

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:

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

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

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

20 b. Submittance to the department of annual reports, on a form
21 prescribed by the department, concerning the amount of rechargeable
22 batteries received within the state and recycled either by number or by
23 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.

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

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

6 d. Providing for the safe collection and disposal of damaged, defec-
7 tive, or recalled batteries collected by retailers and by government
8 agencies.

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

11 5. In addition to any enforcement of this title by the commissioner
12 pursuant to subdivision four of this section, in a city with a popu-
13 lation of one million or more, the provisions of section 27-1805 and
14 subdivision one of section 27-1807 of this title may be enforced by an
15 agency or agencies designated by the mayor of such city. Any notice of
16 violation issued by an agency designated by the mayor of such city
17 charging a violation of section 27-1805 and subdivision one of section
18 27-1807 of this title shall be returnable to the office of administra-
19 tive trials and hearings of such city. Such office of administrative
20 trials and hearings shall have the power to impose the civil penalties
21 set forth in subdivisions one, two and three of this section. All civil
22 penalties collected for any violation of this title that have been
23 imposed by the office of administrative trials and hearings of such city
24 shall be paid into the general fund of such city.

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

27 § 27-1811. State preemption.

28 Jurisdiction in all matters pertaining to rechargeable battery recycl-
29 ing is, by this title, vested exclusively in the state. Any provision of
30 any local law or ordinance, or any rule or regulation promulgated there-
31 to, governing rechargeable battery recycling shall, upon the effective
32 date of section 27-1805 of this title, be preempted; provided, however,
33 that nothing in this section shall preclude a person from coordinating,
34 for recycling or reuse, the collection of rechargeable batteries and
35 provided, further, however, that nothing in this section shall preclude
36 the enforcement of this title pursuant to subdivision five of section
37 27-1809 of this title.

38 § 6. This act shall take effect immediately.