STATE OF NEW YORK

8139

2023-2024 Regular Sessions

IN ASSEMBLY

October 13, 2023

Introduced by M. of A. EACHUS -- read once and referred to the Committee on Environmental Conservation

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

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[~~; 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; 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. Section 27-1807 of the environmental conservation law is amended by adding a new subdivision 1-a to read as follows:

1-a. a. Any consumer purchasing a new rechargeable nickel-cadmium, sealed lead, lithium ion, nickel metal hydride battery, or any other such dry cell battery capable of being recharged who does not return a used rechargeable battery to the retailer at the time of such purchase shall pay such retailer a return incentive payment of five dollars per rechargeable battery sold.

b. A retailer shall refund to a consumer the five dollar return incentive payment collected pursuant to this subdivision if, within thirty days of the date of the purchase of a new rechargeable battery, the consumer returns to such retailer a used rechargeable battery of the

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

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same type as the newly purchased rechargeable battery. Any return incentive payment not refunded to the consumer pursuant to this subdivision shall be retained by the retailer.

c. In collecting a return incentive payment pursuant to this subdivision, the retailer shall inform the consumer of the retailer's obligation to refund such return incentive payment to such consumer should the consumer return a used rechargeable battery within thirty days.

§ 3. This act shall take effect immediately.