

# STATE OF NEW YORK

5310

2023-2024 Regular Sessions

## IN ASSEMBLY

March 7, 2023

Introduced by M. of A. DINOWITZ -- read once and referred to the Committee on Consumer Affairs and 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:

Section 1. The general business law is amended by adding a new article 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.

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

1. "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.

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

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

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

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

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1     (a) for the first violation, a civil penalty of two hundred dollars;  
2     and  
3     (b) for each subsequent violation issued for the same offense within  
4     two years of the date of a first violation, a civil penalty of not more  
5     than one thousand dollars.

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

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