SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1690

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DATE	D-PG	OFFICIAL STATUS
02/20/2025	453	Introduction and first reading Referred to Environment, Climate, and Legacy
03/03/2025	627	Author added Wesenberg
03/06/2025	674	Authors stricken Lieske; Wesenberg
03/10/2025	695a	Comm report: To pass as amended and re-refer to State and Local Government
	721	Author added Hawj
03/13/2025	733	Comm report: To pass and re-referred to Judiciary and Public Safety
	775	Author added Carlson
03/27/2025	1038	Comm report: To pass and re-referred to Commerce and Consumer Protection

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.1251~~ 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.

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

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

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

(1) a person that manufactured:

(i) the covered product;

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

(iii) the other electrical product;

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

(i) the covered product;

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

(iii) the other electrical product; and

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

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

(1) reuses, recycles, or otherwise recovers materials and disposes of contaminants in a manner that protects the environment and minimizes risks to public health and worker health 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 that will perform covered services other than collection; and each facility at which covered products and other electrical products will be managed under the stewardship plan;

(4) the address; county of location; and, in a form prescribed by the commissioner, geolocation data for each collection site to be served by the stewardship organization under the stewardship program and identification of the site as a full collection site, partial collection site, or as operated by a household hazardous waste collection program;

(5) a list of the brands covered under the stewardship program;

(6) eligibility criteria for prospective collectors of covered products and other electrical products under the stewardship program according to section 115A.1337, subdivision 3, paragraph (c);

(7) a description of how the stewardship program will accept and provide covered services and reimbursement under this section to any household hazardous waste collection program in a manner that is equal to the services and reimbursement provided to all other collectors, if the operator of the household hazardous waste collection program requests covered services and reimbursement;

(8) a description of how the stewardship program will provide convenient, statewide collection according to subdivision 3;

(9) a description of how the stewardship organization will annually monitor and ensure continuing compliance with the convenience standards under subdivision 3;

(10) a description of how the stewardship organization will provide each collector served by the stewardship program with the materials specified in section 115A.1337, subdivision 1, including specifications for appropriate containers, signage templates, and a copy of all training and educational materials to be provided;

(11) a description of how collection sites will be accessible according to section 115A.1337, subdivision 2;

(12) the performance standards for persons providing covered services for covered products and other electrical products on behalf of the stewardship organization and the oversight methods by which the stewardship organization will ensure continuing compliance with the performance standards. The performance standards must:

(i) meet the requirements of section 115A.1337, subdivision 3; and

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

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

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

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

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

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

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

(19) a description of how the stewardship organization will employ at least one full-time employee who is solely dedicated to implementing the stewardship program in this state and serving as the primary contact between the stewardship organization and the agency;

(20) a description of the system by which the stewardship organization will provide advance funding of or reimbursement to collectors in a manner that provides:

(i) a clear process for submitting and paying invoices;

(ii) reasonable timelines for reimbursement, at intervals no longer than monthly unless otherwise agreed to by the person providing covered services to be reimbursed; and

(iii) a third-party mediator to resolve disputes that arise between the stewardship organization and a person providing covered services regarding determining or paying reimbursements;

(21) identification of groups of producers, such as by industry, covered product and other electrical product type, or other method proposed by the stewardship organization, and the proposed allocation of stewardship program costs among the groups of producers, such that the costs of managing covered products or other electrical products produced by a group of producers are not borne by other groups of producers;

(22) a description of how the stewardship organization will comply with subdivision 6, paragraph (b);

(23) a description of how the stewardship organization will assist producers in complying with the labeling requirements of section 115A.1347, subdivision 2, paragraph (a);

(24) a description of how the stewardship organization will ensure that covered products and other electrical products managed under the stewardship program are recycled to the maximum extent practicable in accordance with section 115A.02, paragraph (b);

(25) a description of how the stewardship organization will incentivize investment in processes, product design and material use, technology, and personnel training that could raise the future maximum extent practicable for recycling described in clause (24), including consideration of covered product reuse, repair, and product life cycle;

(26) a description of how the stewardship organization will annually report to the commissioner 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 other electrical products and the chemistries of the covered batteries collected;

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

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

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

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

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

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

(1) a covered product's brand;

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

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

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

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

(1) for each county with a population of 10,000 or less, maintain at least two full collection sites;

(2) for each county with a population greater than 10,000 but less than or equal to 100,000, maintain at least two full collection sites and at least one additional full collection site for each additional 10,000 in population above a population of 10,000;

(3) for each county with a population greater than 100,000, maintain at least 11 full collection sites and at least one additional full collection site for each additional 50,000 in population above a population of 100,000;

(4) maintain a full collection site located within ten miles of the household of at least 95 percent of the residents of the state;

(5) ensure no net loss in estimated collection convenience and capacity for covered products of any type; and

(6) any additional convenience standards that the commissioner determines are necessary to provide convenient, statewide collection for covered products, including operation of partial collection sites and additional full collection sites.

(c) In making a determination under paragraph (b), 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; the stewardship organization's plans under subdivision 2, paragraph (a), clause (28); and other information related to the effectiveness of the stewardship program.

Subd. 4. **Review of stewardship plan; implementation.** (a) Within 120 days after receiving a complete stewardship plan submitted under this section, the commissioner must determine whether the stewardship plan complies with the requirements of this section and will ensure that elements required by subdivision 2, paragraph (a), will be met to the maximum extent practicable. The commissioner must provide a written notice of determination according to this subdivision.

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

(c) For at least 30 days and before approving a stewardship plan, the commissioner must place the stewardship plan on the agency's publicly accessible website for public review 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

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

(b) Except for an amendment under paragraph (a), a proposed amendment to a stewardship plan approved under subdivision 4 must be submitted to and reviewed and

approved by the commissioner before it may be implemented by the stewardship organization. The commissioner must review and approve or reject the proposed amendment according to subdivision 4.

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

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

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

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

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

(c) The stewardship organization must ensure that all costs of the stewardship program are fully paid for by producers as a whole, except for de minimis producers. All costs of the stewardship program must be allocated between groups of producers without any fee, charge, surcharge, or any other cost to:

(1) any member of the public;

(2) any business other than a producer;

(3) any collector;

(4) any person providing covered services;

(5) the state or any political subdivision;

(6) de minimis producers; or

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

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

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

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

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

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

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

(4) consistent signage identifying a collection site;

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

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

(7) direction to an alternate collector whenever a collector determines and reports to the stewardship organization, according to section 115A.1341, subdivision 1, paragraph (d), that the collector cannot safely collect a covered product. The stewardship organization must ensure that the covered product is collected by another collector.

(b) The stewardship organization must allow a collector to perform covered services other than collection if the collector meets the performance standards in the stewardship plan under section 115A.1335, subdivision 2, paragraph (a), clause (12), and the collector

is identified in the stewardship plan as providing covered services other than collection according to section 115A.1335, subdivision 2, paragraph (a), clause (3).

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

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

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

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

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

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

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

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

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

(3) the end management, through reuse, repair, reclamation, recycling, or disposal, of the covered products and other electrical products shipped from collection sites under the

stewardship program, in accordance with section 115A.1335, subdivision 2, paragraph (a), clause (27);

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

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

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

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

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

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

(10) starting on the second April after the stewardship organization's first stewardship plan is approved by the commissioner, and then every third year thereafter, a performance audit of the stewardship program. The performance audit must conform to audit standards established by the United States Government Accountability Office; the National Association of State Auditors, Comptrollers and Treasurers; or another nationally recognized organization approved by the commissioner.

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

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

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

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

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

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

(c) If, after the covered products have been recovered and properly managed, the actual cost of recovery and proper management of the recovered products is less than the fee paid by the stewardship organization, the commissioner must refund the excess payment. If the cost of recovery and proper management exceeds the fee paid by the stewardship organization, the commissioner must assess the stewardship organization for the deficit. The stewardship organization must pay the assessed recovery and management fee deficit 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, a collector must accept from any person at least ten covered products daily of any brand, any type, 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 waste collection program voluntarily agrees in writing with the stewardship organization to comply with paragraph (b) at the site.

(e) A collector that determines that it cannot safely accept a specific covered product must document the reason for not accepting the covered product and immediately notify the stewardship organization of the nonacceptance in order to allow the stewardship

organization to arrange for alternate collection of the covered product under section 115A.1337, subdivision 1, paragraph (a), clause (7).

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

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

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

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

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

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

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

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

(b) Damages recoverable under this subdivision may not exceed a fair share of the actual costs incurred by the plaintiff stewardship organization in managing covered products or other electrical products of a defendant producer subject to section 115A.1347, subdivision 2, paragraph (b), and of covered products or other electrical products of other producers that were not participants. Additional amounts recoverable under this subdivision include

an award of reasonable attorney fees and costs. If a defendant producer did not participate in the stewardship program established under sections 115A.1331 to 115A.1347 during the period in which covered products or other electrical products of the defendant producer were managed by the plaintiff stewardship organization, a punitive sum of up to three times the damages awarded may be assessed.

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

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

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

(f) 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.

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

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

115A.554 AUTHORITY OF SANITARY DISTRICTS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 15. **REPEALER.**

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, and 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, and 9; 115A.961, subdivisions 1, 2, and 3; 325E.125; and 325E.1251, are repealed.

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

115A.1310 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 115A.1310 to 115A.1330, the following terms have the meanings given.

Subd. 2. **Cathode-ray tube or CRT.** "Cathode-ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

Subd. 3. **Collection.** "Collection" means the aggregation of covered electronic devices from households and includes all the activities up to the time the covered electronic devices are delivered to a recycler.

Subd. 4. **Collector.** "Collector" means a public or private entity that receives covered electronic devices from households and arranges for the delivery of the devices to a recycler.

Subd. 5. **Computer.** "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, but does not include an automated typewriter or typesetter, a portable handheld calculator or device, or other similar device.

Subd. 6. **Computer monitor.** "Computer monitor" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to display information from a central processing unit or the Internet.

Subd. 7. **Covered electronic device.** "Covered electronic device" means computers, including tablet computers and laptop computers, peripherals, facsimile machines, DVD players, video cassette recorders, and video display devices that are sold to a household by means of retail, wholesale, or electronic commerce.

Subd. 8. **Department.** "Department" means the Department of Revenue.

Subd. 9. **Dwelling unit.** "Dwelling unit" has the meaning given in section 238.02, subdivision 21a.

Subd. 10. **Household.** "Household" means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit located in this state who has used a video display device at a dwelling unit primarily for personal use.

Subd. 11. **Manufacturer.** "Manufacturer" means a person who:

(1) manufactures video display devices to be sold under its own brand as identified by its own brand label; or

(2) sells video display devices manufactured by others under its own brand as identified by its own brand label.

Subd. 12. **Peripheral.** "Peripheral" means a keyboard, printer, or any other device sold exclusively for external use with a computer that provides input or output into or from a computer.

Subd. 12a. **Phase I recycling credits.** "Phase I recycling credits" means the number of pounds of covered electronic devices recycled by a manufacturer from households during program years one through nine, less the product of the number of pounds of video display devices sold to households during the same program year, multiplied by the proportion of sales a manufacturer is required to recycle.

Subd. 12b. **Phase II recycling credits.** "Phase II recycling credits" means an amount calculated in a program year beginning July 1, 2019, and in each program year thereafter, according to the formula (1.5 x A) - (B - C), where:

A = the number of pounds of covered electronic devices a manufacturer recycled or arranged to have collected and recycled during a program year from households located outside the 11-county metropolitan area, as defined in section 115A.1314, subdivision 2;

B = the manufacturer's recycling obligation calculated for the same program year in section 115A.1320, subdivision 1, paragraph (g); and

C = the number of pounds of covered electronic devices a manufacturer recycled or arranged to have collected and recycled, up to but not exceeding B, during the same program year from households in the 11-county metropolitan area.

Subd. 12c. **Portable battery.** "Portable battery" means a rechargeable battery as defined in section 115A.9157.

Subd. 13. **Program year.** "Program year" means the period from July 1 through June 30.

Subd. 14. **Recycler.** "Recycler" means a public or private individual or entity who accepts covered electronic devices from households and collectors for the purpose of recycling. A manufacturer who takes products for refurbishment or repair is not a recycler.

Subd. 15. **Recycling.** "Recycling" means the process of collecting and preparing video display devices or covered electronic devices for use in manufacturing processes or for recovery of usable materials followed by delivery of such materials for use. Recycling does not include the destruction by incineration or other process or land disposal of recyclable materials nor reuse, repair, or any other process through which video display devices or covered electronic devices are returned to use for households in their original form.

Subd. 17. **Retailer.** "Retailer" means a person who sells, rents, or leases, through sales outlets, catalogs, or the Internet, a video display device to a household and not for resale in any form.

Subd. 18. **Sell or sale.** "Sell" or "sale" means any transfer for consideration of title or of the right to use, by lease or sales contract, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other similar electronic means either inside or outside of the state, by a person who conducts the transaction and controls the delivery of a video display device to a consumer in the state, but does not include a manufacturer's or distributor's wholesale transaction with a distributor or a retailer.

Subd. 19. **Television.** "Television" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to receive video programming via broadcast, cable, or satellite transmission or video from surveillance or other similar cameras.

Subd. 20. **Video display device.** "Video display device" means a television or computer monitor that contains a cathode-ray tube or a flat panel screen that is marketed by manufacturers for use by households. Video display device does not include any of the following:

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

(2) a video display device, including a touch-screen display, that is functionally or physically part of a larger piece of equipment or is designed and intended for use in an industrial; commercial, including retail; library checkout; traffic control; kiosk; security, other than household security; border control; or medical setting, including diagnostic, monitoring, or control equipment;

(3) a video display device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or

(4) a telephone of any type.

115A.1312 REGISTRATION PROGRAM.

Subdivision 1. **Requirements for sale.** (a) On or after September 1, 2007, a manufacturer must not sell or offer for sale or deliver to retailers for subsequent sale a new video display device unless:

(1) the video display device is labeled with the manufacturer's brand, which label is permanently affixed and readily visible; and

(2) the manufacturer has filed a registration with the agency, as specified in subdivision 2.

(b) A retailer must not sell, offer for sale, rent, or lease a video display device unless the video display device is labeled according to this subdivision and listed as registered on the agency website according to subdivision 2.

(c) A retailer is not responsible for an unlawful sale under this subdivision if the manufacturer's registration expired or was revoked and the retailer took possession of the video display device prior to the expiration or revocation of the manufacturer's registration and the unlawful sale occurred within six months after the expiration or revocation.

Subd. 2. **Manufacturer registration.** (a) By August 15 each year, a manufacturer of video display devices sold or offered for sale to households in the state must submit a registration to the agency that includes:

(1) a list of the manufacturer's brands of video display devices offered for sale in this state;

(2) the name, address, and contact information of a person responsible for ensuring compliance with this chapter; and

(3) a certification that the manufacturer has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318.

(b) A manufacturer of video display devices sold or offered for sale to a household must include in the registration submitted under paragraph (a), a statement disclosing whether:

(1) any video display devices sold to households exceed the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB's), and polybrominated diphenyl ethers (PBDE's) under the RoHS (restricting the use of certain hazardous substances in electrical and electronic equipment) Directive 2002/95/EC of the European Parliament and Council and any amendments thereto; or

(2) the manufacturer has received an exemption from one or more of those maximum concentration values under the RoHS Directive that has been approved and published by the European Commission.

(c) A manufacturer who begins to sell or offer for sale video display devices to households after August 15, 2016, and has not filed a registration under this subdivision must submit a registration to the agency within ten days of beginning to sell or offer for sale video display devices to households.

(d) A registration must be updated within ten days after a change in the manufacturer's brands of video display devices sold or offered for sale to households.

(e) A registration is effective upon receipt by the agency and is valid until August 15 each year.

(f) The agency must review each registration and notify the manufacturer of any information required by this section that is omitted from the registration. Within 30 days of receipt of a notification from the agency, the manufacturer must submit a revised registration providing the information noted by the agency.

(g) The agency must maintain on its website the names of manufacturers and the manufacturers' brands listed in registrations filed with the agency. The agency must update the website information promptly upon receipt of a new or updated registration. The website must contain prominent language stating, in effect, that sections 115A.1310 to 115A.1330 are directed at household equipment and the manufacturers' brands list is, therefore, not a list of manufacturers qualified to sell to industrial, commercial, or other markets identified as exempt from the requirements of sections 115A.1310 to 115A.1330.

Subd. 3. **Collector registration.** No person may operate as a collector of covered electronic devices from households unless that person has submitted a registration with the agency by July 15 each year on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of the business and a certification that the collector has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318 and any regulations adopted by a local government unit for the jurisdiction in which the collector operates. A collector must indicate any end-of-life fees that will be charged at the collection point. A registration is effective upon receipt by the agency and is valid until July 15 each year.

Subd. 4. **Recycler registration.** No person may recycle video display devices generated by households unless that person has submitted a registration with the agency by July 15 each year on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of all recycling facilities under the direct control of the recycler that may receive covered electronic devices from households and a certification that the recycler has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318. A registered recycler must conduct recycling activities that are consistent with this chapter. A registration is effective upon receipt by the agency and is valid until July 15 each year.

115A.1314 MANUFACTURER REGISTRATION FEE.

Subdivision 1. **Registration fee.** (a) Each manufacturer who registers under section 115A.1312 must, by August 15 each year, pay to the commissioner of revenue an annual registration fee, on a form and in a manner prescribed by the commissioner of revenue. The commissioner of revenue must deposit the fee in the state treasury and credit the fee to the environmental fund.

(b) The registration fee for manufacturers that sell 100 or more video display devices to households in the state during the previous calendar year is $2,500, plus a variable recycling fee. The registration fee for manufacturers that sell fewer than 100 video display devices in the state during the previous calendar year is a variable recycling fee. The variable recycling fee is calculated according to the formula:

[A - (B + C)] x D, where:

A = the manufacturer's recycling obligation as determined under section 115A.1320;

B = the number of pounds of covered electronic devices that a manufacturer recycled or arranged to have collected and recycled from households during the immediately preceding program year, as reported under section 115A.1316, subdivision 1;

C = the number of phase I or phase II recycling credits a manufacturer elects to use to calculate the variable recycling fee; and

D = the estimated per-pound cost of recycling, initially set at $0.50 per pound for manufacturers who recycle less than 50 percent of the manufacturer's recycling obligation; $0.40 per pound for manufacturers who recycle at least 50 percent but less than 90 percent of the manufacturer's recycling obligation; $0.30 per pound for manufacturers who recycle at least 90 percent but less than 100 percent of the manufacturer's recycling obligation; and $0.00 per pound for manufacturers who recycle 100 percent or more of the manufacturer's recycling obligation.

(c) A manufacturer may petition the agency to waive the per-pound cost of recycling fee, element D in the formula in paragraph (b), required under this section. The agency shall direct the commissioner of revenue to waive the per-pound cost of recycling fee if the manufacturer demonstrates to the agency's satisfaction a good faith effort to meet its recycling obligation as determined under section 115A.1320. The petition must include:

(1) documentation that the manufacturer has met at least 75 percent of its recycling obligation as determined under section 115A.1320;

(2) a list of political subdivisions and public and private collectors with whom the manufacturer had a formal contract or agreement in effect during the previous program year to recycle or collect covered electronic devices;

(3) the total amounts of covered electronic devices collected from both within and outside of the 11-county metropolitan area, as defined in subdivision 2;

(4) a description of the manufacturer's best efforts to meet its recycling obligation as determined under section 115A.1320; and

(5) any other information requested by the agency.

(d) A manufacturer may retain phase I and phase II recycling credits to be added, in whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision 2, during any succeeding program year, provided that no more than 25 percent of a manufacturer's recycling obligation A for any program year may be met with phase I and phase II recycling credits, separately or in combination, generated in a prior program year. A manufacturer may sell any portion or all of its phase I and phase II recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

(e) For the purpose of determining B in calculating a manufacturer's variable recycling fee using the formula under paragraph (b), starting with the program year beginning July 1, 2019, and continuing each year thereafter, the weight of covered electronic devices that a manufacturer recycled or arranged to have collected and recycled from households located outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (b), is calculated at 1.5 times their actual weight.

Subd. 2. **Use of registration fees.** (a) Registration fees may be used by the commissioner for:

(1) implementing sections 115A.1312 to 115A.1330, including transfer to the commissioner of revenue to carry out the department's duties under section 115A.1320, subdivision 2, and transfer to the commissioner of administration for responsibilities under section 115A.1324; and

(2) grants to counties outside the 11-county metropolitan area, as defined in paragraph (b), and to private entities that collect for recycling covered electronic devices in counties outside the 11-county metropolitan area, where the collection and recycling is consistent with the respective county's solid waste plan, for the purpose of carrying out the activities under sections 115A.1312

to 115A.1330. In awarding competitive grants under this clause, the commissioner must give preference to counties and private entities that are working cooperatively with manufacturers to help them meet their recycling obligations under section 115A.1318, subdivision 1.

(b) The 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

115A.1316 REPORTING REQUIREMENTS.

Subdivision 1. **Manufacturer reporting requirements.** (a) By March 1 each year, each manufacturer must report to the agency using the form prescribed:

(1) the total weight of each specific model of its video display devices sold to households during the previous calendar year; and

(2) either:

(i) the total weight of its video display devices sold to households during the previous calendar year; or

(ii) an estimate of the total weight of its video display devices sold to households during the previous calendar year, calculated by multiplying the weight of its video display devices sold nationally times the quotient of Minnesota's population divided by the national population. All manufacturers with sales of 99 or fewer video display devices to households in the state during the previous calendar year must report using the method under this item for calculating sales.

A manufacturer must submit with the report required under this paragraph a description of how the information or estimate was calculated.

(b) By August 15 each year, each manufacturer must report to the agency:

(1) the total weight of covered electronic devices the manufacturer collected from households and recycled or arranged to have collected and recycled during the preceding program year;

(2) the number of phase I and phase II recycling credits the manufacturer has purchased and sold during the preceding program year;

(3) the number of phase I and phase II recycling credits possessed by the manufacturer that the manufacturer elects to use in the calculation of its variable recycling fee under section 115A.1314, subdivision 1; and

(4) the number of phase I and phase II recycling credits the manufacturer retains at the beginning of the current program year.

(c) Upon request of the commissioner of revenue, the agency shall provide a copy of each report to the commissioner of revenue.

Subd. 2. **Recycler reporting requirements.** (a) By July 15 each year, a recycler of covered electronic devices must report to the agency:

(1) the total weight of covered electronic devices recycled during the preceding program year and must certify that the recycler has complied with section 115A.1318, subdivision 2;

(2) the weight of video display devices recycled as part of covered electronic devices recycled during the previous program year; and

(3) an estimate of the weight of portable batteries and any mercury-containing lamps that are associated with the covered electronic devices managed.

(b) Upon request of the commissioner of revenue, the agency shall provide a copy of each report to the commissioner of revenue.

Subd. 3. **Collector reporting requirements.** By July 15 each year, a collector must report separately to the agency using the form prescribed by the commissioner:

(1) the total pounds of covered electronic devices collected in the state;

(2) a list of all recyclers to whom collectors delivered covered electronic devices; and

(3) whether the collector had a contract with a recycler or manufacturer to provide pounds toward meeting a manufacturer's obligation.

115A.1318 RESPONSIBILITIES.

Subdivision 1. **Manufacturer responsibilities.** (a) In addition to fulfilling the requirements of sections 115A.1310 to 115A.1330, a manufacturer must comply with paragraphs (b) to (f).

(b) A manufacturer must annually recycle or arrange for the collection and recycling of an amount of video display devices as determined by the agency in section 115A.1320, subdivision 1. A manufacturer must assume all financial responsibility associated with transporting and recycling covered electronic devices that are used to meet the manufacturer's recycling obligation determined under section 115A.1320 or that are counted as phase I or II recycling credits, including any necessary supplies. This excludes costs that are associated with receiving and aggregating covered electronic devices from households and all the activities up to the time that covered electronic devices are loaded for transport to a recycler or arranged for transportation to a recycler.

(c) The obligations of a manufacturer apply only to video display devices received from households and do not apply to video display devices received from sources other than households.

(d) A manufacturer must conduct and document due diligence assessments of collectors and recyclers it contracts with, including an assessment of items specified under subdivision 2. A manufacturer is responsible for maintaining, for a period of three years, documentation that all covered electronic devices recycled, partially recycled, or sent to downstream recycling operations comply with the requirements of subdivision 2.

(e) A manufacturer must provide the agency with contact information for a person who can be contacted regarding the manufacturer's activities under sections 115A.1310 to 115A.1320.

(f) Only the covered electronic devices that are recycled by a registered recycler that is certified by an ANSI-ASQ National Accreditation Board-accredited third-party certification body to an environmentally sound management standard are eligible to meet the manufacturer's obligation.

Subd. 1a. **Collector responsibilities.** (a) Collection sites must be:

(1) staffed; and

(2) open to the public at a frequency adequate to meet the needs of the area being served.

(b) A collector may limit the number of covered electronic devices or covered electronic devices by product type accepted per customer per day or per delivery at a collection site or service.

(c) A collector must use only registered recyclers.

Subd. 2. **Recycler responsibilities.** (a) As part of the report submitted under section 115A.1316, subdivision 2, a recycler must certify, except as provided in paragraph (b), that facilities that recycle covered electronic devices, including all downstream recycling operations:

(1) use only registered collectors;

(2) comply with all applicable health, environmental, safety, and financial responsibility regulations;

(3) are licensed by all applicable governmental authorities;

(4) use no prison labor to recycle video display devices;

(5) possess liability insurance of not less than $1,000,000 for environmental releases, accidents, and other emergencies;

(6) provide a report annually to each registered collector regarding the video display devices received from that entity; and

(7) do not charge collectors for transporting, recycling, or any necessary supplies related to transporting or recycling covered electronic devices that meet a manufacturer's recycling obligation as determined under section 115A.1320, unless otherwise mutually agreed upon.

(b) A nonprofit corporation that contracts with a correctional institution to refurbish and reuse donated computers in schools is exempt from paragraph (a), clauses (4) and (5).

(c) Except to the extent otherwise required by law and unless agreed upon otherwise by the recycler or manufacturer, a recycler has no responsibility for any data that may be contained in a covered electronic device if an information storage device is included in the covered electronic device.

Subd. 3. **Retailer responsibilities.** A retailer who sells new video display devices shall provide information to households describing where and how they may recycle video display devices and advising them of opportunities and locations for the convenient collection of video display devices for the purpose of recycling. This requirement may be met by providing to households the agency's toll-free number and website address. Retailers selling through catalogs or the Internet may meet this requirement by including the information in a prominent location on the retailer's website.

115A.1320 AGENCY AND DEPARTMENT DUTIES.

Subdivision 1. **Duties of agency.** (a) The agency shall administer sections 115A.1310 to 115A.1330.

(b) The agency shall establish procedures for:

(1) receipt and maintenance of the registration statements and certifications filed with the agency under section 115A.1312; and

(2) making the statements and certifications easily available to manufacturers, retailers, and members of the public.

(c) The agency shall annually review the following variables that are used to calculate a manufacturer's annual registration fee under section 115A.1314, subdivision 1:

(1) the obligation-setting mechanism for manufacturers as specified under paragraph (g);

(2) the estimated per-pound price of recycling covered electronic devices sold to households; and

(3) the base registration fee.

(d) If the agency determines that any of these values must be changed in order to improve the efficiency or effectiveness of the activities regulated under sections 115A.1312 to 115A.1330, or if the revenues exceed the amount that the agency determines is necessary, the agency shall submit recommended changes and the reasons for them to the chairs of the senate and house of representatives committees with jurisdiction over solid waste policy.

(e) By May 1 each year, the agency shall publish a statewide recycling goal for all video display device waste that is the weight of all video display devices collected for recycling during each of the three most recently completed program years, excluding the most recently concluded program year, divided by two.

(f) By May 1 each year, the agency shall determine each registered manufacturer's market share of video display devices to be collected and recycled based on the manufacturer's percentage share of the total weight of video display devices sold as reported to the agency under section 115A.1316, subdivision 1.

(g) By May 1 each year, the agency shall provide each manufacturer with a determination of the manufacturer's share of video display devices to be collected and recycled. A manufacturer's market share of video display devices as specified in paragraph (f) is applied proportionally to the statewide recycling goal as specified in paragraph (e) to determine an individual manufacturer's recycling obligation. Upon request by the commissioner of revenue, the agency must provide the information submitted to manufacturers under this paragraph to the commissioner of revenue.

(h) The agency shall provide a report to the governor and the legislature on the implementation of sections 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight of covered electronic devices recycled and a summary of information in the reports submitted by manufacturers and recyclers under section 115A.1316. The report must also discuss the various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must examine which covered electronic devices, based on economic and environmental considerations, should be subject to the obligation-setting mechanism under paragraph (g). The report must include a description of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include in its report other information received by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The report must be done in conjunction with the report required under section 115A.121.

(i) The agency shall promote public participation in the activities regulated under sections 115A.1312 to 115A.1330 through public education and outreach efforts.

(j) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those provisions enforced by the department, as provided in subdivision 2. The agency may revoke a registration of a collector or recycler found to have violated sections 115A.1310 to 115A.1330.

(k) The agency shall facilitate communication between counties, collection and recycling centers, and manufacturers to ensure that manufacturers are aware of video display devices available for recycling.

(l) The agency shall post on its website the contact information provided by each manufacturer under section 115A.1318, subdivision 1, paragraph (e).

Subd. 2. **Additional duties.** (a) The agency must collect the data submitted to it annually by each manufacturer on the total weight of each specific model of video display device sold to households, if provided; the total weight of video display devices sold to households; the total weight of covered electronic devices collected from households that are recycled; and data on phase I and phase II recycling credits, as required under section 115A.1316. The department must use this data to review each manufacturer's annual registration fee submitted to the department to ensure that the fee was calculated accurately.

(b) The agency must estimate, for each registered manufacturer, the sales of video display devices to households during the previous program year, based on:

(1) data provided by a manufacturer on sales of video display devices to households, including documentation describing how that amount was calculated and certification that the amount is accurate; or

(2) if a manufacturer does not provide the data specified in clause (1), national data on sales of video display devices.

The department must use the data specified in this subdivision to review each manufacturer's annual registration fee submitted to the department to ensure that the fee was calculated accurately according to the formula in section 115A.1314, subdivision 1.

(c) The department must enforce section 115A.1314, subdivision 1. The audit, assessment, appeal, collection, enforcement, disclosure, and other administrative provisions of chapters 270B, 270C, and 289A that apply to the taxes imposed under chapter 297A apply to the fee imposed under section 115A.1314, subdivision 1. To enforce section 115A.1314, subdivision 1, the commissioner of revenue may grant extensions to pay, and impose and abate penalties and interest on, the fee due under section 115A.1314, subdivision 1, in the manner provided in chapters 270C and 289A as if the fee were a tax imposed under chapter 297A.

(d) The department may disclose nonpublic data to the agency only when necessary for the efficient and effective administration of the activities regulated under sections 115A.1310 to 115A.1330. Any data disclosed by the department to the agency retains the classification it had when in the possession of the department.

115A.1322 OTHER RECYCLING PROGRAMS.

A city, county, or other public agency may not require households to use public facilities to recycle their covered electronic devices to the exclusion of other lawful programs available. Cities, counties, and other public agencies, including those awarded contracts by the agency under section 115A.1314, subdivision 2, are encouraged to work with manufacturers to assist them in meeting their recycling obligations under section 115A.1318, subdivision 1. Nothing in sections 115A.1310 to 115A.1330 prohibits or restricts the operation of any program recycling covered electronic devices in addition to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or recycling covered electronic devices, provided that those persons are registered under section 115A.1312.

115A.1323 ANTICOMPETITIVE CONDUCT.

(a) A manufacturer that organizes collection or recycling under sections 115A.1310 to 115A.1322 is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection or recycling system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

(b) An organization of manufacturers, an individual manufacturer, and its officers, members, employees, and agents who cooperate with a political subdivision that organizes collection or

recycling under this section are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection or recycling system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

115A.1324 REQUIREMENTS FOR PURCHASES BY STATE AGENCIES.

(a) The Department of Administration must ensure that acquisitions of video display devices under chapter 16C are in compliance with or not subject to sections 115A.1310 to 115A.1318.

(b) The solicitation documents must specify that the prospective responder is required to cooperate fully in providing reasonable access to its records and documents that evidence compliance with paragraph (a) and sections 115A.1310 to 115A.1318.

(c) Any person awarded a contract under chapter 16C for purchase or lease of video display devices that is found to be in violation of paragraph (a) or sections 115A.1310 to 115A.1318 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;

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

(3) if the attorney general establishes that any money, property, or benefit was obtained by a contractor as a result of violating paragraph (a) or sections 115A.1310 to 115A.1318, the court may, in addition to any other remedy, order the disgorgement of the unlawfully obtained money, property, or benefit.

115A.1326 REGULATING VIDEO DISPLAY DEVICES.

If the United States Environmental Protection Agency adopts regulations under the Resource Conservation and Recovery Act regarding the handling, storage, or treatment of any type of video display device being recycled, those regulations are automatically effective in this state on the same date and supersede any rules previously adopted by the agency regarding the handling, storage, or treatment of all video display devices being recycled.

115A.1328 MULTISTATE IMPLEMENTATION.

The agency and department are authorized to participate in the establishment of a regional multistate organization or compact to assist in carrying out the requirements of this chapter.

115A.1330 LIMITATIONS.

Sections 115A.1310 to 115A.1330 expire if a federal law, or combination of federal laws, take effect that is applicable to all video display devices sold in the United States and establish a program for the collection and recycling or reuse of video display devices that is applicable to all video display devices discarded by households.

115A.9155 DISPOSING OF CERTAIN DRY CELL BATTERIES.

Subdivision 1. **Prohibition.** A person may not place in mixed municipal solid waste a dry cell battery containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead-acid that was purchased for use or used by a government agency, or an industrial, communications, or medical facility.

Subd. 2. **Manufacturer responsibility.** (a) A manufacturer of batteries subject to subdivision 1 shall:

(1) ensure that a system for the proper collection, transportation, and processing of waste batteries exists for purchasers in Minnesota; and

(2) clearly inform each final purchaser of the prohibition on disposal of waste batteries and of the system or systems for proper collection, transportation, and processing of waste batteries available to the purchaser.

(b) To ensure that a system for the proper collection, transportation, and processing of waste batteries exists, a manufacturer shall:

(1) identify collectors, transporters, and processors for the waste batteries and contract or otherwise expressly agree with a person or persons for the proper collection, transportation, and processing of the waste batteries; or

(2) accept waste batteries returned to its manufacturing facility.

(c) At the time of sale of a battery subject to subdivision 1, a manufacturer shall provide in a clear and conspicuous manner a telephone number that the final consumer of the battery can call to obtain information on specific procedures to follow in returning the battery for recycling or proper disposal. The manufacturer may include the telephone number and notice of return procedures on an invoice or other transaction document held by the purchaser. The manufacturer shall provide the telephone number to the commissioner of the agency.

(d) A manufacturer shall ensure that the cost of proper collection, transportation, and processing of the waste batteries is included in the sales transaction or agreement between the manufacturer and any purchaser.

(e) A manufacturer that has complied with this subdivision is not liable under subdivision 1 for improper disposal by a person other than the manufacturer of waste batteries.

115A.9157 RECHARGEABLE BATTERIES AND PRODUCTS.

Subdivision 1. **Definition.** For the purpose of this section, "rechargeable battery" means a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery, except a rechargeable battery governed by section 115A.9155 or exempted by the commissioner under subdivision 9.

Subd. 2. **Prohibition.** Effective August 1, 1991, a person may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a nonremovable rechargeable battery, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed.

Subd. 3. **Collection and management costs.** A manufacturer of rechargeable batteries or products powered by rechargeable batteries is responsible for the costs of collecting and managing its waste rechargeable batteries and waste products to ensure that the batteries are not part of the solid waste stream.

Subd. 5. **Collection and management programs.** (a) By September 20, 1995, the manufacturers or their representative organization shall implement permanent programs, based on the results of the pilot projects required in Minnesota Statutes 1994, section 115A.9157, subdivision 4, that may be reasonably expected to collect 90 percent of the waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state. The batteries and products collected must be recycled or otherwise managed or disposed of properly.

(b) In every odd-numbered year after 1995, each manufacturer or a representative organization shall provide information to the senate and house of representatives committees having jurisdiction over environment and natural resources and environment and natural resources finance that specifies at least the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous two years. A representative organization may report the amounts in aggregate for all the members of the organization.

Subd. 6. **List of participants.** A manufacturer or its representative organization shall inform the committees listed in subdivision 5 when they begin participating in the projects and programs and immediately if they withdraw participation.

Subd. 7. **Contracts.** A manufacturer or a representative organization of manufacturers may contract with the state or a political subdivision to provide collection services under this section. The manufacturer or organization shall fully reimburse the state or political subdivision for the value of any contractual services rendered under this subdivision.

Subd. 8. **Anticompetitive conduct.** A manufacturer or organization of manufacturers and its officers, members, employees, and agents who participate in projects or programs to collect and properly manage waste rechargeable batteries or products powered by rechargeable batteries are immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce for activities related to the collection and management of batteries and products required under this section.

Subd. 9. **Exemptions.** To ensure that new types of batteries do not add additional hazardous or toxic materials to the mixed municipal solid waste stream, the commissioner of the agency may exempt a new type of rechargeable battery from the requirements of this section if it poses no unreasonable hazard when placed in and processed or disposed of as part of a mixed municipal solid waste.

115A.961 HOUSEHOLD BATTERIES; COLLECTION, PROCESSING, AND DISPOSAL.

Subdivision 1. **Definition.** For the purposes of this section, "household batteries" means disposable or rechargeable dry cells commonly used as power sources for household or consumer products including, but not limited to, nickel-cadmium, alkaline, mercuric oxide, silver oxide, zinc oxide, lithium, and carbon-zinc batteries, but excluding lead acid batteries.

Subd. 2. **Program.** (a) The commissioner, in consultation with other state agencies, political subdivisions, and representatives of the household battery industry, may develop household battery programs. The commissioner must coordinate the programs with the Legislative-Citizen Commission on Minnesota Resources study on batteries.

(b) The commissioner shall investigate options and develop guidelines for collection, processing, and disposal of household batteries. The options the commissioner may investigate include:

(1) establishing a grant program for counties to plan and implement household battery collection, processing, and disposal projects;

(2) establishing collection and transportation systems;

(3) developing and disseminating educational materials regarding environmentally sound battery management; and

(4) developing markets for materials recovered from the batteries.

(c) The commissioner may also distribute funds to political subdivisions to develop battery management plans and implement those plans.

Subd. 3. **Participation.** A political subdivision, on its own or in cooperation with others, may implement a program to collect, process, or dispose of household batteries. A political subdivision may provide financial incentives to any person, including public or private civic groups, to collect the batteries.

325E.125 GENERAL AND SPECIAL PURPOSE BATTERY REQUIREMENTS.

Subdivision 1. **Labeling.** (a) The manufacturer of a button cell battery that is to be sold in this state shall ensure that each battery contains no intentionally introduced mercury or is labeled to clearly identify for the final consumer of the battery the type of electrode used in the battery.

(b) The manufacturer of a rechargeable battery that is to be sold in this state shall ensure that each rechargeable battery is labeled to clearly identify for the final consumer of the battery the type of electrode and the name of the manufacturer. The manufacturer of a rechargeable battery shall also provide clear instructions for properly recharging the battery.

Subd. 2. **Mercury content.** (a) Except as provided in paragraph (c), a manufacturer may not sell, distribute, or offer for sale in this state an alkaline manganese battery that contains more than 0.025 percent mercury by weight.

(b) On application, the commissioner of the Pollution Control Agency may exempt a specific type of battery from the requirements of paragraph (a) or (d) if there is no battery meeting the requirements that can be reasonably substituted for the battery for which the exemption is sought. A battery exempted by the commissioner under this paragraph is subject to the requirements of section 115A.9155, subdivision 2.

(c) Notwithstanding paragraph (a), a manufacturer may not sell, distribute, or offer for sale in this state a button cell nonrechargeable battery not subject to paragraph (a) that contains more than 25 milligrams of mercury.

(d) A manufacturer may not sell, distribute, or offer for sale in this state a dry cell battery containing a mercuric oxide electrode.

(e) After January 1, 1996, a manufacturer may not sell, distribute, or offer for sale in this state an alkaline manganese battery, except an alkaline manganese button cell, that contains mercury unless the commissioner of the Pollution Control Agency determines that compliance with this requirement is not technically and commercially feasible.

Subd. 2a. **Approval of new batteries.** A manufacturer may not sell, distribute, or offer for sale in this state a nonrechargeable battery other than a zinc air, zinc carbon, silver oxide, lithium, or alkaline manganese battery, without first having received approval of the battery from the commissioner of the Pollution Control Agency. The commissioner shall approve only batteries that comply with subdivision 1 and do not pose an undue hazard when disposed of. This subdivision is intended to ensure that new types of batteries do not add additional hazardous or toxic materials to the state's mixed municipal waste stream.

Subd. 3. **Rechargeable tools and appliances.** (a) A manufacturer may not sell, distribute, or offer for sale in this state a rechargeable consumer product unless:

(1) the battery can be easily removed by the consumer or is contained in a battery pack that is separate from the product and can be easily removed; and

(2) the product and the battery are both labeled in a manner that is clearly visible to the consumer indicating that the battery must be recycled or disposed of properly and the battery must be clearly identifiable as to the type of electrode used in the battery.

(b) "Rechargeable consumer product" as used in this subdivision means any product that contains a rechargeable battery and is primarily used or purchased to be used for personal, family, or household purposes.

(c) On application by a manufacturer, the commissioner of the Pollution Control Agency may exempt a rechargeable consumer product from the requirements of paragraph (a) if:

(1) the product cannot be reasonably redesigned and manufactured to comply with the requirements prior to the effective date of Laws 1990, chapter 409, section 2;

(2) the redesign of the product to comply with the requirements would result in significant danger to public health and safety; or

(3) the type of electrode used in the battery poses no unreasonable hazards when placed in and processed or disposed of as part of mixed municipal solid waste.

(d) An exemption granted by the commissioner of the Pollution Control Agency under paragraph (c), clause (1), must be limited to a maximum of two years and may be renewed.

Subd. 4. **Rechargeable batteries and products; notice.** (a) A person who sells rechargeable batteries or products powered by rechargeable batteries governed by section 115A.9157 at retail shall post the notice in paragraph (b) in a manner clearly visible to a consumer making purchasing decisions.

(b) The notice must be at least four inches by six inches and state:

"ATTENTION USERS OF RECHARGEABLE BATTERIES AND CORDLESS PRODUCTS:

Under Minnesota law, manufacturers of rechargeable batteries, rechargeable battery packs, and products powered by nonremovable rechargeable batteries will provide a special collection system for these items by April 15, 1994. It is illegal to put rechargeable batteries in the garbage. Use the special collection system that will be provided in your area. Take care of our environment.

DO NOT PUT RECHARGEABLE BATTERIES OR PRODUCTS POWERED BY NONREMOVABLE RECHARGEABLE BATTERIES IN THE GARBAGE."

(c) Notice is not required for home solicitation sales, as defined in section 325G.06, or for catalogue sales.

Subd. 5. **Prohibitions.** A manufacturer of rechargeable batteries or products powered by rechargeable batteries that does not participate in the pilot projects and programs required in section 115A.9157 may not sell, distribute, or offer for sale in this state rechargeable batteries or products powered by rechargeable batteries after January 1, 1992.

After January 1, 1992, a person who first purchases rechargeable batteries or products powered by rechargeable batteries for importation into the state for resale may not purchase rechargeable batteries or products powered by rechargeable batteries made by any person other than a manufacturer that participates in the projects and programs required under section 115A.9157.

325E.1251 PENALTY ENFORCEMENT.

Subdivision 1. **Penalty.** Violation of section 325E.125 is a misdemeanor. A manufacturer who violates section 325E.125 is also subject to a minimum fine of $100 per violation.

Subd. 2. **Recovery of costs.** Section 325E.125 may be enforced under section 115.071. In an enforcement action under this section in which the state prevails, the state may recover reasonable administrative expenses, court costs, and attorney fees incurred to take the enforcement action, in an amount to be determined by the court.