

# STATE OF NEW YORK

8139

2023-2024 Regular Sessions

## IN ASSEMBLY

October 13, 2023

Introduced by M. of A. EACHUS -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to recycling certain rechargeable batteries

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subdivision 4 of section 27-1803 of the environmental  
2 conservation law, as added by chapter 562 of the laws of 2010, is  
3 amended to read as follows:

4 4. "rechargeable battery" means any rechargeable nickel-cadmium,  
5 sealed lead, lithium ion, nickel metal hydride battery, or any other  
6 such dry cell battery capable of being recharged [~~weighing less than~~  
7 ~~twenty five pounds~~], or battery packs containing such batteries[~~; but~~  
8 ~~shall not include a battery used as the principal electric power source~~  
9 ~~for a vehicle, such as, but not limited to, an automobile, boat, truck,~~  
10 ~~tractor, golf cart or wheelchair; for storage of electricity generated~~  
11 ~~by an alternative power source, such as solar or wind driven generators;~~  
12 ~~or for memory backup that is an integral component of an electronic~~  
13 ~~device~~];

14 § 2. Section 27-1807 of the environmental conservation law is amended  
15 by adding a new subdivision 1-a to read as follows:

16 1-a. a. Any consumer purchasing a new rechargeable nickel-cadmium,  
17 sealed lead, lithium ion, nickel metal hydride battery, or any other  
18 such dry cell battery capable of being recharged who does not return a  
19 used rechargeable battery to the retailer at the time of such purchase  
20 shall pay such retailer a return incentive payment of five dollars per  
21 rechargeable battery sold.

22 b. A retailer shall refund to a consumer the five dollar return incen-  
23 tive payment collected pursuant to this subdivision if, within thirty  
24 days of the date of the purchase of a new rechargeable battery, the  
25 consumer returns to such retailer a used rechargeable battery of the

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 same type as the newly purchased rechargeable battery. Any return incen-  
2 tive payment not refunded to the consumer pursuant to this subdivision  
3 shall be retained by the retailer.

4 c. In collecting a return incentive payment pursuant to this subdivi-  
5 sion, the retailer shall inform the consumer of the retailer's obli-  
6 gation to refund such return incentive payment to such consumer should  
7 the consumer return a used rechargeable battery within thirty days.

8 § 3. This act shall take effect immediately.