision 1. **Administrative fees.** (a) By January 1, 2028, and by July 1 each year
22.6 thereafter, the commissioner must calculate the sum of all costs that the agency incurs under
22.7 sections 115A.1331 to 115A.1347, exclusive of recovery and management of covered
22.8 products under subdivision 2. The sum calculated for the period preceding January 1, 2028,
22.9 must include the agency's costs of implementing sections 115A.1331 to 115A.1347 from
22.10 the effective date of this section. For the purposes of this paragraph, costs of the board are
22.11 considered costs incurred by the agency.

22.12 (b) Notwithstanding section 16A.1283, the commissioner must assess administrative
22.13 fees at an amount that is adequate to reimburse the agency's sum costs of administering
22.14 sections 115A.1331 to 115A.1347. The stewardship organization must pay the assessed
22.15 administrative fees by the due dates set by the commissioner.

22.16 Subd. 2. **Recovery and proper management fees.** (a) When the commissioner intends
22.17 to spend money for the recovery and proper management of covered products under section
22.18 115A.1343, subdivision 1, notwithstanding section 16A.1283, the commissioner must assess
22.19 the estimated cost of recovery and proper management of covered products to the stewardship
22.20 organization.

22.21 (b) The cost under paragraph (a) must not include any subsequent remediation of the
22.22 real properties where the covered products are located nor the cost of any environmental
22.23 assessment of the properties to determine appropriate subsequent remediation under other
22.24 law. Such costs must not be paid from any funds assessed, collected, or appropriated under
22.25 this section. The stewardship organization must pay the assessed recovery and management
22.26 fee by the due date set by the commissioner.

22.27 (c) If, after the covered products have been recovered and properly managed, the actual
22.28 cost of recovery and proper management of the recovered products is less than the fee paid
22.29 by the stewardship organization, the commissioner must refund the excess payment. If the
22.30 cost of recovery and proper management exceeds the fee paid by the stewardship
22.31 organization, the commissioner must assess the stewardship organization for the deficit.
22.32 The stewardship organization must pay the assessed recovery and management fee deficit
22.33 by the due date set by the commissioner.

Subd. 3. **Disposition of fees.** The total amount of net fees collected under this section must not exceed the amount necessary to reimburse agency costs as calculated under subdivisions 1 and 2. All fees received under subdivisions 1 and 2 must be deposited in the state treasury and credited to a product stewardship account in the special revenue fund. The amount collected under this section is annually appropriated to the commissioner to implement and enforce sections 115A.1331 to 115A.1347.

EFFECTIVE DATE. This section is effective January 1, 2028.

Sec. 8. **[115A.1341] COLLECTOR DUTIES.**

Subdivision 1. **Accepting covered products.** (a) All collectors must accept covered products without imposing a fee, charge, surcharge, or other cost to any person other than the stewardship organization.

(b) At a full collection site, any type, A collector must accept from any person at least ten covered products daily of any brand, any physical size, and, in the case of covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them, any energy capacity or chemistry, unless the collector determines a specific covered product cannot be safely collected by the collector at a specific collection site at a specific time under paragraph (e). A full collection site must be open to receiving covered products at least 12 operating hours per week, 50 weeks each calendar year.

(c) At a partial collection site, a collector must accept from any person covered products of any brand, but may limit the number, type, physical size, and, in the case of covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them, the energy capacity or chemistry of the covered battery of the covered products accepted.

(d) A household hazardous waste collection program may accept covered products at any collection site it operates. The household hazardous waste collection program may limit the persons from which it will accept covered products and may limit the number, type, physical size, and, in the case of covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them, the energy capacity or chemistry of the covered battery of the covered products accepted. The stewardship organization may count a collection site operated by the household hazardous waste collection program as a full collection site when demonstrating compliance with the convenience standards of section 115A.1335, subdivision 3, if the household hazardous

24.1 waste collection program voluntarily agrees in writing with the stewardship organization
24.2 to comply with paragraph (b) at the site.

24.3 (e) A collector that determines that it cannot safely accept a specific covered product
24.4 must document the reason for not accepting the covered product and immediately notify
24.5 the stewardship organization of the nonacceptance in order to allow the stewardship
24.6 organization to arrange for alternate collection of the covered product under section
24.7 115A.1337, subdivision 1, paragraph (a), clause (7).

24.8 Subd. 2. **Accepting other electrical products.** A collector may accept other electrical
24.9 products from a person. If a collector accepts other electrical products, the collector may
24.10 not impose a fee, charge, surcharge, or other cost to any person other than the stewardship
24.11 organization.

24.12 Subd. 3. **Storing accepted products.** A collector must manage and store all accepted
24.13 covered products and other electrical products safely and in compliance with section
24.14 115A.1347, subdivision 1, paragraphs (c) and (d).

24.15 Subd. 4. **Training.** A collector must ensure and document that training is provided for
24.16 collection site employees on identifying and safely handling and storing covered batteries
24.17 and covered products that have covered batteries contained within them or otherwise attached
24.18 or connected to them, including damaged, defective, or recalled batteries, also known as
24.19 DDR batteries. The collector may provide the training or may receive training from the
24.20 stewardship organization or the stewardship organization's representative.

24.21 Subd. 5. **Recordkeeping.** A collector must maintain the following records for at least
24.22 three years and make them available to the commissioner for inspection:

24.23 (1) records of covered products and other electrical products accepted at a collection
24.24 site;

24.25 (2) records of covered products and other electrical products shipped from a collection
24.26 site; and

24.27 (3) documentation of employee training. The three-year record retention period for
24.28 employee documentation begins on the day following the last day the employee worked for
24.29 the collector.

24.30 **EFFECTIVE DATE.** This section is effective January 1, 2028.

Sec. 9. **[115A.1343] COVERED PRODUCTS RECOVERY AND PROPER
MANAGEMENT.**

Subdivision 1. Recovery and proper management. (a) In addition to any authority granted by other law and without limiting that authority, whenever the commissioner determines that covered products have been abandoned, improperly disposed of, or stored on real property within the state in a manner not in compliance with sections 115A.1331 to 115A.1347 or with applicable rules adopted under section 116.07, subdivision 2, paragraph (d), or 4, paragraph (g), the commissioner may issue an order under section 115.071, subdivision 5; 116.07, subdivision 9; or 116.072, subdivision 1, requiring a person responsible for the abandonment, improper disposal, or noncompliant storage of the covered products to recover and properly manage the covered products according to sections 115A.1331 to 115A.1347 and applicable rules. An order under this paragraph must notify the person of the provisions of this subdivision.

(b) If a person that receives an order under paragraph (a) fails to complete the ordered actions to recover and properly manage the covered products within the time specified in the order, then after that time or upon expiration of the appeal period for the order, whichever is later, the commissioner must notify the stewardship organization in writing of:

(1) the commissioner's determination that the covered products have been abandoned, improperly disposed of, or stored in a noncompliant manner;

(2) the name of the person that was issued the order under paragraph (a) and the location of the covered products;

(3) the actions required to recover and properly manage the covered products; and

(4) the amount of time that the stewardship organization may, with the consent of the person, attempt to complete the actions to recover and properly manage the covered products on behalf of the person.

(c) If the stewardship organization intends to recover and properly manage the covered products, the stewardship organization must notify the commissioner of its intent and submit a plan to recover and properly manage the covered products to the commissioner. The stewardship organization must comply with its submitted recovery and management plan.

(d) If, after the period specified in paragraph (b), the ordered actions to recover and properly manage the covered products have not been completed, or upon earlier notice from the stewardship organization that it does not intend to take the actions, the commissioner may recover and properly manage the covered products. The commissioner must estimate

the cost for a person contracted to the agency to perform the recovery and management.

The commissioner must assess the estimated cost to the stewardship organization according to section 115A.1339, subdivision 2. After the stewardship organization pays the assessed fee, the commissioner may recover and properly manage the covered products. Money appropriated to the commissioner from the product stewardship account may be spent by the commissioner to recover and properly manage the covered products.

(e) In addition to the authority to enter upon any public or private property for the purpose of obtaining information or conducting surveys or investigations under section 115A.06, the commissioner or any designee or agent may enter upon the property to recover covered products when acting under this subdivision.

Subd. 2. Limited private right of action for recovery and proper management. (a)
The stewardship organization that recovers and properly manages covered products under subdivision 1, paragraph (c), may maintain a civil action against a person issued an order to recover and properly manage those covered products under subdivision 1, paragraph (a). The stewardship organization is entitled to damages under this paragraph of twice its actual cost of recovery and proper management of the covered products. Additional amounts recoverable under this paragraph include an award of reasonable attorney fees and costs.

(b) When the stewardship organization is assessed and pays the cost to recover and properly manage covered products under subdivision 1, paragraph (d), and section 115A.1339, subdivision 2, the stewardship organization may maintain a civil action against a person issued an order to recover and properly manage those covered products under subdivision 1, paragraph (a). The stewardship organization is entitled to damages under this paragraph equal to the cost of recovery and proper management of covered products assessed by the commissioner to the stewardship organization. Additional amounts recoverable under this paragraph include an award of reasonable attorney fees and costs.

(c) The commissioner may not be a party to or be required to provide assistance or otherwise participate in a civil action authorized under this subdivision unless subject to a subpoena before a court of jurisdiction.

EFFECTIVE DATE. This section is effective January 1, 2028.

Sec. 10. [115A.1345] OTHER AUTHORITIES AND DUTIES.

Subdivision 1. Limited private right of action against producers. (a) Except as provided in paragraph (d), the stewardship organization may maintain a civil action against

27.1 one or more producers, except a de minimis producer, to recover a portion of the stewardship
27.2 organization's costs and additional amounts according to this subdivision.

27.3 (b) Damages recoverable under this subdivision may not exceed a fair share of the actual
27.4 costs incurred by the plaintiff stewardship organization in managing covered products or
27.5 other electrical products of a defendant producer subject to section 115A.1347, subdivision
27.6 2, paragraph (b), and of covered products or other electrical products of other producers
27.7 that were not participants. Additional amounts recoverable under this subdivision include
27.8 an award of reasonable attorney fees and costs. If a defendant producer did not participate
27.9 in the stewardship program established under sections 115A.1331 to 115A.1347 during the
27.10 period in which covered products or other electrical products of the defendant producer
27.11 were managed by the plaintiff stewardship organization, a punitive sum of up to three times
27.12 the damages awarded may be assessed.

27.13 (c) A plaintiff stewardship organization may establish a defendant producer's fair share
27.14 of the plaintiff's actual costs by providing the court with information establishing the process
27.15 by which the defendant producer's share of stewardship program costs would have been
27.16 allocated had the defendant producer been a participant in the program or paid its allocated
27.17 share if it was a participant. The plaintiff stewardship organization may use data from
27.18 producers similar in covered product, financial status, or market share to the defendant
27.19 producer to provide the information.

27.20 (d) An action may not be commenced under this subdivision against a potential defendant
27.21 producer until 60 days after the plaintiff stewardship organization provides to all potential
27.22 defendants a written notice of the claim setting forth the amount of the claim and the basis
27.23 for the calculation of the amount.

27.24 (e) No action may be brought under this subdivision against a person other than a
27.25 producer.

27.26 (f) The commissioner may not be a party to or be required to provide assistance or
27.27 otherwise participate in a civil action authorized under this subdivision unless subject to a
27.28 subpoena before a court of jurisdiction.

27.29 Subd. 2. **Conduct authorized.** A producer or stewardship organization that organizes
27.30 covered services for covered products or other electrical products under sections 115A.1331
27.31 to 115A.1347 is immune from liability for the conduct under state laws relating to antitrust,
27.32 restraint of trade, unfair trade practices, and other regulation of trade or commerce only to
27.33 the extent that the conduct is necessary to plan and implement the producer's or stewardship
27.34 organization's chosen system.

Subd. 3. **Duty to provide information.** Upon request of the commissioner for purposes of implementing sections 115A.1331 to 115A.1347, a person must furnish to the commissioner any information that the person has or may reasonably obtain.

Subd. 4. **Contracts.** (a) Any person awarded a contract under chapter 16C for purchase or lease of covered products or other electrical products that is found to be in violation of sections 115A.1331 to 115A.1347 is subject to the following sanctions:

(1) the contract must be voided if the commissioner of administration determines that the potential adverse impact to the state is exceeded by the benefit obtained from voiding the contract; and

(2) the contractor is subject to suspension and disbarment under Minnesota Rules, part 1230.1150.

(b) If the attorney general establishes that any money, property, or benefit was obtained by a contractor as a result of violating sections 115A.1331 to 115A.1347, the court may, in addition to any other remedy, order the disgorgement of the unlawfully obtained money, property, or benefit.

Subd. 5. **Multistate implementation.** The commissioner may participate in establishing a regional multistate organization or compact to assist in carrying out the requirements of sections 115A.1331 to 115A.1347.

Subd. 6. **Rules.** The commissioner may adopt rules to implement sections 115A.1331 to 115A.1347. The 18-month time limit under section 14.125 does not apply to rulemaking under this subdivision.

EFFECTIVE DATE. This section is effective January 1, 2028.

Sec. 11. **[115A.1347] DISPOSAL PROHIBITIONS; BATTERY LABELING; COVERED PRODUCT SALES RESTRICTION.**

Subdivision 1. **Disposal prohibition.** (a) A person may not place a covered product into:

(1) solid waste; or

(2) a recycling container that a collector has not clearly marked for use for collecting covered products.

(b) A person must manage a covered product that is discarded by delivering the covered product to a collection site or to a recycling facility for covered products.

(c) Until recycled, covered products are not exempt from any applicable rules adopted under section 116.07 for managing hazardous waste.

(d) Covered batteries and covered products that have covered batteries contained within them or otherwise attached or connected to them must be stored in containers that are:

(1) designed, constructed, and used in a manner to suppress battery fires in the container or to prevent ignition of materials outside the container; and

(2) held in structures compliant with the local fire code.

Subd. 2. Labeling and sale; requirements. (a) A person may not sell, including online sales; offer for sale or promotional purposes; distribute in or into the state; or facilitate a sale of a covered battery or covered product that has a covered battery contained within it or otherwise attached or connected to it unless the covered battery and covered product is labeled to identify the chemistry employed to store energy in the battery. Labeling under this paragraph must be permanently marked on or affixed to the covered battery and covered product and must use language or graphics sufficient to facilitate awareness by members of the public of the battery chemistry employed. The commissioner may, by rule adopted under section 115A.1345, subdivision 6, specify the manner of labeling.

(b) A person may not sell, including online sales; offer for sale or promotional purposes; distribute in or into the state; or facilitate a sale of a covered product or other electrical product unless the producer of the covered product or other electrical product is named as a participant in a stewardship plan published under section 115A.1335, subdivision 4, paragraph (f), or the brand is named as covered in a stewardship plan published under section 115A.1335, subdivision 4, paragraph (f), and the stewardship plan has not been terminated under section 115A.1335, subdivision 5.

(c) This subdivision does not apply to isolated and occasional sales of a covered product or other electrical product that are not made in the normal course of business, as exempted from sales tax under section 297A.67, subdivision 23.

(d) This subdivision does not apply to sales, including online sales; offers for sale or promotional purposes; distribution; or facilitation of a sale of a used covered product or used other electrical product.

EFFECTIVE DATE. This section is effective January 1, 2028.

30.1 Sec. 12. Minnesota Statutes 2024, section 115A.554, is amended to read:

30.2 **115A.554 AUTHORITY OF SANITARY DISTRICTS.**

30.3 A sanitary district has the authorities and duties of counties within the district's boundary
30.4 for purposes of sections 115A.0716; 115A.46, subdivisions 4 and 5; 115A.48; 115A.551;
30.5 115A.552; 115A.553; 115A.919; 115A.929; 115A.93; 115A.96, subdivision 6; ~~115A.961~~;
30.6 116.072; 375.18, subdivision 14; 400.04; 400.06; 400.07; 400.08; 400.16; and 400.161.

30.7 **EFFECTIVE DATE.** This section is effective January 1, 2028.

30.8 Sec. 13. Minnesota Statutes 2024, section 116.92, subdivision 6, is amended to read:

30.9 Subd. 6. **Mercury thermometers prohibited.** (a) A manufacturer, wholesaler, or retailer
30.10 may not sell or distribute at no cost a thermometer containing mercury that was manufactured
30.11 after June 1, 2001.

30.12 (b) Paragraph (a) does not apply to an electronic thermometer with a battery containing
30.13 mercury if the battery is in compliance with ~~section 325E.125~~ subdivision 8l.

30.14 (c) A manufacturer is in compliance with this subdivision if the manufacturer:

30.15 (1) has received an exclusion or exemption from a state that is a member of the Interstate
30.16 Mercury Education and Reduction Clearinghouse (IMERC) for replacement parts when no
30.17 alternative is available or for an application when no feasible alternative is available;

30.18 (2) submits a copy of the approved exclusion or exemption to the commissioner; and

30.19 (3) meets all of the requirements in the approved exclusion or exemption for the
30.20 manufacturer's activities within the state.

30.21 **EFFECTIVE DATE.** This section is effective January 1, 2028.

30.22 Sec. 14. Minnesota Statutes 2024, section 116.92, is amended by adding a subdivision to
30.23 read:

30.24 Subd. 8l. **Ban; mercury in batteries.** A person may not sell, offer for sale, or distribute
30.25 in or into the state:

30.26 (1) an alkaline manganese battery that contains mercury that is not a button cell
30.27 nonrechargeable battery;

30.28 (2) a nonrechargeable button cell battery that contains more than 25 milligrams of
30.29 mercury; or

30.30 (3) a dry cell battery containing a mercuric oxide electrode.

31.1 **EFFECTIVE DATE.** This section is effective January 1, 2028.

31.2 Sec. 15. **REPEALER.**

31.3 Minnesota Statutes 2024, sections 115A.1310, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,
31.4 11, 12, 12a, 12b, 12c, 13, 14, 15, 17, 18, 19, and 20; 115A.1312; 115A.1314; 115A.1316;
31.5 115A.1318; 115A.1320; 115A.1322; 115A.1323; 115A.1324; 115A.1326; 115A.1328;
31.6 115A.1330; 115A.9155; 115A.9157, subdivisions 1, 2, 3, 5, 6, 7, 8, and 9; 115A.961,
31.7 subdivisions 1, 2, and 3; 325E.125; and 325E.1251, are repealed.

31.8 **EFFECTIVE DATE.** This section is effective January 1, 2028.