

STATE OF NEW YORK

8832

IN SENATE

January 8, 2026

Introduced by Sen. KAVANAGH -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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. Subdivisions 1 and 4 of section 27-1803 of the environ-
2 mental conservation law, subdivision 1 as added by chapter 562 of the
3 laws of 2010 and subdivision 4 as amended by a chapter of the laws of
4 2025 amending the environmental conservation law relating to
5 rechargeable battery recycling, as proposed in legislative bills numbers
6 S.73-A and A. 4641-A, are amended to read as follows:

7 1. "battery manufacturer" means every person, firm or corporation
8 that: (i) produces rechargeable batteries sold or distributed in the
9 state, or packages such batteries for sale in the state, except that if
10 such production or packaging is for a distributor having the right to
11 produce or otherwise package that same brand of battery in the state,
12 then such distributor shall be deemed to be the battery manufacturer;
13 ~~[or]~~ (ii) imports rechargeable batteries into the United States that are
14 sold or distributed in the state; or (iii) with respect to rechargeable
15 batteries defined in subparagraph (ii) of paragraph (a) of subdivision
16 four of this section, if no person, firm or corporation under paragraph
17 (i) or (ii) of this subdivision takes responsibility for the require-
18 ments under this title, "battery manufacturer" means the manufacturer of
19 the product that comes with, or contains, the rechargeable battery at
20 the time the product is sold;

21 4. (a) "rechargeable battery" means any of the following rechargeable
22 batteries weighing less than fifty pounds: (i) any nickel-cadmium,
23 sealed lead, lithium ion, or nickel metal hydride battery; (ii) any
24 battery used as the principal electric power source for an electric
25 scooter or bicycle with electric assist; ~~[or]~~ (iii) any other such dry
26 cell battery capable of being recharged ~~[weighing less than fifty~~
27 ~~pounds.]~~; or (iv) battery packs containing any such batteries
28 ~~[; (iv) but]~~;

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

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1 (b) "rechargeable battery" shall not include a battery used as the
2 principal electric power source for a vehicle other than as set forth in
3 subparagraph (ii) of paragraph (a) of this subdivision, such as, but not
4 limited to, an automobile, boat, truck, tractor, golf cart or wheel-
5 chair; for storage of electricity generated by an alternative power
6 source, such as solar or wind-driven generators; or for memory backup
7 that is an integral component of an electronic device;

8 § 2. Subdivision 1 of section 27-1807 of the environmental conserva-
9 tion law, as added by chapter 562 of the laws of 2010, paragraphs a, d
10 and e as amended by a chapter of the laws of 2025 amending the environ-
11 mental conservation law relating to rechargeable battery recycling,
12 as proposed in legislative bills numbers S.73-A and A. 4641-A, is
13 amended to read as follows:

14 1. Rechargeable batteries shall be returned to a retailer that sells
15 such batteries that are similar in shape, size [~~and~~], function and
16 weight to those to be disposed of. Rechargeable batteries contained in
17 electronic products must be removed prior to disposal of such product.

18 a. Retailers having a place of business in the state shall accept from
19 consumers at any time during normal business hours rechargeable
20 batteries of a similar shape, size, [~~and~~] function and weight as the
21 retailer offers for sale; provided, however, that any acceptance of
22 batteries from electric scooters or bicycles with electric assist shall
23 be voluntary, and shall only be permissible at retailers which offer for
24 sale electric scooters or bicycles with electric assist or their
25 batteries. Retailers shall take up to ten such batteries, provided,
26 however, with respect to rechargeable batteries defined in subparagraph
27 (ii) of paragraph (a) of subdivision four of section 27-1803 of this
28 title, retailers shall take up to five such batteries, per day from any
29 person regardless of whether such person purchases replacement
30 batteries, and retailers shall also accept as many such batteries as a
31 consumer purchases from the retailer, except for batteries from electric
32 scooters or bicycles with electric assist. Retailers, other than
33 retailers not participating as a collection site who sell electric
34 scooters or bicycles with electric assist or their batteries and no
35 other types of rechargeable batteries, shall conspicuously post and
36 maintain, at or near the point of entry to the place of business, a
37 legible sign, not less than eight and one-half inches by eleven inches
38 in size, stating that used rechargeable batteries of the size and shape
39 sold or offered for sale by the retailer may not enter the solid waste
40 stream, and that the retail establishment is a collection site for recy-
41 cling such batteries. Such sign shall state the following in letters at
42 least one inch in height: "It is illegal to dispose of rechargeable
43 batteries in the state of New York as solid waste. We accept used
44 rechargeable batteries for return to the manufacturer."

45 b. Retailers that sell rechargeable batteries to consumers in the
46 state through non-retail outlets such as through catalogs, or by mail,
47 telephone or the internet shall provide at the time of purchase or
48 delivery to the consumer notice of an opportunity to return used
49 rechargeable batteries at no cost to the consumer for reuse or recycl-
50 ing.

51 c. Retailers in the state, other than retailers not participating as a
52 collection site who sell electric scooters or bicycles with electric
53 assist or their batteries and no other types of rechargeable batteries,
54 shall conspicuously maintain, at a location within the retail establish-
55 ment that is convenient for use by consumers, collection boxes or other

1 suitable receptacles, supplied by the manufacturer, into which consumers
2 may safely deposit used rechargeable batteries.

3 d. Retailers shall not accept rechargeable batteries defined in
4 subparagraph (ii) of paragraph (a) of subdivision four of section
5 27-1803 of this title that are damaged, defective, or recalled.

6 e. Retailers may not sell or offer for sale to consumers in the state
7 rechargeable batteries unless the battery manufacturer is operating in
8 accordance with a collection, transportation, and recycling plan
9 approved by the commissioner. The commissioner shall maintain on the
10 department's website a list of manufacturers operating in accordance
11 with approved plans, and the brands covered by such manufacturer's
12 plans. No retailer shall be in violation of the requirements of this
13 paragraph if, at the date the rechargeable battery was made available
14 for sale, the battery manufacturer of such battery was on the list of
15 manufacturers operating in accordance with an approved plan maintained
16 on the department's website.

17 ~~[e-]~~ f. Retailers must be in compliance with the provisions of this
18 subdivision no later than one hundred eighty days after the effective
19 date of this title or, with respect to a rechargeable battery defined in
20 ~~[paragraph]~~ subparagraph (ii) of paragraph (a) of subdivision four of
21 section 27-1803 of this title, and with respect to the requirements of
22 paragraph ~~[d]~~ e of this subdivision one year after the effective date of
23 the chapter of the laws of two thousand twenty-five which amended this
24 title, or when the commissioner has approved a new or updated plan in
25 compliance with such chapter, whichever is later.

26 § 3. Subdivisions 2, 3 and 4 of section 27-1807 of the environmental
27 conservation law, as added by chapter 562 of the laws of 2010, para-
28 graphs a and b of subdivision 2 as amended and paragraph d as added by a
29 chapter of the laws of 2025 amending the environmental conservation law
30 relating to rechargeable battery recycling as proposed in legislative
31 bills numbers S.73-A and A. 4641-A, are amended to read as follows:

32 2. Every battery manufacturer, or any combination of battery manufac-
33 turers working together, shall, at the battery manufacturer's own
34 expense, arrange for the return of, and recycling of~~[r]~~: all used
35 rechargeable batteries collected by retailers; and all rechargeable
36 batteries from electric scooters or bicycles with electric assist, and
37 such batteries that are damaged, defective, or recalled, that are
38 collected at permitted household hazardous waste collection sites,
39 registered household hazardous waste collection events, appropriate
40 municipal sites, and other collection sites described in the approved
41 plan. Every battery manufacturer or any combination of battery manufac-
42 turers working together, shall be responsible for, at a minimum, the
43 following:

44 a. (i) Within ninety days of the effective date of this title or, with
45 respect to rechargeable batteries defined in ~~[paragraph]~~ subparagraph
46 (ii) of paragraph (a) of subdivision four of section 27-1803 of this
47 title, within one hundred eighty days of the effective date of the chap-
48 ter of the laws of two thousand twenty-five that amended such paragraph,
49 submittance to the commissioner of a new or updated plan that identifies
50 the methods by which battery manufacturers will safely and promptly
51 collect, transport, and recycle rechargeable batteries collected by
52 retailers, permitted household hazardous waste collection sites and
53 registered household hazardous waste collection events, appropriate
54 municipal sites, and other collection sites described in the plan, at
55 the expense of the battery manufacturer, including the procedures to
56 promptly and regularly remove batteries from these locations, and

1 provide retailers and collection sites with information on the safe
2 handling and storage of rechargeable batteries.

3 (ii) With respect to rechargeable batteries defined in subparagraph
4 (ii) of paragraph (a) of subdivision four of section 27-1803 of this
5 title, the plan shall:

6 (1) propose for the department's approval a geographic distribution of
7 collection sites to be established to maximize the opportunity for the
8 safe collection of rechargeable batteries and be sufficient to meet the
9 needs of consumers in an ongoing and convenient manner. Such proposal
10 may consider registered household hazardous waste collection events,
11 provided however, such events shall not alone be considered sufficient
12 to meet the needs of consumers in an ongoing and convenient manner;

13 (2) minimize the co-location of collection sites with residential
14 housing, to the extent feasible;

15 (3) be consistent with state and local fire prevention and building
16 code council standards;

17 (4) identify the criteria by which rechargeable batteries will be
18 determined to be damaged, defective, or recalled, and how such informa-
19 tion will be communicated to retailers and customers; and

20 (5) include provisions to ensure that employees of collection sites
21 who handle or have responsibility for managing such batteries are
22 informed about proper handling and emergency procedures.

23 a-1. The reimbursement to local governments of all costs incurred in
24 relation to the collection of rechargeable batteries from electric
25 scooters or bicycles with electric assist, including, but not limited
26 to, costs associated with safety training and storage.

27 a-2. The provision of appropriate containers and other equipment to
28 retailers and collection sites for the safe storage and handling of
29 rechargeable batteries.

30 b. Submittance to the department of annual reports, on a form
31 prescribed by the department, concerning: (i) the amount of rechargeable
32 batteries received within the state and recycled either by number or by
33 weight, including the weight of rechargeable batteries defined in [para-
34 graph] subparagraph (ii) of paragraph a of subdivision four of section
35 27-1803 of this title received within the state as well as within a city
36 with a population of one million or more; (ii) the location and address
37 of all collection sites and events and the amount of rechargeable
38 batteries collected at each site or event; (iii) the costs of [such] the
39 efforts described in subparagraphs (i) and (ii) of this paragraph,
40 including any reimbursements to municipalities; and (iv) any other rele-
41 vant information as required by the department.

42 c. Undertaking of efforts to educate the citizens of the state regard-
43 ing the appropriate ways to recycle rechargeable batteries, which, at a
44 minimum, shall include:

45 (i) information regarding the location of retailers, collection sites,
46 and events, including hours of operation and rechargeable battery type
47 acceptance;

48 (ii) retailer collection site safety training and outreach, including
49 procedures for handling, storing, and transporting damaged or recalled
50 rechargeable batteries;

51 (iii) information for relevant municipalities regarding reimbursement;
52 and

53 (iv) promotional activities in support of program implementation,
54 including the maintenance of a website, distribution of educational
55 materials and guidance, and the use of relevant media platforms, and
56 other activities to maximize public awareness of collection sites.

d. Providing for the safe and prompt collection and recycling or proper disposal of batteries from electric scooters or bicycles with electric assist, collected by retailers ~~[and by government agencies]~~ of electric scooters, bicycles with electric assist, or their batteries and accepted by permitted household hazardous waste collection sites and registered household hazardous waste collection events, appropriate municipal sites and other collection sites described in the plan.

e. Providing for the safe and prompt collection, recycling, and disposal of damaged, defective, and recalled rechargeable batteries accepted by permitted household hazardous waste collection sites and registered household hazardous waste collection events.

3. The commissioner shall approve or reject any battery manufacturer's collection, transportation, and recycling plans described in paragraph a of subdivision two of this section within ninety days of submission and, if rejected, inform the battery manufacturer in writing as to any deficiencies in said plan. Battery manufacturers shall amend and resubmit any rejected plans for reconsideration within sixty days of notification of the rejection of said plan. The commissioner shall approve or reject said plan within thirty days of resubmission and shall make any approved plan public on the department's website.

4. The commissioner shall analyze the information provided by battery manufacturers pursuant to paragraph b of subdivision two of this section and report such analysis to the governor and the legislature every two years. Provided further, that the department shall, no later than January first, two thousand thirty-one, make public a report examining voluntary collection by retailers of rechargeable batteries from electric scooters or bicycles with electric assist established pursuant to paragraph a of subdivision one of this section. Such report, shall, at a minimum:

(i) examine information, if available, provided to the department from manufacturers in their annual reports, including any known or identified barriers to the voluntary participation of retailers to serve as collection sites, and any concerns submitted to the department;

(ii) identify retailers participating voluntarily and examine any trends in the number and location of retailers participating voluntarily;

(iii) evaluate the need for additional collection sites and if the existing number and location of collection sites is sufficient to meet the needs of consumers in an ongoing and convenient manner; and

(iv) recommend to the legislature any changes to such law, including an assessment of whether it is safe and feasible to expand the collection requirements of retailers of rechargeable batteries from electric scooters or bicycles with electric assist.

§ 4. Subdivisions 2-a and 6 of section 27-1807 of the environmental conservation law, as added by a chapter of the laws of 2025 amending the environmental conservation law relating to rechargeable battery recycling, as proposed in legislative bills numbers S.73-A and A. 4641-A, are amended to read as follows:

2-a. A battery manufacturer may not sell, offer for sale, or distribute rechargeable batteries, excluding rechargeable batteries defined in subparagraph (ii) of paragraph (a) of subdivision four of section 27-1803 of this title, in the state unless the battery manufacturer is implementing or participating under an approved plan in accordance with this section. Provided however, beginning January first, two thousand twenty-seven, a battery manufacturer of rechargeable batteries defined in subparagraph (ii) of paragraph (a) of subdivision four of section

27-1803 of this title may not sell, offer for sale, or distribute such rechargeable batteries in the state unless the battery manufacturer is implementing or participating under an approved plan in accordance with this section.

~~6. The department [shall, after consultation with the office of fire prevention and control in the division of homeland security and emergency services and the fire department of the city of New York, within one hundred eighty days of the effective date of the chapter of the laws of two thousand twenty-five that added this subdivision, promulgate rules and regulations to ensure the safe storage of rechargeable batteries that minimizes the risk of fires. Such rules and regulations shall also, at a minimum, require retailers to:~~

~~a. coordinate with a battery manufacturer, or any combination of battery manufacturers working together, to regularly remove batteries from the retail location; and~~

~~b. inform all employees who handle or have responsibility for managing batteries about proper handling and emergency procedures, including fire related hazards, appropriate to the type or types of battery handled by the retailer],~~ when approving or rejecting any updates to a battery manufacturer's collection, transportation, and recycling plans described in paragraph a of subdivision two of this section relating to the inclusion of batteries defined in subparagraph (ii) of paragraph (a) of subdivision four of section 27-1803 of this title, shall solicit input from the office of fire prevention and control in the division of homeland security and emergency services, and with respect to the parts of such plan directly related to the city of New York, the fire department of the city of New York.

§ 5. Subdivision 5 of section 27-1809 of the environmental conservation law, as added by a chapter of the laws of 2025 amending the environmental conservation law relating to rechargeable battery recycling, as proposed in legislative bills numbers S. 73-A and A. 4641-A, is amended to read as follows:

5. In a city with a population of one million or more, such city shall, in addition to any authority otherwise conferred in this chapter, have concurrent authority to enforce, by an agency or agencies designated for such purpose by the mayor of such city, the provisions of section 27-1805 and subdivision one of section 27-1807 of this title. Any notice of violation issued by an agency designated by the mayor of such city charging a violation of section 27-1805 and subdivision one of section 27-1807 of this title shall be returnable to the environmental control board of such city. Such environmental control board shall have the power to impose the civil penalties set forth in subdivisions one, two and three of this section. All civil penalties collected for any violation of this title that have been imposed by the environmental control board of such city shall be paid into the general fund of such city. Such city shall share information with the department regarding enforcement, including notices of violation issued and penalties imposed and collected for violations in such city.

§ 6. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2025 amending the environmental conservation law relating to rechargeable battery recycling, as proposed in legislative bills numbers S. 73-A and A. 4641-A, takes effect.