

1.1 Senator moves to amend S.F. No. 1690 as follows:

1.2 Delete everything after the enacting clause and insert:

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

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

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

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

1.10 Subd. 10e. **Facilitate a sale.** "Facilitate a sale" means to assist a person in transferring
1.11 title or possession of a product, regardless of whether title or possession is ever acquired
1.12 by the person facilitating a sale, such as by operating an online marketplace, publishing an
1.13 offer for sale on a website, physically storing inventory of products, entering into a contract
1.14 to allow another person to list a product for sale, processing payment on behalf of another
1.15 person, entering into a contract with a buyer or a seller related to a sale, or otherwise
1.16 providing a sales process. Facilitate a sale does not include acting solely as:

1.17 (1) an advertiser;

1.18 (2) a payment processor; or

1.19 (3) a common carrier.

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

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

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

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

1.26 (1) in which a covered battery is contained;

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

1.28 (3) with which a covered battery is packaged.

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

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

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

2.14 (1) a large lead acid battery;

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

2.16 (3) a battery contained within a medical device, as specified in United States Code, title
2.17 21, section 321(h), as it existed as of the effective date of this section, that is not designed
2.18 and marketed for sale or resale principally to consumers for personal use;

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

2.21 (5) a battery transported into the state after the battery is collected in another state.

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

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

2.31 (h) "Covered battery producer" means the following person responsible for compliance
2.32 with requirements under sections 115A.1331 to 115A.1347 for a covered battery sold,

3.1 including online sales, offered for sale or promotional purposes, or distributed in or into the
3.2 state:

3.3 (1) for a covered battery:

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

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

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

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

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

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

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

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

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

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

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

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

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

4.13 (i) "Covered battery stewardship organization" means an organization that contracts
4.14 with one or more covered battery producers to meet the producers' obligations under sections
4.15 115A.1331 to 115A.1347.

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

4.19 (k) "Covered battery stewardship program" means a system implemented by a covered
4.20 battery stewardship organization to manage all covered batteries offered to a covered battery
4.21 collector by arranging and paying for the collection, covered services, and all other activities
4.22 described in a covered battery stewardship plan approved by the commissioner under section
4.23 115A.1335, subdivision 4.

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

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

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

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

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

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

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

5.10 (q) "Covered small battery" means a covered battery that weighs equal to or less than
5.11 11 pounds and has an energy capacity equal to or less than 300 watt-hours.

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

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

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

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

5.21 (2) a paper clip;

5.22 (3) a coin; or

5.23 (4) a hex key.

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

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

5.30 (1) holds a current active license under chapter 326A and rules promulgated under that
5.31 chapter;

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

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

6.4 (4) is qualified to conduct an audit under section 115A.1337, subdivision 6, paragraph
6.5 (h).

6.6 (w) "Large lead acid battery" means a battery with electrodes composed of metallic lead
6.7 or lead compounds that uses an acid electrolyte in any form, including liquid, gel, or absorbed
6.8 and that weighs 11 or more pounds. Large lead acid batteries include dry-charged batteries
6.9 that are shipped for sale without electrolyte in the battery. Large lead acid batteries are
6.10 subject to section 325E.1151.

6.11 (x) "Loose battery" means a battery that is not contained in or attached to a product. A
6.12 loose battery does not include a battery that is contained in an enclosure where that enclosure
6.13 is not integral to the operation of the battery.

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

6.15 (z) "Participant" means a covered battery producer that is named by a covered battery
6.16 stewardship organization as meeting the covered battery producer's obligations under sections
6.17 115A.1331 to 115A.1347. If one covered battery producer is named as a participant by
6.18 voluntarily assuming responsibility for a covered battery on behalf of other covered battery
6.19 producers under paragraph (h), clause (4), then all those covered battery producers are also
6.20 participants.

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

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

6.25 (cc) "Responsible market" means a market for covered batteries, for reclaimed materials
6.26 from collected covered batteries, or for any other recyclable residual material from collected
6.27 covered batteries that:

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

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

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

7.3 (4) if operating in the state, recycles batteries to the maximum extent practicable in
7.4 accordance with section 115A.02, paragraph (b); and

7.5 (5) minimizes adverse impacts to environmental justice areas.

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

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

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

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

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

7.16 (2) each covered battery stewardship organization must:

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

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

7.20 (b) By January 1, 2029, a covered battery stewardship organization must submit to the
7.21 commissioner a covered battery stewardship plan that meets all requirements of subdivision
7.22 2 for review under subdivision 4.

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

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

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

7.29 (i) clearly grant the covered battery stewardship organization the authority to act on
7.30 behalf of the participants they represent to implement the covered battery stewardship plan;

8.1 (ii) include a statement of responsibility of the participants they represent to comply
8.2 with the approved covered battery stewardship plan; and

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

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

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

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

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

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

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

8.28 (9) eligibility criteria for prospective covered battery collectors;

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

9.1 (11) a description of how the covered battery stewardship organization will annually
9.2 monitor and ensure continuing compliance with the convenience standards under subdivision
9.3 3;

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

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

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

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

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

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

9.19 (15) a description of the oversight methods by which the covered battery stewardship
9.20 organization will ensure continuing compliance with the performance standards under clause
9.21 (14);

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

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

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

10.1 (19) a description of methods by which the covered battery stewardship organization
10.2 will ensure that covered batteries and residual materials managed under the covered battery
10.3 stewardship program are managed in compliance with safety and health requirements for
10.4 employees administered by the Department of Labor and Industry and with fire protection
10.5 requirements administered by the Department of Public Safety while in the state and, when
10.6 outside the state, with all applicable federal, state, and local employee safety and health
10.7 requirements and fire protection requirements;

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

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

10.15 (22) a description of methods by which the covered battery stewardship organization
10.16 will ensure that covered batteries and residual materials managed under the covered battery
10.17 stewardship program are transported in compliance with applicable regulations incorporated
10.18 by reference under section 221.033 for transporting hazardous materials while in the state
10.19 and, when outside the state, with all applicable legal requirements for transporting hazardous
10.20 materials;

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

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

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

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

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

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

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

11.10 (A) labor, overhead, and supplies;

11.11 (B) necessary collection and storage structures and containers;

11.12 (C) employee training; and

11.13 (D) necessary safety materials;

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

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

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

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

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

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

11.27 (B) employee training, and

11.28 (C) necessary safety materials;

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

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

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

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

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

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

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

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

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

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

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

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

12.28 (34) a description of how the covered battery stewardship program costs will be allocated
12.29 among participants, either individually or among groups of participants identified by the
12.30 covered battery stewardship organization, such that the costs of managing covered batteries
12.31 are allocated equitably. As part of this description, a clear assignment of responsibility for
12.32 costs of managing covered batteries subject to a voluntary or mandatory recall to the

13.1 participant or participants associated with those covered batteries and not other participants
13.2 must be included;

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

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

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

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

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

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

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

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

13.32 (2) a covered battery's brand; or

13.33 (3) the producer of a covered battery.

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

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

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

14.8 (2) in each county with a population greater than 10,000 but less than or equal to 100,000,
14.9 maintain at least two covered small battery collection sites and at least one additional covered
14.10 small battery collection site for each additional 10,000 in population above a population of
14.11 10,000;

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

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

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

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

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

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

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

14.29 (f) When demonstrating compliance with paragraphs (c), (d), and (e), a product
14.30 stewardship organization may count:

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

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

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

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

15.11 Subd. 4. **Review of covered battery stewardship plan; implementation.** (a) Within
15.12 120 days after receiving a complete covered battery stewardship plan submitted under this
15.13 section, the commissioner must determine whether the stewardship plan complies with this
15.14 section and will ensure that elements required by subdivision 2, paragraph (a), will be met
15.15 to the maximum extent practicable. The commissioner must provide a written notice of
15.16 determination according to this subdivision.

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

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

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

15.27 (e) After any consultation under paragraph (b) and review of public comments received
15.28 under paragraph (c), if the commissioner determines that a covered battery stewardship plan
15.29 will ensure that elements required by subdivision 2, paragraph (a), will be met to the
15.30 maximum extent practicable, the commissioner must approve the covered battery stewardship
15.31 plan. The commissioner must provide a written notice of determination to the covered
15.32 battery stewardship organization and must publish the approved covered battery stewardship
15.33 plan on the agency's publicly accessible website within 30 days after approval.

16.1 (f) The covered battery stewardship organization must implement the covered battery
16.2 stewardship plan approved by the commissioner, including any amendments to the
16.3 stewardship plan that are approved by the commissioner according to subdivision 5, within
16.4 60 days after receiving written notice of approval.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17.27 Subd. 6. **Compliance.** (a) The covered battery stewardship organization must comply
17.28 with the covered battery stewardship plan approved by the commissioner, including any
17.29 amendments to the stewardship plan that are made according to subdivision 5, paragraph
17.30 (a) or (b). The covered battery stewardship organization must ensure that all participants,
17.31 covered battery collectors, and persons providing covered services acting on behalf of the
17.32 covered battery stewardship organization also comply with the stewardship plan and are

18.1 responsible to the covered battery stewardship organization and to the commissioner for
18.2 compliance.

18.3 (b) The covered battery stewardship organization must ensure that covered battery
18.4 collectors are reimbursed according to the reimbursement rates approved by the commissioner
18.5 according to section 115A.1335 and the system described in the covered battery stewardship
18.6 plan.

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

18.12 (1) any member of the public;

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

18.14 (3) any covered battery collector;

18.15 (4) any person providing covered services;

18.16 (5) the state or any political subdivision; or

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

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

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

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

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

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

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

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

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

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

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

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

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

19.22 (i) the conditions in section 115A.1335, subdivision 2, paragraph (a), clauses (17) to
19.23 (20), (22), and (23), and any other applicable provisions of the covered battery stewardship
19.24 plan in section 115A.1335; and

19.25 (ii) section 115A.1341; and

19.26 (2) a household hazardous waste management program.

19.27 (d) The covered battery stewardship organization may terminate a covered battery
19.28 collector, except a household hazardous waste management program, and cease payment
19.29 to the covered battery collector for good cause. The covered battery stewardship organization
19.30 may suspend a covered battery collector that is a household hazardous waste management
19.31 program and cease payment to the covered battery collector for good cause with the approval
19.32 of the commissioner, until the commissioner determines that the household hazardous waste
19.33 management program is compliant with sections 115A.1331 to 115A.1347.

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

20.6 (b) The covered battery stewardship program must include collection opportunities
20.7 beyond those required under section 115A.1335, subdivision 3, to better serve populations
20.8 under paragraph (a), such as temporary events to provide enhanced collection availability
20.9 and where feasible pickup from households.

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

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

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

20.19 (1) persons that might sell, offer for sale or promotional purposes, distribute, or facilitate
20.20 a sale of covered batteries in or into the state, to inform them of the requirements of section
20.21 115A.1347, subdivision 2;

20.22 (2) potential covered battery collectors and persons who are collecting covered batteries
20.23 before the effective date of this section to inform them how to request coverage by the
20.24 covered battery stewardship program; and

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

20.26 (i) public health and safety and environmental risks caused by improperly charging,
20.27 storing, and disposing of covered batteries;

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

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

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

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

21.3 (c) The commissioner may determine the effectiveness of the covered battery stewardship
21.4 program using information from waste composition studies under section 115A.412 and
21.5 other information available to the commissioner. The commissioner may require the covered
21.6 battery stewardship organization to submit for approval proposals that when implemented
21.7 would decrease the incidence of covered batteries in solid waste in accordance with section
21.8 115A.1335, subdivision 2, paragraph (a), clause (39). The covered battery stewardship
21.9 organization must implement a proposal that is approved by the commissioner.

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

21.14 (b) Consultation meetings are to:

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

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

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

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

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

- 22.1 (2) the chemistry by weight of covered batteries collected during each calendar year, in
22.2 accordance with section 115A.1335, subdivision 2, paragraph (a), clause (25);
- 22.3 (3) a description by chemistry by weight of the end management through recycling or
22.4 disposal of the covered batteries shipped from covered battery collection sites under the
22.5 covered battery stewardship program, in accordance with section 115A.1335, subdivision
22.6 2, paragraph (a), clause (38);
- 22.7 (4) the method or methods of verification used by the covered battery stewardship
22.8 organization to ensure that the description in clause (3) accurately reflects the actual end
22.9 management of the covered batteries;
- 22.10 (5) the effectiveness of the covered battery stewardship organization's efforts to decrease
22.11 the incidence of covered batteries in solid waste in the state, in accordance with section
22.12 115A.1335, subdivision 2, paragraph (a), clause (39);
- 22.13 (6) a summary of the results of the oversight according to section 115A.1335, subdivision
22.14 2, paragraph (a), clause (14);
- 22.15 (7) a description of outreach and education activities provided by the covered battery
22.16 stewardship organization during the preceding calendar year according to subdivision 4;
- 22.17 (8) a financial report on the covered battery stewardship program, including actual costs
22.18 and funding compared to the budget for the year submitted under section 115A.1335,
22.19 subdivision 2, paragraph (b). The financial report must include an audit report of the covered
22.20 battery stewardship program, including the covered battery stewardship organization and
22.21 any additional covered battery stewardship organizations, by an independent auditor. The
22.22 independent auditor may be selected by the covered battery stewardship organization, and
22.23 may be rejected by the commissioner for good cause. If the commissioner rejects an
22.24 independent auditor, the covered battery stewardship organization must select a different
22.25 independent auditor for approval or rejection by the commissioner;
- 22.26 (9) the proposed and actual budget for the period covered by the report; and
- 22.27 (10) starting on the second April after the covered battery stewardship organization's
22.28 first covered battery stewardship plan is approved by the commissioner, and then every
22.29 third year thereafter, a performance audit of the covered battery stewardship program. The
22.30 performance audit must conform to audit standards established by the United States
22.31 Government Accountability Office; the National Association of State Auditors, Comptrollers
22.32 and Treasurers; or another nationally recognized organization approved by the commissioner.

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

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

23.6 (c) A contract established under paragraph (b) must be described under section
23.7 115A.1335, subdivision 2, paragraph (a), clause (6).

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

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

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

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

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

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

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

23.21 Subdivision 1. **Administrative fees.** (a) By October 1, 2027, the commissioner must
23.22 calculate the sum of all costs that the agency incurred to implement and administer sections
23.23 115A.1331 to 115A.1347 from July 1, 2026, to June 30, 2027.

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

23.29 (c) By April 1, 2028, and annually thereafter, the commissioner must calculate the sum
23.30 of all costs that the agency incurs to implement and administer sections 115A.1331 to
23.31 115A.1347 during the six months of July through December of the preceding calendar year.
23.32 By October 1, 2028, and annually thereafter, the commissioner must calculate the sum of

24.1 all costs that the agency incurs to implement and administer sections 115A.1331 to
24.2 115A.1347 during the six months of January through June of that calendar year.

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

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

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

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

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

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

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

24.26 (1) ten covered small batteries;

24.27 (2) four covered medium batteries; and

24.28 (3) two covered large batteries.

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

24.31 (1) ten covered small batteries; and

25.1 (2) four covered medium batteries.

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

25.4 (e) A covered battery collection site must be open to receiving covered batteries at least
25.5 12 operating hours per week, 50 weeks each calendar year.

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

25.8 (g) A covered battery stewardship organization may count a covered battery collection
25.9 site when demonstrating compliance with the convenience standards under section
25.10 115A.1335, subdivision 3, only if the covered battery collection site complies with paragraph
25.11 (b), (c), or (d).

25.12 Subd. 2. **Storing accepted covered batteries.** A covered battery collector must manage
25.13 and store all accepted covered batteries safely and in compliance with all applicable federal,
25.14 state, and local laws, including but not limited to applicable rules adopted under section
25.15 116.07 for managing solid waste and hazardous waste.

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

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

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

25.27 (2) shipped from a covered battery collection site.

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

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

26.1 Sec. 8. 115A.1345] OTHER AUTHORITIES AND DUTIES.

26.2 Subdivision 1. Limited private right of action against producers. (a) Except as
26.3 provided in paragraph (d), the covered battery stewardship organization may maintain a
26.4 civil action against one or more covered battery producers to recover a portion of the covered
26.5 battery stewardship organization's costs and additional amounts according to this subdivision.

26.6 (b) Damages recoverable under this subdivision may not exceed a fair share of the actual
26.7 costs incurred by the plaintiff covered battery stewardship organization under sections
26.8 115A.1331 to 115A.1347; of managing covered batteries of other covered battery producers
26.9 that were not participants; or that should otherwise have been due to the covered battery
26.10 stewardship organization. Additional amounts recoverable under this subdivision include
26.11 an award of reasonable attorney fees and costs. If a defendant covered battery producer did
26.12 not participate in the covered battery stewardship program during the period when covered
26.13 batteries of the defendant were managed by the plaintiff covered battery stewardship
26.14 organization, a punitive sum of up to three times the damages awarded may be assessed.

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

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

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

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

26.31 Subd. 2. Conduct authorized. A covered battery producer or covered battery stewardship
26.32 organization that organizes collection and covered services for covered batteries under
26.33 sections 115A.1331 to 115A.1347 is immune from liability for the conduct under state laws
26.34 relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade

27.1 or commerce only to the extent that the conduct is necessary to plan and implement the
27.2 covered battery producer's or covered battery stewardship organization's chosen system.

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

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

27.10 Subd. 4. **Contracts.** (a) Any person awarded a contract under chapter 16C for purchase
27.11 or lease of covered batteries that is found to be in violation of sections 115A.1331 to
27.12 115A.1347 is subject to the following sanctions:

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

27.16 (2) the contractor is subject to suspension and disbarment under Minnesota Rules, part
27.17 1230.1150.

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

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

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

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

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

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

27.32 (1) solid waste; or

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

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

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

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

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

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

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

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

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

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

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

29.1 (d) This subdivision does not apply to sales, including online sales; offers for sale or
 29.2 promotional purposes; distribution; or facilitation of a sale of a used covered battery or
 29.3 battery-containing product.

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

29.5 Sec. 10. Minnesota Statutes 2024, section 115A.554, is amended to read:

29.6 **115A.554 AUTHORITY OF SANITARY DISTRICTS.**

29.7 A sanitary district has the authorities and duties of counties within the district's boundary
 29.8 for purposes of sections 115A.0716; 115A.46, subdivisions 4 and 5; 115A.48; 115A.551;
 29.9 115A.552; 115A.553; 115A.919; 115A.929; 115A.93; 115A.96, subdivision 6; ~~115A.961;~~
 29.10 116.072; 375.18, subdivision 14; 400.04; 400.06; 400.07; 400.08; 400.16; and 400.161.

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

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

29.13 **115A.9157 RECHARGEABLE BATTERIES AND PRODUCTS.**

29.14 Subdivision 1. **Definition.** ~~For the purpose of this section, "rechargeable battery" means~~
 29.15 ~~a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery,~~
 29.16 ~~except a rechargeable battery governed by section 115A.9155 or exempted by the~~
 29.17 ~~commissioner under subdivision 9.~~ The terms used in this section have the meanings given
 29.18 in sections 115A.03 and 115A.1331.

29.19 Subd. 2. **Prohibition.** ~~Effective August 1, 1991, a person may not place in mixed~~
 29.20 ~~municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a~~
 29.21 ~~nonremovable rechargeable battery, or a product powered by rechargeable batteries or~~
 29.22 ~~rechargeable battery pack, from which all batteries or battery packs have not been removed.~~
 29.23 A person may not place a product powered by rechargeable batteries in solid waste unless
 29.24 all batteries have been removed from the product.

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

29.30 Subd. 5. **Collection and management programs.** (a) ~~By September 20, 1995, the~~
 29.31 ~~manufacturers~~ A manufacturer under subdivision 3 or their representative organization shall
 29.32 implement a permanent programs, based on the results of the pilot projects required in

30.1 ~~Minnesota Statutes 1994, section 115A.9157, subdivision 4, program~~ that may be reasonably
30.2 expected to collect 90 percent of the ~~waste rechargeable batteries and the~~ participating
30.3 ~~manufacturers'~~ manufacturer's products powered by rechargeable batteries that are not easily
30.4 removable from the products and that are generated as waste in the state. The ~~batteries and~~
30.5 products collected must be recycled or otherwise managed or disposed of properly.

30.6 (b) In every odd-numbered year ~~after 1995~~, each manufacturer or a representative
30.7 organization shall provide information to the commissioner and the senate and house of
30.8 representatives committees having jurisdiction over environment and natural resources and
30.9 environment and natural resources finance that specifies at least the estimated amount of
30.10 battery-containing products powered by rechargeable batteries that are not easily removed
30.11 from the products subject to this section ~~and~~ generated as waste in the state by ~~each~~
30.12 manufacturer ~~and~~, the amount of ~~batteries each~~ such products collected during the previous
30.13 two years, and the methodology used to calculate those amounts. A representative
30.14 organization may report the amounts in aggregate for all the members of the organization.

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

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

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

30.31 Subd. 9. **Exemptions.** ~~To ensure that new types of batteries do not add additional~~
30.32 ~~hazardous or toxic materials to the mixed municipal solid waste stream, the commissioner~~
30.33 ~~of the agency may exempt a new type of rechargeable battery from the requirements of this~~

31.1 ~~section if it poses no unreasonable hazard when placed in and processed or disposed of as~~
31.2 ~~part of a mixed municipal solid waste.~~

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

31.4 Sec. 12. Minnesota Statutes 2024, section 116.92, subdivision 6, is amended to read:

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

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

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

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

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

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

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

31.18 Sec. 13. Minnesota Statutes 2024, section 116.92, is amended by adding a subdivision to
31.19 read:

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

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

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

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

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

32.1 Sec. 14. Minnesota Statutes 2024, section 325E.1151, subdivision 1, is amended to read:

32.2 Subdivision 1. **Purchasers must return battery or pay surcharge.** (a) A person who
32.3 purchases a large lead acid battery at retail, except a large lead acid battery that is designed
32.4 to provide power for a boat motor that is purchased at the same time as the battery, must:

32.5 (1) return a large lead acid battery to the retailer at the time of purchase; or

32.6 (2) pay the retailer a surcharge of at least \$10.

32.7 (b) A person who has paid a surcharge under paragraph (a) must receive a refund of the
32.8 surcharge from the retailer if the person returns a large lead acid battery with a receipt for
32.9 the purchase of a new large lead acid battery from that retailer within 30 days after purchasing
32.10 a the new lead acid battery.

32.11 (c) A retailer may keep the unrefunded surcharges for large lead acid batteries not
32.12 returned within 30 days.

32.13 (d) For purposes of this section, "large lead acid battery" has the meaning given in section
32.14 115A.1331.

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

32.16 Sec. 15. Minnesota Statutes 2024, section 325E.1151, subdivision 2, is amended to read:

32.17 Subd. 2. **Retailers must accept batteries.** (a) A person who sells large lead acid batteries
32.18 at retail, including for installation by the seller or any other person, must accept at least five
32.19 large lead acid batteries from ~~consumers~~ a consumer daily and may not charge to receive
32.20 the lead acid batteries. ~~A consumer may not deliver more than five lead acid batteries to a~~
32.21 ~~retailer at one time.~~

32.22 (b) A retailer of lead acid batteries must recycle the large lead acid batteries received
32.23 from consumers.

32.24 (c) A retailer who violates paragraph (b) is guilty of a misdemeanor. Each large lead
32.25 acid battery that is not recycled is a separate violation.

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

32.27 Sec. 16. Minnesota Statutes 2024, section 325E.1151, subdivision 3, is amended to read:

32.28 Subd. 3. **Retailers must post notices.** (a) A person who sells large lead acid batteries
32.29 at retail must post the notice in paragraph (b) in a manner clearly visible to a consumer
32.30 making purchasing decisions.

33.1 (b) The notice must be at least 8-1/2 inches by 11 inches and contain the universal
33.2 recycling symbol and state:

33.3 "NOTICE: USED BATTERIES

33.4 This retailer is required to accept your used large lead acid batteries, EVEN IF YOU
33.5 DO NOT PURCHASE A BATTERY. When you purchase a new battery, you will ~~be charged~~
33.6 ~~an additional amount~~ pay a surcharge of at least \$10 unless you return a used battery at the
33.7 time of purchase. If you return a used battery to the retailer within 30 days of purchasing a
33.8 new battery, the surcharge amount will be refunded.

33.9 It is ~~a crime~~ illegal to put ~~a motor vehicle battery~~ batteries in the ~~garbage~~ trash."

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

33.11 Sec. 17. Minnesota Statutes 2024, section 325E.1151, is amended by adding a subdivision
33.12 to read:

33.13 Subd. 5. **Wholesaler duty.** A person that sells large lead acid batteries at wholesale or
33.14 offers large lead acid batteries for sale at wholesale must accept, at the point of transfer,
33.15 large lead acid batteries from customers.

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

33.17 Sec. 18. Minnesota Statutes 2024, section 325E.12, is amended to read:

33.18 **325E.12 PENALTY.**

33.19 Violation of sections 325E.10 to 325E.1151 is a petty misdemeanor. Sections 325E.10
33.20 to 325E.1151 may be enforced under ~~section~~ sections 115.071 and 116.072.

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

33.22 Sec. 19. Minnesota Statutes 2024, section 325E.125, subdivision 5, is amended to read:

33.23 ~~Subd. 5. **Prohibitions.** A manufacturer of rechargeable batteries or products powered~~
33.24 ~~by rechargeable batteries that does not participate in the pilot projects and programs required~~
33.25 ~~in section 115A.9157 (a) A person may not sell, including online sales, facilitate a sale of,~~
33.26 distribute, or offer for sale in or into this state rechargeable batteries or products powered
33.27 by rechargeable batteries after January 1, 1992.

33.28 ~~After January 1, 1992, a person who first purchases rechargeable batteries or products~~
33.29 ~~powered by rechargeable batteries for importation into the state for resale may not purchase~~
33.30 ~~rechargeable batteries or products powered by rechargeable batteries made by any person~~

34.1 ~~other than a~~ that are not easily removable unless the manufacturer that participates in the
34.2 ~~projects and programs~~ program required under section 115A.9157.

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

34.4 Sec. 20. Minnesota Statutes 2024, section 325E.1251, subdivision 2, is amended to read:

34.5 Subd. 2. **Recovery of costs.** Section 325E.125 may be enforced under ~~section~~ sections
34.6 115.071 and 116.072. In an enforcement action under this section in which the state prevails,
34.7 the state may recover reasonable administrative expenses, court costs, and attorney fees
34.8 incurred to take the enforcement action, in an amount to be determined by the court.

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

34.10 Sec. 21. **REPEALER.**

34.11 Minnesota Statutes 2024, sections 115A.9155; 115A.961, subdivisions 1, 2, and 3;
34.12 325E.115; 325E.1151, subdivision 4; 325E.125, subdivisions 1, 2, 2a, 3, and 4; and
34.13 325E.1251, subdivision 1, are repealed.

34.14 **EFFECTIVE DATE.** This section is effective July 1, 2026."

34.15 Amend the title accordingly