STATE OF NEW YORK

643--A

2023-2024 Regular Sessions

IN SENATE

January 5, 2023

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

4. "rechargeable battery" means any rechargeable nickel-cadmium, sealed lead, lithium ion, nickel metal hydride battery, or any other such dry cell battery capable of being recharged weighing less than twenty-five pounds, or battery packs containing such batteries**, including rechargeable batteries embedded in consumer devices such as toys, appliances and personal care devices**; but shall not include a battery used as the principal electric power source for a vehicle, such as, but not limited to, an automobile, boat, truck, tractor, golf cart or wheelchair**, except such term shall include a battery used as the principal electric power source for an electric scooter or bicycle with electric assist**; for storage of electricity generated by an alternative power source, such as solar or wind-driven generators; or for memory backup that is an integral component of an electronic device;

§ 2. Paragraph b of subdivision 2 of section 27-1807 of the environmental conservation law, as added by chapter 562 of the laws of 2010, is amended to read as follows:

b. Submittance to the department of annual reports, on a form prescribed by the department, concerning the amount of rechargeable batteries received within the state and recycled either by number or by weight; the costs of such efforts; and any other relevant information as

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

LBD02434-02-3

required by the department. **Such reports shall include the weight of rechargeable batteries received within a city with a population of one million or more.**

§ 3. Subdivision 2 of section 27-1807 of the environmental conservation law is amended by adding a new paragraph d to read as follows:

d. Providing for the safe collection and disposal of damaged, defective, or recalled batteries collected by retailers and by government agencies.

§ 4. Section 27-1809 of the environmental conservation law is amended by adding a new subdivision 5 to read as follows:

5. In addition to any enforcement of this title by the commissioner pursuant to subdivision four of this section, in a city with a population of one million or more, the provisions of section 27-1805 and subdivision one of section 27-1807 of this title may be enforced by an agency or agencies designated by the mayor of such city. Any notice of violation issued by an agency designated by the mayor of such city charging a violation of section 27-1805 and subdivision one of section 27-1807 of this title shall be returnable to the office of administrative trials and hearings of such city. Such office of administrative trials and hearings shall have the power to impose the civil penalties set forth in subdivisions one, two and three of this section. All civil penalties collected for any violation of this title that have been imposed by the office of administrative trials and hearings of such city shall be paid into the general fund of such city.

§ 5. Section 27-1811 of the environmental conservation law, as added by chapter 562 of the laws of 2010, is amended to read as follows:

§ 27-1811. State preemption.

Jurisdiction in all matters pertaining to rechargeable battery recycling is, by this title, vested exclusively in the state. Any provision of any local law or ordinance, or any rule or regulation promulgated thereto, governing rechargeable battery recycling shall, upon the effective date of section 27-1805 of this title, be preempted; provided, however, that nothing in this section shall preclude a person from coordinating, for recycling or reuse, the collection of rechargeable batteries **and provided, further, however, that nothing in this section shall preclude the enforcement of this title pursuant to subdivision five of section 27-1809 of this title**.

§ 6. This act shall take effect immediately.