

# STATE OF NEW YORK

157

2023-2024 Regular Sessions

## IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. KRUEGER -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to prohibiting the sale of second-use lithium-ion batteries

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

1 Section 1. The general business law is amended by adding a new article  
2 39-H to read as follows:

### ARTICLE 39-H

#### SECOND-USE LITHIUM-ION BATTERIES

##### Section 899-ggg. Definitions.

##### 899-hhh. Sale of second-use lithium-ion batteries.

7 § 899-ggg. Definitions. As used in this article, the following terms  
8 shall have the following meanings:

9 1. "Lithium-ion battery" means a storage battery in which an elec-  
10 trical current is generated by lithium ions embedded in a carbon  
11 graphite or nickel metal-oxide substrate placed in a high-viscosity  
12 carbonate mixture or gelled polymer electrolyte.

13 2. "Second-use lithium-ion battery" means a lithium-ion battery that  
14 has been assembled or reconditioned using cells removed from used  
15 batteries.

16 § 899-hhh. Sale of second-use lithium-ion batteries. 1. No person  
17 shall distribute, assemble, recondition, sell or offer for sale a  
18 second-use lithium-ion battery intended for use in a bicycle with elec-  
19 tric assist as defined in section one hundred two-c of the vehicle and  
20 traffic law, an electric scooter as defined in section one hundred four-  
21 teen-e of the vehicle and traffic law, or a limited use motorcycle as  
22 defined in section one hundred twenty-one-b of the vehicle and traffic  
23 law.

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

LBD01103-01-3

1 2. A person who violates subdivision one of this section is liable for  
2 a civil penalty as follows:

3 (a) for the first violation, a civil penalty of two hundred dollars;  
4 and

5 (b) for each subsequent violation issued for the same offense within  
6 two years of the date of a first violation, a civil penalty of not more  
7 than one thousand dollars.

8 3. Each failure to comply with subdivision one of this section with  
9 respect to each separate second-use lithium-ion battery constitutes a  
10 separate violation.

11 § 2. This act shall take effect on the ninetieth day after it shall  
12 have become a law.