

# STATE OF NEW YORK

6809--B

2023-2024 Regular Sessions

## IN SENATE

May 10, 2023

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Finance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public authorities law, in relation to establishing a lithium-ion battery safety program

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

1 Section 1. Section 1854 of the public authorities law is amended by  
2 adding a new subdivision 27 to read as follows:

3 27. Lithium-ion battery safety program. (a) For purposes of this  
4 subdivision, the following terms shall have the following meanings:

5 (i) "Lithium-ion battery" means a storage battery in which an elec-  
6 trical current is generated by lithium ions embedded in a carbon  
7 graphite or nickel metal-oxide substrate placed in a high-viscosity  
8 carbonate mixture or gelled polymer electrolyte.

9 (ii) "Powered mobility device" means a bicycle with electric assist as  
10 defined by section one hundred two-c of the vehicle and traffic law, an  
11 electric scooter as defined by section one hundred fourteen-e of the  
12 vehicle and traffic law, a limited use motorcycle as defined by section  
13 one hundred twenty-one-b of the vehicle and traffic law, which is  
14 powered wholly or partially by an electric motor, an electrical personal  
15 assistive mobility device as defined in section one hundred fourteen-d  
16 of the vehicle and traffic law or other personal mobility device  
17 equipped with a lithium-ion or other storage battery, including but not  
18 limited to, a skateboard, unicycle, or other similar wheeled device.

19 (iii) "Accredited testing laboratory" means a nationally recognized  
20 testing laboratory as recognized by the federal occupational safety and

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

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1 health administration or an independent laboratory that has been certi-  
2 fied by an accrediting body to ISO 17025 or ISO 17065.

3 (b) No later than one year after the effective date of this subdivi-  
4 sion, the authority, in collaboration with the department of environ-  
5 mental conservation and any other appropriate agency, shall develop and  
6 administer a program to provide rebates or new lithium-ion batteries for  
7 powered mobility devices at reduced cost or no cost to eligible individ-  
8 uals.

9 (c) The program created pursuant to this subdivision shall include  
10 either rebates or the exchange of new lithium-ion batteries for used  
11 lithium-ion batteries.

12 (d) Within one year of the effective date of this subdivision, the  
13 authority shall implement and administer this subdivision including  
14 promulgating rules relating to the forms required to claim a rebate or  
15 exchange a lithium-ion battery, the required documentation for estab-  
16 lishing eligibility, procedures and guidelines for claiming a rebate or  
17 exchanging a lithium-ion battery, and the collection of economic impact  
18 data from applicants and any other requirements the authority deems  
19 necessary.

20 (e) All new batteries provided pursuant to such program shall be  
21 certified by an accredited testing laboratory for compliance with a  
22 battery standard referenced in UL 2849, UL 2271, UL 2272 or EN 15194, or  
23 such other safety standard approved by the department of state pursuant  
24 to regulation. Such certification or the logo, wordmark, or name of such  
25 accredited testing laboratory must be displayed on packaging or documen-  
26 tation at the time of sale for the product or directly on the product  
27 itself.

28 (f) No later than April first, two thousand twenty-five, and annually  
29 thereafter, the authority shall issue a report to the governor, the  
30 temporary president of the senate, and the speaker of the assembly  
31 detailing the status of the program created under this subdivision. Such  
32 report shall at a minimum include:

33 (i) the amount of funding dedicated by the authority for such program  
34 in the preceding year;

35 (ii) the number of rebates awarded;

36 (iii) the number of exchanges provided;

37 (iv) the amount and geographic distribution of rebates; and

38 (v) any other information the authority deems necessary.

39 § 2. This act shall take effect immediately.