§ 27-1807. Rechargeable battery recycling program.

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

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

b. Retailers that sell rechargeable batteries to consumers in the state through non-retail outlets such as through catalogs, or by mail,

telephone or the internet shall provide at the time of purchase or delivery to the consumer notice of an opportunity to return used rechargeable batteries at no cost to the consumer for reuse or recycling.

c. Retailers in the state, other than retailers not participating as a collection site who sell electric scooters or bicycles with electric assist or their batteries and no other types of rechargeable batteries, shall conspicuously maintain, at a location within the retail establishment that is convenient for use by consumers, collection boxes or other suitable receptacles, supplied by the manufacturer, into which consumers may safely deposit used rechargeable batteries.

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

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

f. Retailers must be in compliance with the provisions of this subdivision no later than one hundred eighty days after the effective date of this title or, with respect to a rechargeable battery defined in subparagraph (ii) of paragraph (a) of subdivision four of section 27-1803 of this title, and with respect to the requirements of paragraph e of this subdivision one year after the effective date of the chapter of the laws of two thousand twenty-five which amended this title, or when the commissioner has approved a new or updated plan in compliance

with such chapter, whichever is later.

2. Every battery manufacturer, or any combination of battery manufacturers working together, shall, at the battery manufacturer's own expense, arrange for the return of, and recycling of: all used rechargeable batteries collected by retailers; and all rechargeable batteries from electric scooters or bicycles with electric assist, and such batteries that are damaged, defective, or recalled, that are collected at permitted household hazardous waste collection sites, registered household hazardous waste collection events, appropriate municipal sites, and other collection sites described in the approved plan. Every battery manufacturer or any combination of battery manufacturers working together, shall be responsible for, at a minimum, the following:

a. (i) Within ninety days of the effective date of this title or, with respect to rechargeable batteries defined in subparagraph (ii) of paragraph (a) of subdivision four of section 27-1803 of this title, within one hundred eighty days of the effective date of the chapter of the laws of two thousand twenty-five that amended such paragraph, submittance to the commissioner of a new or updated plan that identifies the methods by which battery manufacturers will safely and promptly collect, transport, and recycle rechargeable batteries collected by retailers, permitted household hazardous waste collection sites and registered household hazardous waste collection events, appropriate municipal sites, and other collection sites described in the plan, at the expense of the battery manufacturer, including the procedures to promptly and regularly remove batteries from these locations, and provide retailers and collection sites with information on the safe handling and storage of rechargeable batteries.

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

(1) propose for the department's approval a geographic distribution of collection sites to be established to maximize the opportunity for the safe collection of rechargeable batteries and be sufficient to meet the needs of consumers in an ongoing and convenient manner. Such proposal

may consider registered household hazardous waste collection events, provided however, such events shall not alone be considered sufficient to meet the needs of consumers in an ongoing and convenient manner;

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

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

(4) identify the criteria by which rechargeable batteries will be determined to be damaged, defective, or recalled, and how such information will be communicated to retailers and customers; and

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

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

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

b. Submittance to the department of annual reports, on a form prescribed by the department, concerning: (i) the amount of rechargeable batteries received within the state and recycled either by number or by weight, including the weight of rechargeable batteries defined in subparagraph (ii) of paragraph a of subdivision four of section 27-1803 of this title received within the state as well as within a city with a population of one million or more; (ii) the location and address of all collection sites and events and the amount of rechargeable batteries collected at each site or event; (iii) the costs of the efforts described in subparagraphs (i) and (ii) of this paragraph, including any reimbursements to municipalities; and (iv) any other relevant information as required by the department.

c. Undertaking of efforts to educate the citizens of the state

regarding the appropriate ways to recycle rechargeable batteries, which, at a minimum, shall include:

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

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

(iii) information for relevant municipalities regarding reimbursement; and

(iv) promotional activities in support of program implementation, including the maintenance of a website, distribution of educational materials and guidance, and the use of relevant media platforms, and 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 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.

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.

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.

5. The commissioner is authorized to promulgate any rules and regulations needed to implement this title.

6. The department, 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.