Senator Klein from the Committee on Commerce and Consumer Protection, to which was re-referred

S.F. No. 1690: 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.

Reports the same back with the recommendation that the bill be amended as follows:

Delete everything after the enacting clause and insert:

"Section 1. Minnesota Statutes 2024, section 115A.03, is amended by adding a subdivision to read:

Subd. 3b. **Battery.** "Battery" means one or more galvanic cells, including any structural members, casing, and terminals.

EFFECTIVE DATE. This section is effective July 1, 2026.

Sec. 2. Minnesota Statutes 2024, section 115A.03, is amended by adding a subdivision to read:

Subd. 10d. **Facilitate a sale.** "Facilitate a sale" means to assist a person in transferring title or possession of a 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.

EFFECTIVE DATE. This section is effective July 1, 2026.

Sec. 3. **[115A.1331] STEWARDSHIP PROGRAM FOR COVERED BATTERIES; DEFINITIONS.**

(a) The terms used in sections 115A.1331 to 115A.1347 have the meanings given in this section and section 115A.03.

(b) "Battery-containing product" means a product:

(1) in which a covered battery is contained;

(2) to which a covered battery is attached; or

(3) with which a covered battery is packaged.

(c) "Brand" means a mark, a registered or unregistered trademark, a logo, a name, a symbol, a word, or an identifier that attributes a product to the owner or licensee of the brand.

(d) "Collection" means receipt of discarded covered batteries from a person, including sorting and storage that are necessary for receipt and that are performed by the covered battery collector. Collection does not include transport of a covered battery that occurs after a covered battery collector receives the covered battery, except for transport by the covered battery collector to or between a covered battery collection site or sites operated by the covered battery collector.

(e) "Covered battery" means a loose battery or a battery that is easily removable. A covered battery may be of any brand, type, physical size, energy capacity, or chemistry. A covered battery includes a covered small battery, covered medium battery, or covered large battery. A covered battery does not include:

(1) a lead acid battery regulated under sections 325E.115 and 325E.1151;

(2) a battery designed, manufactured, and intended solely for use in a motor vehicle;

(3) a battery contained within a medical device, as specified in United States Code, title 21, section 321(h), as it existed as of the effective date of this section, that is not designed and marketed for sale or resale principally to consumers for personal use;

(4) a battery removed from a permanent, stationary, energy storage system that requires installation and removal by an electrician licensed under chapter 326B;

(5) a battery transported into the state after the battery is collected in another state; or

(6) a battery subject to recall for safety reasons.

(f) "Covered battery collection site" means a physical location where a covered battery collector collects covered batteries from other persons, regardless of whether the covered battery collector operates the location permanently, temporarily, or for purposes of a collection event.

(g) "Covered battery collector" means a person that collects covered batteries on behalf of and under agreement with a covered battery stewardship organization and receives reimbursement at the rates determined according to section 115A.1335 from the covered battery stewardship organization for the covered battery collector's costs for collection of the covered batteries.

(h) "Covered battery producer" means the following person responsible for compliance with requirements under sections 115A.1331 to 115A.1347 for a covered battery sold, including online sales, offered for sale or promotional purposes, or distributed in or into the state:

(1) for a covered battery:

(i) if the covered battery is sold, offered, or distributed under a brand owned by the person that manufactured the covered battery, the producer is the person that manufactured the covered battery;

(ii) if the covered battery is sold, offered, or distributed under a brand owned by a person other than the person that manufactured the covered battery, the producer is the person that owned the brand;

(iii) if the covered battery is sold, offered, or distributed under a brand licensed to a person, the producer is the person that is the licensee of the brand under which the covered battery is sold, offered, or distributed, whether or not the brand is registered in the state;

(iv) if there is no person described in items (i) to (iii) within the United States, the producer is the person that imported the covered battery into the United States to be sold, offered, or distributed; and

(v) if there is no person described in items (i) to (iv), the producer is the person that first sold, offered, or distributed the covered battery in or into the state;

(2) for a covered battery contained in, attached to, or packaged with a battery-containing product:

(i) if the battery-containing product is sold, offered, or distributed under a brand owned by the person that manufactured it, the producer is the person that manufactured the battery-containing product;

(ii) if the battery-containing product is sold, offered, or distributed under a brand owned by a person other than the person that manufactured the battery-containing product, the producer is the person that owned the brand;

(iii) if the battery-containing product is sold, offered, or distributed under a brand licensed to a person, the producer is the person that is the licensee of the brand under which the battery-containing product is sold, offered, or distributed, whether or not the brand is registered in the state;

(iv) if there is no person described in items (i) to (iii) within the United States, the producer is the person that imported the battery-containing product into the United States to be sold, offered, or distributed; and

(v) if there is no person described in items (i) to (iv), the producer is the person that first sold, offered, or distributed the battery-containing product in or into the state;

(3) notwithstanding clause (2), a producer does not include any person that manufactured, imported into the United States, or sold, offered, or distributed in or into the state a battery-containing product if the producer of the only covered batteries contained in, attached to, or packaged with the battery-containing product is named as a participant by a covered battery stewardship organization and both the person and the participant acknowledge such in writing to the covered battery stewardship organization; and

(4) notwithstanding clauses (1) and (2), a person that voluntarily assumes the responsibility of a producer of a covered battery and certifies that they have assumed the responsibility of a producer in writing to the commissioner is the producer of the covered battery.

(i) "Covered battery stewardship organization" means an organization that contracts with one or more covered battery producers to meet the producers' obligations under sections 115A.1331 to 115A.1347.

(j) "Covered battery stewardship plan" or "stewardship plan" means a plan that is prepared according to section 115A.1335 and submitted to the commissioner by each covered battery stewardship organization.

(k) "Covered battery stewardship program" means a system implemented by a covered battery stewardship organization to manage all covered batteries offered to a covered battery collector by arranging and paying for the collection, covered services, and all other activities described in a covered battery stewardship plan approved by the commissioner under section 115A.1335, subdivision 4.

(l) "Covered large battery" means a covered battery that weighs more than 25 pounds or has an energy capacity greater than 2,000 watt-hours or both. Covered large battery does not include a battery that is designed, manufactured, and intended solely for use in manufacturing, industrial, or other commercial settings.

(m) "Covered large battery collection site" means a covered battery collection site that meets the requirements of section 115A.1341, subdivision 1, paragraphs (a), (b), and (e).

(n) "Covered medium battery" means a covered battery that weighs more than 11 pounds but equal to or less than 25 pounds or has an energy capacity greater than 300 watt-hours but equal to or less than 2,000 watt-hours.

(o) "Covered medium battery collection site" means a covered battery collection site that meets the requirements of section 115A.1341, subdivision 1, paragraphs (a), (c), and (e).

(p) "Covered services" means transportation, processing, recycling, and disposal of covered batteries and residual materials after collection. Covered services does not include:

(1) repair or reuse of a covered battery by the collector; or

(2) transport of a covered battery by the covered battery collector that collected it to or between a covered battery collection site or sites that are operated by the covered battery collector.

(q) "Covered small battery" means a covered battery that weighs 11 pounds or less and has an energy capacity of 300 watt-hours or less.

(r) "Covered small battery collection site" means a covered battery collection site that meets the requirements of section 115A.1341, subdivision 1, paragraphs (a), (d), and (e).

(s) "Distribute" means to sell, offer, supply, ship, transport, or deliver a product to a person that sells, offers, supplies, ships, transports, or delivers the product in or into the state, regardless of whether title to the product is ever acquired by a person distributing the product.

(t) "Easily removable" or "easily removed" means that a battery can be removed by a single person from a product by hand or by hand and the use of only:

(1) a flathead, crosshead, or Phillips screwdriver;

(2) a paper clip;

(3) a coin; or

(4) a hex key.

(u) "Household hazardous waste management program" means a program established under section 115A.96 to collect and manage household hazardous waste, as defined in section 115A.96, that is established or operated by the agency or another public entity, including but not limited to a political subdivision, state agency, or federally recognized Tribe.

(v) "Independent auditor" means a certified public accountant that:

(1) holds a current active license under chapter 326A and rules adopted thereunder;

(2) is retained by a covered battery stewardship organization;

(3) is not otherwise employed by or affiliated with the commissioner or a covered battery stewardship organization; and

(4) is qualified to conduct an audit under section 115A.1337, subdivision 6, clause (8).

(w) "Loose battery" means a battery that is not contained in or attached to a product. A loose battery does not include a battery that is contained in an enclosure when the enclosure is not integral to the operation of the battery.

(x) "Motor vehicle" has the meaning given in section 168.002.

(y) "Participant" means a covered battery producer that is named by a covered battery stewardship organization as meeting the covered battery producer's obligations under sections 115A.1331 to 115A.1347. If one covered battery producer is named as a participant by voluntarily assuming responsibility for a covered battery on behalf of other covered battery producers under paragraph (h), clause (4), then all those covered battery producers are also participants.

(z) "Rechargeable battery" means a battery that is designed and intended to have electrical energy added to it by electrical or physical means after use.

(aa) "Residual material" means materials and wastes resulting from processing, recycling, or disposal of covered batteries.

(bb) "Responsible market" means a market for covered batteries, for reclaimed materials from collected covered batteries, or for any other recyclable residual material from collected covered batteries 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 batteries to the maximum extent practicable in accordance with section 115A.02, paragraph (b); and

(5) minimizes adverse impacts to environmental justice areas.

(cc) "Specialized covered battery recycler" means a person that, if and as applicable, is properly authorized by the commissioner or, if operating in another state or country, an equivalent state, federal, or other governmental body, to process, recycle, or reclaim useful materials from covered batteries.

EFFECTIVE DATE. This section is effective July 1, 2026.

Sec. 4. **[115A.1335] COVERED BATTERY STEWARDSHIP PLAN AND BUDGET.**

Subdivision 1. **Due dates.** (a) By July 1, 2027:

(1) each covered battery producer must contract with a covered battery stewardship organization to act on the covered battery producer's behalf for purposes of complying with the producer's obligations under sections 115A.1331 to 115A.1347; and

(2) each covered battery stewardship organization must:

(i) notify the commissioner that it has been designated by covered battery producers to act on their behalf; and

(ii) provide to the commissioner its identity and contact information.

(b) By January 1, 2029, a covered battery stewardship organization must submit to the commissioner a covered battery stewardship plan that meets all requirements of subdivision 2 for review under subdivision 4.

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

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

(2) a description and example of contracts, including a list of all parties to the contracts, that must:

(i) clearly grant the covered battery stewardship organization the authority to act on behalf of the participants that the covered battery stewardship organization represents to implement the covered battery stewardship plan;

(ii) include a statement of responsibility of the participants that the covered battery stewardship organization represents to comply with the approved covered battery stewardship plan; and

(iii) include a statement of responsibility of the participants that the covered battery stewardship organization represents to fund the covered battery stewardship organization as necessary to implement the covered battery stewardship plan, pay for associated costs, and pay for fees and penalties assessed by the commissioner;

(3) identification of and contact information for all participants in the covered battery stewardship program;

(4) identification of and contact information for each covered battery collector or prospective covered battery collector that has agreed to operate covered battery collection sites to collect covered batteries on behalf of the covered battery stewardship organization and documentation of such agreements. A covered battery collection site may only be included in one covered battery stewardship plan at a time;

(5) identification of and contact information for each person providing covered services and the location of all facilities where covered services will be provided;

(6) identification and contact information for those persons that the covered battery stewardship organization has contracted with and that will administer and implement the covered battery stewardship program in accordance with section 115A.1337, subdivision 7. The relationship of the other persons to the covered battery stewardship organization and their role in administering and implementing the covered battery stewardship program must be described;

(7) the address, county of location, and, in a form prescribed by the commissioner, geolocation data for each covered battery collection site to be served through the covered battery stewardship organization under the covered battery stewardship program and identification of those covered battery collection sites that are operated by a household hazardous waste management program;

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

(9) eligibility criteria for prospective covered battery collectors;

(10) a description of how the covered battery stewardship program will provide convenient, statewide collection according to subdivision 3 without collection of covered batteries performed by collection sites on behalf of another covered battery stewardship organization;

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

(12) a description of how the covered battery stewardship organization will ensure each covered battery collector is provided with the materials specified in section 115A.1337, subdivision 1;

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

(14) the performance standards for persons providing covered services for the covered battery stewardship organization and the oversight methods by which the covered battery stewardship organization will ensure continuing compliance with the performance standards. The covered battery stewardship organization may determine performance standards, which at a minimum must:

(i) accord with clauses (17) to (20), (22), (23), and (36);

(ii) ensure that covered services other than transportation are provided only by specialized covered battery recyclers; and

(iii) ensure covered batteries and residual materials are managed through responsible markets;

(15) a description of the oversight methods by which the covered battery stewardship organization will ensure continuing compliance with the performance standards under clause (14);

(16) a description of how the covered battery stewardship organization will ensure that there are multiple persons providing covered services to ensure resiliency in the system;

(17) a description of methods by which the covered battery stewardship organization will ensure that discarded covered batteries and residual materials managed under the covered battery stewardship program are managed while in the state in compliance with rules adopted under section 116.07 for managing solid waste and hazardous waste, when applicable, and, when outside the state, with all applicable legal requirements for managing solid waste and hazardous waste, as applicable;

(18) a description of the actions the covered battery stewardship organization will take upon receiving information of potential or actual noncompliance under clause (17) by any person handling covered batteries under the covered battery stewardship program;

(19) a description of methods by which the covered battery stewardship organization will ensure that covered batteries and residual materials managed under the covered battery stewardship program 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 applicable federal, state, and local employee safety and health requirements and fire protection requirements;

(20) a description of the actions the covered battery stewardship organization will take upon receiving information of potential or actual noncompliance under clause (19) by any person handling covered batteries under the covered battery stewardship program;

(21) a description of how the covered battery stewardship organization will ensure sufficient and timely pickup and transport of covered batteries are provided to each covered battery collection site so that the covered battery collection site can continuously and safely collect and store covered batteries;

(22) a description of methods by which the covered battery stewardship organization will ensure that covered batteries and residual materials managed under the covered battery stewardship program 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 applicable legal requirements for transporting hazardous materials;

(23) a description of the actions the covered battery stewardship organization will take upon receiving information of potential or actual noncompliance under clause (22) by any person handling covered batteries under the covered battery stewardship program;

(24) a statement of indemnification by the covered battery stewardship organization to covered battery collectors for potential liability for improper downstream management of covered batteries or residual materials by providers of covered services arranged for by the covered battery stewardship organization and identified in the covered battery stewardship plan under clause (5);

(25) a description of how the covered battery stewardship organization will determine and annually report the quantity of covered batteries collected under the covered battery stewardship program by chemistry by weight;

(26) a description of the outreach and education methods and activities that the covered battery stewardship organization will ensure are provided according to section 115A.1337, subdivision 4;

(27) a description of how the covered battery stewardship organization will ensure that there is at least one full-time representative of the covered battery stewardship organization who is dedicated to implementing the covered battery stewardship program in this state and serves as the primary contact between the covered battery stewardship organization and the agency;

(28) the proposed reimbursement rates for covered battery collectors that are household hazardous waste management programs, according to the following:

(i) the proposed reimbursement rates must cover all costs of collection incurred by the covered battery collectors, which include but are not limited to:

(A) labor, overhead, and supplies;

(B) necessary collection and storage structures and containers;

(C) employee training; and

(D) necessary safety materials;

(ii) the covered battery stewardship organization may, on agreement with the covered battery collectors, provide materials or services to covered battery collectors in lieu of covering specific costs;

(iii) necessary safety materials described in item (i), subitem (D), do not include fire safety infrastructure, such as fire sprinklers or fire detection systems; and

(iv) the covered battery stewardship organization must meet and agree on the proposed reimbursement rates with covered battery collectors and prospective covered battery collectors that are household hazardous waste management programs;

(29) the proposed reimbursement rates for covered battery collectors that are not household hazardous waste management programs, according to the following:

(i) the proposed reimbursement rates must cover all of the following costs of collection incurred by the covered battery collectors:

(A) necessary collection and storage structures, containers, and supplies;

(B) employee training; and

(C) necessary safety materials;

(ii) the proposed reimbursement rates may, on agreement with the covered battery collectors, cover costs of collection in addition to those described in item (i);

(iii) the covered battery stewardship organization may, on agreement with the covered battery collectors, provide materials or services to covered battery collectors in lieu of covering specific costs;

(iv) necessary safety materials described in item (i), subitem (C), do not include fire safety infrastructure, such as fire sprinklers or fire detection systems; and

(v) the covered battery stewardship organization must meet and agree on the proposed reimbursement rates with covered battery collectors and prospective covered battery collectors that are not household hazardous waste management programs;

(30) documentation that the covered battery collectors and prospective covered battery collectors identified in clause (4) have agreed to the proposed reimbursement rates in clauses (28) and (29);

(31) documentation that the number of covered battery collection sites identified in clause (7) to be operated by the covered battery collectors identified in clause (4) are sufficient to ensure that the covered battery stewardship organization will comply with the convenience standards of subdivision 3;

(32) a description of the system by which the covered battery stewardship organization will provide advance payment or reimbursement to covered battery collectors in a manner that provides:

(i) periodic automatic payment of reimbursements at least annually; or

(ii) a process for submitting reimbursement requests and reasonable timelines for reimbursement, at intervals no longer than monthly unless otherwise agreed to by the covered battery collector;

(33) a description of the system by which the covered battery stewardship organization will pay persons providing covered services in a manner that provides:

(i) a clear process for submitting invoices; and

(ii) reasonable timelines for payment, at intervals agreed to by the person providing covered services;

(34) a description of how the covered battery stewardship program costs will be allocated among participants, either individually or among groups of participants identified by the covered battery stewardship organization, such that the costs of managing covered batteries

are allocated equitably. As part of this description, a clear assignment of responsibility for costs of managing covered batteries subject to a voluntary or mandatory recall to the participant or participants associated with those covered batteries and not other participants must be included;

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

(36) a description of how the covered battery stewardship organization will ensure that covered batteries and residual materials managed under the covered battery stewardship program are managed to the maximum extent practicable in accordance with section 115A.02, paragraph (b);

(37) a description of how the covered battery stewardship organization will take actions within its purview and provide feedback for covered battery producers to enable improvements in product design and material use, technology, and personnel training that could raise the future maximum extent practicable for management described in clause (36), including consideration of covered battery reuse, repair, and product life cycle;

(38) a description of how the covered battery stewardship organization will annually report to the commissioner, by chemistry by weight, the end management through recycling or disposal of covered batteries for which the covered battery stewardship program was responsible during each calendar year; and

(39) a description of how the covered battery stewardship organization will take action to decrease the incidence of covered batteries in solid waste in the state, including providing collection opportunities under section 115A.1337, subdivision 2, paragraph (b).

(b) By January 1, 2029, and annually thereafter, the covered battery stewardship organization must submit an anticipated annual budget for the covered battery stewardship program for that calendar year, broken down into the covered battery stewardship program's estimated costs for administration, collection, sorting after collection, storage after collection, transportation after collection, processing, recycling, disposal, and communication, including the cost of fees under section 115A.1339. The budget is not subject to review and approval under subdivisions 4 and 5.

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

(1) a covered battery's type, physical size, energy capacity, or chemistry;

(2) a covered battery's brand; or

(3) the producer of a covered battery.

(b) A covered battery stewardship plan submitted by a covered battery stewardship organization must independently meet the convenience standards in paragraphs (c) to (e) without cost sharing, collaboration, or consideration of activities of another covered battery stewardship organization.

(c) For covered small batteries, the covered battery stewardship organization must:

(1) in each county with a population of 10,000 or less, maintain at least two covered small battery collection sites;

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

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

(4) maintain a covered small battery collection site located within ten miles of the household of at least 95 percent of the residents of the state.

(d) For covered medium batteries, the covered battery stewardship organization must:

(1) in each county with a population of 100,000 or less, maintain at least one covered medium battery collection site;

(2) in each county with a population greater than 100,000, maintain at least two covered medium battery collection sites and at least one additional covered medium battery collection site for each additional 100,000 in population above a population of 100,000; and

(3) maintain a covered medium battery collection site located within ten miles of the household of at least 95 percent of the residents of the state.

(e) For covered large batteries, the covered battery stewardship organization must maintain at least four covered large battery collection sites in each of the 11 development regions of the state, as designated by section 462.385, except for region 11, in which ten large battery collection sites must be maintained.

(f) When demonstrating compliance with paragraphs (c), (d), and (e), a covered battery stewardship organization may count:

(1) a covered large battery collection site as a covered medium battery collection site and a covered small battery collection site; and

(2) a covered medium battery collection site as a covered small battery collection site.

(g) The covered battery stewardship organization must ensure no net loss in estimated collection convenience and capacity for covered batteries from the program in place on January 1, 2026.

(h) Upon a showing by the covered battery stewardship organization that meeting the convenience standard of paragraph (c), (d), or (e), for a specific county or development region would cause undue hardship to the covered battery stewardship organization, the commissioner may approve an alternative convenience standard if the proposed alternative convenience standard would reasonably result in equivalent covered battery collection convenience.

Subd. 4. **Review of covered battery stewardship plan; implementation.** (a) Within 120 days after receiving a complete covered battery stewardship plan submitted under this section, the commissioner must determine whether the stewardship plan complies with 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 covered battery stewardship plan, the commissioner may consult with interested parties.

(c) For at least 30 days before approving a covered battery 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 covered battery stewardship plan fails to comply with 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 covered battery stewardship plan. The commissioner must provide a written notice of determination to the covered battery 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 covered battery stewardship plan will ensure that elements required by subdivision 2, paragraph (a), will be met to the maximum extent practicable, the commissioner must approve the covered battery stewardship plan. The commissioner must provide a written notice of determination to the covered

battery stewardship organization and must publish the approved covered battery stewardship plan on the agency's publicly accessible website within 30 days after approval.

(f) The covered battery stewardship organization must implement the covered battery 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.

(g) For each covered battery stewardship plan or amendment submitted to the commissioner for review, the commissioner may consider the data submitted according to section 115A.1337, subdivision 6, and other relevant information to establish requirements to improve the effectiveness, performance, and awareness of the covered battery stewardship program.

Subd. 5. **Amending or terminating a covered battery stewardship plan.** (a) The covered battery stewardship organization may amend a covered battery 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 covered battery stewardship organization must report the amendment to the commissioner and the commissioner must publish the amended stewardship plan on the agency's publicly accessible website. The covered battery stewardship organization must implement amendments made to a stewardship plan under this paragraph within 60 days after adopting the amendment. The covered battery stewardship organization may:

(1) add; terminate, when authorized under section 115A.1337, subdivision 1, if applicable; or replace a covered battery collector, collection site, person providing covered services, or facility where covered services will be performed;

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

(3) change contact staff or contact staff information for a covered battery stewardship organization, participants, covered battery collectors, or persons providing covered services.

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

(c) The covered battery stewardship organization must submit an amended covered battery stewardship plan for review:

(1) at least every five years according to this subdivision and subdivision 4; or

(2) within 60 days if the commissioner determines that an amended stewardship plan is necessary to implement sections 115A.1331 to 115A.1347.

(d) The covered battery stewardship organization may terminate a covered battery stewardship plan only:

(1) by providing at least 90 days' written notice to the commissioner and to all covered battery stewardship organizations and participants in the covered battery stewardship program; and

(2) after a replacement covered battery stewardship plan submitted by the covered battery stewardship organization or a new covered battery stewardship organization is approved by the commissioner under subdivision 4.

(e) The commissioner may terminate a covered battery stewardship plan for good cause, as defined in paragraph (f). If the commissioner terminates a covered battery stewardship plan, the commissioner must provide the covered battery stewardship organization with written notice of termination describing the good cause for termination. The commissioner must also notify all participants in the covered battery stewardship program in writing of the termination, using the contact information for the participants provided in the covered battery stewardship plan.

(f) For purposes of paragraph (e), "good cause" includes but is not limited to:

(1) failure by the covered battery stewardship organization to:

(i) fully and accurately disclose required or requested information to the commissioner;

(ii) comply with the terms of sections 115A.1331 to 115A.1347; or

(iii) pay fees or penalties owed to the commissioner or comply with an order lawfully issued by the commissioner; and

(2) a finding that the covered battery stewardship organization's activities endanger human health or the environment and the danger cannot reasonably be removed by an amendment to the covered battery stewardship plan.

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

(a) or (b). The covered battery stewardship organization must ensure that all participants, covered battery collectors, and persons providing covered services acting on behalf of the covered battery stewardship organization also comply with the stewardship plan and are responsible to the covered battery stewardship organization and to the commissioner for compliance.

(b) The covered battery stewardship organization must ensure that covered battery collectors are reimbursed according to the reimbursement rates approved by the commissioner according to this section and the system described in the covered battery stewardship plan.

(c) The covered battery stewardship organization must ensure that all costs of the covered battery stewardship program as specified in sections 115A.1331 to 115A.1347 are fully paid for by participants. All costs of the covered battery stewardship program must be allocated fairly between groups of participants without any fee, charge, surcharge, or any other cost to:

(1) any member of the public;

(2) any business other than a covered battery producer;

(3) any covered battery collector;

(4) any person providing covered services;

(5) the state or any political subdivision; or

(6) any other person that is not a covered battery producer.

EFFECTIVE DATE. This section is effective July 1, 2026.

Sec. 5. **[115A.1337] COVERED BATTERY STEWARDSHIP ORGANIZATION; DUTIES AND STRUCTURE.**

Subdivision 1. **Duties to covered battery collectors.** (a) The covered battery stewardship organization must ensure that the following are provided to each covered battery collector:

(1) reimbursement at the rates determined according to section 115A.1335 and the system described in the covered battery stewardship plan;

(2) pickup and transport of collected covered batteries from each covered battery collection site in sufficient time and quantity to allow the covered battery collector to safely receive covered batteries without interruption or cost to the covered battery collector;

(3) appropriate containers for storage and transportation of covered batteries and supplies necessary for the collection of covered batteries;

(4) signage to identify collection sites and the covered batteries accepted at the collection sites;

(5) training for covered battery collection site employees on identifying and safely handling and storing covered batteries, including damaged, defective, or recalled batteries, also known as DDR batteries; and

(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 languages most commonly spoken at homes in the state other than English, according to the state demographer.

(b) The covered battery stewardship organizations must consider the request of a covered battery collector to perform covered services if the covered battery collector meets the performance standards in the covered battery stewardship plan under section 115A.1335, subdivision 2, paragraph (a), clause (14), and the covered battery collector and the covered battery stewardship organization agree after negotiation in good faith on the fees to be paid to the covered battery collector for performing the covered services. The covered battery stewardship plan must identify the covered battery collector as providing covered services according to section 115A.1335, subdivision 2, paragraph (a), clause (5).

(c) The covered battery stewardship organizations must allow the following persons to serve as a covered battery collector:

(1) a person that agrees to operate or continues to operate a covered battery collection site in compliance with section 115A.1341, subdivision 1, paragraphs (a) and (e), and with paragraph (b), (c), or (d), as applicable, and with:

(i) the conditions in section 115A.1335, subdivision 2, paragraph (a), clauses (17) to (20), (22), and (23), and any other applicable provisions of the covered battery stewardship plan in section 115A.1335; and

(ii) section 115A.1341; and

(2) a household hazardous waste management program.

(d) The covered battery stewardship organization may terminate a covered battery collector, except a household hazardous waste management program, and cease payment to the covered battery collector for good cause. Good cause under this paragraph does not include accepting a battery subject to recall. The covered battery stewardship organization may suspend a covered battery collector that is a household hazardous waste management

program and cease payment to the covered battery collector for good cause with the approval of the commissioner, until the commissioner determines that the household hazardous waste management program is compliant with sections 115A.1331 to 115A.1347.

Subd. 2. **Accessibility.** (a) The covered battery stewardship program must provide convenient, equitable, and accessible service to all persons in Minnesota, 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 covered battery stewardship program must include collection opportunities beyond those required under section 115A.1335, subdivision 3, to better serve populations under paragraph (a).

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

Subd. 3. **Oversight.** The covered battery stewardship organization must ensure that covered batteries and residual materials managed under the covered battery stewardship program are managed according to the performance standards in section 115A.1335, subdivision 2, paragraph (a), clause (14), by all persons providing covered services.

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

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

(2) potential covered battery collectors and persons that are collecting covered batteries before the effective date of this section to inform them how to request coverage by the covered battery 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;

(ii) the need to safely charge and store covered batteries;

(iii) the benefits of recycling covered batteries in contrast to disposal; and

(iv) the existence of the covered battery stewardship program and the ability to manage covered batteries at no cost, including the location and convenience of covered battery collection sites in the state.

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

(c) The commissioner may determine the effectiveness of the covered battery stewardship program using information from waste composition studies under section 115A.412 and other information available to the commissioner. The commissioner may require the covered battery stewardship organization to submit for approval proposals that when implemented would decrease the incidence of covered batteries in solid waste in accordance with section 115A.1335, subdivision 2, paragraph (a), clause (39). The covered battery stewardship organization must implement a proposal that is approved by the commissioner.

Subd. 5. **Stakeholder consultation.** (a) Covered battery stewardship organizations must jointly and regularly consult with stakeholders associated with covered batteries. At least one consultation meeting must occur before each covered battery stewardship plan is submitted to the commissioner.

(b) Consultation meetings are to:

(1) assist with drafting and continuous review of a covered battery stewardship organization's outreach and education activities, including but not limited to signage and educational materials; and

(2) make recommendations to a covered battery stewardship organization and the commissioner to continuously improve the effectiveness of the outreach and education activities and maximize participation in a covered battery stewardship program.

(c) Meetings must include representatives of stakeholders of the covered battery stewardship program, including but not limited to the commissioner, household hazardous waste management programs, covered battery collectors that are not household waste management programs, persons providing or that might provide covered services, producers, and other persons providing statewide representation.

Subd. 6. **Reporting.** By June 1 each year after a covered battery stewardship plan is approved under section 115A.1335, subdivision 4, the covered battery stewardship organization must report to the commissioner, in a form and manner prescribed by the commissioner, on the covered battery stewardship organization's activities during the preceding calendar year. The report must include:

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

(2) the chemistry by weight of covered batteries collected during each calendar year, in accordance with section 115A.1335, subdivision 2, paragraph (a), clause (25);

(3) a description by chemistry by weight of the end management through recycling or disposal of the covered batteries shipped from covered battery collection sites under the covered battery stewardship program, in accordance with section 115A.1335, subdivision 2, paragraph (a), clause (38);

(4) the method or methods of verification used by the covered battery stewardship organization to ensure that the description in clause (3) accurately reflects the actual end management of the covered batteries;

(5) the effectiveness of the covered battery stewardship organization's efforts to decrease the incidence of covered batteries in solid waste in the state, in accordance with section 115A.1335, subdivision 2, paragraph (a), clause (39);

(6) a summary of the results of the oversight according to section 115A.1335, subdivision 2, paragraph (a), clause (14);

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

(8) a financial report on the covered battery 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 covered battery stewardship program, including the covered battery stewardship organization and any additional covered battery stewardship organizations, by an independent auditor. The independent auditor may be selected by the covered battery stewardship organization and may be rejected by the commissioner for good cause. If the commissioner rejects an independent auditor, the covered battery stewardship organization must select a different independent auditor for approval or rejection by the commissioner;

(9) the proposed and actual budget for the period covered by the report; and

(10) starting on the second April after the covered battery stewardship organization's first covered battery stewardship plan is approved by the commissioner, and then every third year thereafter, a performance audit of the covered battery 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.

Subd. 7. **Organization of a covered battery stewardship organization.** (a) A covered battery stewardship organization must comply with section 5.36.

(b) A covered battery stewardship organization may contract with any persons to implement or administer a portion or portions of the covered battery stewardship plan or to coordinate with a group or groups of participants.

(c) A contract established under paragraph (b) must be described under section 115A.1335, subdivision 2, paragraph (a), clause (6).

(d) Notwithstanding any contract established under paragraph (b), the covered battery stewardship organization must:

(1) submit a covered battery stewardship plan to the commissioner meeting the requirements of sections 115A.1331 to 115A.1347;

(2) submit a report to the commissioner according to subdivision 6 meeting the requirements of sections 115A.1331 to 115A.1347;

(3) serve as the single point of contact for reporting, reimbursement, and payment to the agency; and

(4) maintain all responsibility and liability for compliance with all other requirements of sections 115A.1331 to 115A.1347 applicable to the covered battery stewardship organization.

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

Sec. 6. **[115A.1339] FEES.**

Subdivision 1. **Administrative fees.** (a) By October 1, 2027, the commissioner must calculate the sum of all costs that the agency incurred to implement and administer sections 115A.1331 to 115A.1347 from July 1, 2026, to June 30, 2027.

(b) By December 1, 2027, the commissioner must assess an administrative fee and equally split the fee among all covered battery stewardship organizations at an amount that is adequate to reimburse the agency's costs calculated under paragraph (a). A covered battery stewardship organization must pay the assessed administrative fee by the due date set by the commissioner.

(c) By April 1, 2028, and annually thereafter, the commissioner must calculate the sum of all costs that the agency incurred to implement and administer sections 115A.1331 to 115A.1347 during the six months of July through December of the preceding calendar year. By October 1, 2028, and annually thereafter, the commissioner must calculate the sum of all costs that the agency incurred to implement and administer sections 115A.1331 to 115A.1347 during the six months of January through June of that calendar year.

(d) Notwithstanding section 16A.1283, the commissioner must semiannually assess the annual administrative fees and equally split the fees among all covered battery stewardship organizations at an amount that is adequate to reimburse the agency's costs calculated under paragraph (c). A covered battery stewardship organization must pay the assessed administrative fees by the due dates set by the commissioner.

(e) All agency costs calculated under this subdivision may be recovered in a civil action brought by the attorney general against any person that may be liable under this subdivision or any other law. Any costs that are recovered by the attorney general, including any award of attorney fees, must be deposited in the covered battery stewardship account in the special revenue fund.

Subd. 2. **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 subdivision 1. All fees received under subdivision 1 must be deposited in the state treasury and credited to a covered battery 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 July 1, 2026.

Sec. 7. **[115A.1341] COVERED BATTERY COLLECTOR DUTIES.**

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

(b) At a covered large battery collection site, a covered battery collector must accept from any person daily at least:

(1) ten covered small batteries;

(2) four covered medium batteries; and

(3) two covered large batteries.

(c) At a covered medium battery collection site, a covered battery collector must accept from any person daily at least:

(1) ten covered small batteries; and

(2) four covered medium batteries.

(d) At a covered small battery collection site, a covered battery collector must accept from any person daily at least ten covered small batteries.

(e) A covered battery collection site must be open to receiving covered batteries at least 12 operating hours per week, 50 weeks each calendar year.

(f) A household hazardous waste management program may accept covered batteries at any covered battery collection site that the program operates.

(g) A covered battery stewardship organization may count a covered battery collection site when demonstrating compliance with the convenience standards under section 115A.1335, subdivision 3, only if the covered battery collection site complies with paragraph (b), (c), or (d).

Subd. 2. **Storing accepted covered batteries.** A covered battery collector must manage and store all accepted covered batteries safely and in compliance with all applicable federal, state, and local laws, including but not limited to applicable rules adopted under section 116.07 for managing solid waste and hazardous waste.

Subd. 3. **Training.** A covered battery collector must ensure and document that training is provided for covered battery collection site employees on identifying and safely handling and storing covered batteries, including damaged, defective, or recalled batteries, also known as DDR batteries. The covered battery collector may provide the training or may receive training through the covered battery stewardship organization.

Subd. 4. **Record keeping.** (a) A covered battery collector must maintain records as specified in this paragraph for at least three years and make the records available to the commissioner for inspection. The records must include the chemistry by weight of covered batteries and any additional information required by the commissioner. The records must document for each calendar year the covered batteries:

(1) accepted at a covered battery collection site; and

(2) shipped from a covered battery collection site.

(b) A covered battery collector must maintain documentation of each employee's training related to covered batteries starting on the date of training and for at least three years following the last day that the employee worked for the covered battery collector.

EFFECTIVE DATE. This section is effective July 1, 2029.

Sec. 8. **[115A.1345] OTHER AUTHORITIES AND DUTIES.**

Subdivision 1. **Limited private right of action against producers.** (a) Except as provided in paragraph (d), the covered battery stewardship organization may maintain a civil action against one or more covered battery producers to recover a portion of the covered battery 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 covered battery stewardship organization under sections 115A.1331 to 115A.1347; of managing covered batteries of other covered battery producers that were not participants; or that should otherwise have been due to the covered battery stewardship organization. Additional amounts recoverable under this subdivision include an award of reasonable attorney fees and costs. If a defendant covered battery producer did not participate in the covered battery stewardship program during the period when covered batteries of the defendant were managed by the plaintiff covered battery stewardship organization, a punitive sum of up to three times the damages awarded may be assessed.

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

(d) An action may not be commenced under this subdivision against a potential defendant until 60 days after the plaintiff 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 covered battery 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 covered battery producer or covered battery stewardship organization that organizes collection and covered services for covered batteries 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 covered battery producer's or covered battery stewardship organization's chosen system.

Subd. 3. **Duty to retain and provide information.** (a) Upon request of the commissioner for purposes of implementing sections 115A.1331 to 115A.1347, 115A.9157, or 325E.125, a person must furnish to the commissioner any information that the person has or may reasonably obtain.

(b) A covered battery stewardship organization must retain any information referenced in a covered battery stewardship plan or report required under section 115A.1337 for at least three years after the termination of the covered battery stewardship plan.

Subd. 4. **Contracts.** (a) Any person awarded a contract under chapter 16C for purchase or lease of covered batteries 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.

Subd. 7. **Batteries subject to recall for safety reasons.** All costs for receipt, sorting, storage, transport, processing, recycling, and disposal of a battery subject to recall for safety reasons that would otherwise be a covered battery are the responsibility of the person that would otherwise be the covered battery producer of the battery. A covered battery stewardship organization may charge that person for any costs incurred by the covered battery stewardship organization managing such a battery. The covered battery stewardship organization may take action under subdivision 1 to recover such costs. A covered battery stewardship organization is responsible only for collection and management of such a battery if received by a covered battery collector, and not any other actions associated with recall of the battery.

EFFECTIVE DATE. This section is effective January 1, 2026.

Sec. 9. **[115A.1347] DISPOSAL PROHIBITIONS; BATTERY LABELING; COVERED BATTERY SALES RESTRICTION.**

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

(1) solid waste; or

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

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

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

Subd. 2. **Labeling and sale; requirements.** (a) A person may not sell, including online sales; offer for sale or promotional purposes; distribute; or facilitate a sale of a covered battery in or into the state unless the covered battery is labeled as required under clauses (1) and (2). Labeling under this paragraph must be permanently marked on or affixed to the covered battery and must use language, graphics, or a QR code. A QR code must be compliant with International Organization of Standardization 18004:2015 and access equivalent data via the Internet that is available without a fee or a requirement to create an account. The labeling must identify:

(1) the battery chemistry employed to store energy in the battery; and

(2) the manufacturer of the battery or the brand under which the battery will be sold.

(b) A person may not sell, including online sales; offer for sale or promotional purposes; distribute; or facilitate a sale of a covered battery or a battery-containing product in or into the state unless:

(1) the covered battery producer is named as a participant in a covered battery stewardship plan approved by the commissioner published under section 115A.1335, subdivision 4;

(2) the brand is named as covered in the covered battery stewardship plan approved by the commissioner published under section 115A.1335, subdivision 4; or

(3) the covered battery stewardship organization with which the covered battery producer is a participant has obtained approval of reimbursement rates according to section 115A.1335.

(c) A person may not sell, including online sales; offer for sale or promotional purposes; distribute; or facilitate a sale of a covered battery or a battery-containing product in or into the state if the covered battery stewardship plan under which the covered battery was covered has been terminated under section 115A.1335, subdivision 5, until a new covered battery stewardship plan is approved under section 115A.1335, subdivision 4.

(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 battery or used battery-containing product.

EFFECTIVE DATE. This section is effective July 1, 2029.

Sec. 10. 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 July 1, 2029.

Sec. 11. Minnesota Statutes 2024, section 115A.9157, is amended to read:

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.~~ The terms used in this section have the meanings given in sections 115A.03 and 115A.1331.

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.~~ A person may not place a product powered by rechargeable batteries in solid waste unless all batteries have been removed from the product.

Subd. 3. **Collection and management costs.** A manufacturer of ~~rechargeable batteries or~~ products powered by rechargeable batteries that are not easily removable from the products is responsible for the costs of collecting and managing its ~~waste rechargeable batteries and waste~~ products under subdivision 5 to ensure that the products and batteries are not part of the solid waste stream.

Subd. 5. **Collection and management programs.** (a) ~~By September 20, 1995, the manufacturers~~ A manufacturer under subdivision 3 or their representative organization shall implement a permanent ~~programs, based on the results of the pilot projects required in Minnesota Statutes 1994, section 115A.9157, subdivision 4,~~ program that may be reasonably expected to collect 90 percent of the ~~waste rechargeable batteries and the~~ participating ~~manufacturers'~~ manufacturer's products powered by rechargeable batteries that are not easily removable from the products and that are generated as waste 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 commissioner and 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 battery-containing products powered by rechargeable batteries that are not easily removed from the products subject to this section ~~sold~~ generated as waste in the state by ~~each~~ manufacturer ~~and~~, the amount of ~~batteries each~~ such products collected during the previous two years, and the methodology used to calculate those amounts. A representative organization may report the amounts in aggregate for all the members of the organization.

Subd. 6. ~~**List of participants**~~ **Program notice.** A manufacturer or its representative organization shall inform the commissioner and the committees listed in subdivision 5 when they begin ~~participating in the projects and programs~~ implementing a program under subdivision 5 and immediately if they ~~withdraw participation~~ stop implementing a program.

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

EFFECTIVE DATE. This section is effective July 1, 2026.

Sec. 12. 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 July 1, 2029.

Sec. 13. 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 July 1, 2029.

Sec. 14. Minnesota Statutes 2024, section 325E.125, subdivision 5, is amended to read:

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~~ A person may not sell, including online sales, facilitate a sale of, distribute, or offer for sale in or into 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~~ that are not easily removable unless the manufacturer ~~that~~ participates in the ~~projects and programs~~ program required under section 115A.9157.

EFFECTIVE DATE. This section is effective July 1, 2026.

Sec. 15. Minnesota Statutes 2024, section 325E.1251, subdivision 2, is amended to read:

Subd. 2. **Recovery of costs.** Section 325E.125 may be enforced under ~~section~~ sections 115.071 and 116.072. 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.

EFFECTIVE DATE. This section is effective July 1, 2026.

Sec. 16. **REPEALER.**

Minnesota Statutes 2024, sections 115A.9155; 115A.961, subdivisions 1, 2, and 3; 325E.125, subdivisions 1, 2, 2a, 3, and 4; and 325E.1251, subdivision 1, are repealed."

Amend the title numbers accordingly

And when so amended the bill do pass and be re-referred to the Committee on Environment, Climate, and Legacy. Amendments adopted. Report adopted.

.....
(Committee Chair)

March 26, 2026.....
(Date of Committee recommendation)