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:

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

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

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

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

(iii) "Accredited testing laboratory" means a nationally recognized 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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health administration or an independent laboratory that has been certified by an accrediting body to ISO 17025 or ISO 17065.

(b) No later than one year after the effective date of this subdivision, the authority, in collaboration with the department of environmental conservation and any other appropriate agency, shall develop and administer a program to provide rebates or new lithium-ion batteries for powered mobility devices at reduced cost or no cost to eligible individuals.

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

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

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

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

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

(ii) the number of rebates awarded;

(iii) the number of exchanges provided;

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

(v) any other information the authority deems necessary.

§ 2. This act shall take effect immediately.