

**SENATE  
STATE OF MINNESOTA  
NINETY-FOURTH SESSION**

**S.F. No. 4679**

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DATE	D-PG	OFFICIAL STATUS
03/23/2026	6902	Introduction and first reading
		Referred to Environment, Climate, and Legacy
03/25/2026	6994	Author added Abeler

1.1 A bill for an act

1.2 relating to environment; establishing stewardship program for batteries; prohibiting

1.3 mercury in batteries; modifying provisions for lead acid batteries and rechargeable

1.4 consumer products; authorizing rulemaking; appropriating money; amending

1.5 Minnesota Statutes 2024, sections 115.071, subdivision 1; 115A.03, by adding

1.6 subdivisions; 115A.554; 115A.9157; 116.92, subdivision 6, by adding a

1.7 subdivision; 325E.1151, subdivisions 1, 2, 3, by adding a subdivision; 325E.12;

1.8 325E.125, subdivisions 3, 5; 325E.1251, subdivision 2; proposing coding for new

1.9 law in Minnesota Statutes, chapter 115A; repealing Minnesota Statutes 2024,

1.10 sections 115A.9155; 115A.961, subdivisions 1, 2, 3; 325E.115; 325E.1151,

1.11 subdivision 4; 325E.125, subdivisions 1, 2, 2a, 4; 325E.1251, subdivision 1.

1.12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.13 Section 1. Minnesota Statutes 2024, section 115.071, subdivision 1, is amended to read:

1.14 Subdivision 1. **Remedies available.** The provisions of sections 103F.701 to 103F.755,

1.15 this chapter and chapters 114C, 115A, and 116, and sections 325E.10 to ~~325E.1251~~ 325E.12

1.16 and 325E.32 and all rules, standards, orders, stipulation agreements, schedules of compliance,

1.17 and permits adopted or issued by the agency thereunder or under any other law now in force

1.18 or hereafter enacted for the prevention, control, or abatement of pollution may be enforced

1.19 by any one or any combination of the following: criminal prosecution; action to recover

1.20 civil penalties; injunction; action to compel or cease performance; or other appropriate

1.21 action, in accordance with the provisions of said chapters and this section.

1.22 **EFFECTIVE DATE.** This section is effective January 1, 2030.

2.1 Sec. 2. Minnesota Statutes 2024, section 115A.03, is amended by adding a subdivision to  
2.2 read:

2.3 Subd. 3b. **Battery.** "Battery" means one or more galvanic cells, including any structural  
2.4 members, casing, and terminals.

2.5 **EFFECTIVE DATE.** This section is effective July 1, 2026.

2.6 Sec. 3. Minnesota Statutes 2024, section 115A.03, is amended by adding a subdivision to  
2.7 read:

2.8 Subd. 10d. **Distribute.** "Distribute" means to sell, offer, supply, ship, transport, or deliver  
2.9 a product to a person that sells, offers, supplies, ships, transports, or delivers the product in  
2.10 or into this state, regardless of whether title to the product is ever acquired by a person  
2.11 distributing the product.

2.12 Sec. 4. Minnesota Statutes 2024, section 115A.03, is amended by adding a subdivision to  
2.13 read:

2.14 Subd. 10g. **Facilitate a sale.** "Facilitate a sale" means to assist a person in transferring  
2.15 title or possession of a product, regardless of whether title or possession is ever acquired  
2.16 by the person facilitating a sale, such as by operating an online marketplace, publishing an  
2.17 offer for sale on a website, physically storing inventory of products, entering into a contract  
2.18 to allow another person to list a product for sale, processing payment on behalf of another  
2.19 person, entering into a contract with a buyer or a seller related to a sale, or otherwise  
2.20 providing a sales process. Facilitate a sale does not include acting solely as:

2.21 (1) an advertiser;

2.22 (2) a payment processor; or

2.23 (3) a common carrier.

2.24 **EFFECTIVE DATE.** This section is effective July 1, 2026.

2.25 Sec. 5. **[115A.1331] STEWARDSHIP PROGRAM FOR COVERED BATTERIES;**  
2.26 **DEFINITIONS.**

2.27 (a) The terms used in sections 115A.1331 to 115A.1347 have the meanings given in this  
2.28 section and section 115A.03.

2.29 (b) "Battery-containing product" means a product in which a battery is contained or to  
2.30 which a battery is attached.

3.1 (c) "Brand" means a mark, a registered or unregistered trademark, a logo, a name, a  
3.2 symbol, a word, or an identifier that attributes a product to the owner or licensee of the  
3.3 brand. If there is no such mark, trademark, logo, name, symbol, word, or identifier, the  
3.4 brand is the name of a covered battery producer.

3.5 (d) "Collection" means receipt of discarded covered batteries from a person, including  
3.6 sorting and storage that are necessary for receipt and that are performed by the covered  
3.7 battery collector. Collection does not include transport of a covered battery that occurs after  
3.8 a covered battery collector receives the covered battery, except for transport by the covered  
3.9 battery collector to or between a covered battery collection site or sites operated by the  
3.10 covered battery collector.

3.11 (e) "Covered battery" means a loose battery or a battery that is easily removable from  
3.12 a battery-containing product. Covered battery may be of any brand, type, physical size,  
3.13 energy capacity, or chemistry. Covered battery does not include:

3.14 (1) a large lead acid battery;

3.15 (2) a battery designed, manufactured, and intended solely for use in a motor vehicle as  
3.16 defined under section 168.002;

3.17 (3) a battery designed, manufactured, and intended solely for use in manufacturing,  
3.18 industrial, or other commercial settings;

3.19 (4) a battery designed, manufactured, and intended solely for use in a medical device,  
3.20 as defined in the federal Food, Drug, and Cosmetic Act, United States Code, title 21, section  
3.21 301 et seq., except for such a device marketed for use in a household, as defined in section  
3.22 115A.96; or

3.23 (5) a battery removed from a permanent, stationary, energy storage system that requires  
3.24 installation and removal by an electrician licensed under chapter 326B.

3.25 (f) "Covered battery clearinghouse" means the organization that is responsible for  
3.26 implementing the covered battery stewardship program if covered battery producers are  
3.27 represented by more than one covered battery stewardship organization. If all covered battery  
3.28 producers are represented by a single covered battery stewardship organization, then covered  
3.29 battery clearinghouse means the covered battery stewardship organization.

3.30 (g) "Covered battery collection site" means a physical location where a covered battery  
3.31 collector collects covered batteries from other persons, regardless of whether the covered  
3.32 battery collector operates the location permanently, temporarily, or for purposes of a  
3.33 collection event.

4.1 (h) "Covered battery collector" means a person that collects covered batteries on behalf  
4.2 of the covered battery clearinghouse and receives reimbursement through the covered battery  
4.3 clearinghouse for the covered battery collector's costs for collection of the covered batteries.

4.4 (i) "Covered battery producer" means, with respect to a covered battery that is sold,  
4.5 including online sales; offered for sale or promotional purposes; or distributed in or into  
4.6 the state, a person that:

4.7 (1) manufactured the covered battery;

4.8 (2) imported the covered battery into the United States; or

4.9 (3) owns or controls or is licensed to use a brand under which the covered battery is  
4.10 sold, including online sales; offered for sale or promotional purposes; or distributed in or  
4.11 into the state.

4.12 (j) "Covered Battery Reimbursement Board" or "board" means the Covered Battery  
4.13 Reimbursement Board established in section 115A.1333, subdivision 1.

4.14 (k) "Covered battery stewardship organization" means an organization that contracts  
4.15 with one or more covered battery producers to meet the producers' obligations under sections  
4.16 115A.1331 to 115A.1347.

4.17 (l) "Covered battery stewardship plan" or "stewardship plan" means a plan that is prepared  
4.18 according to section 115A.1335 and submitted to the commissioner by the covered battery  
4.19 clearinghouse.

4.20 (m) "Covered battery stewardship program" means the system implemented by the  
4.21 covered battery clearinghouse to manage all covered batteries offered to a covered battery  
4.22 collector or subject to section 115A.1343, subdivision 1, paragraph (a), by arranging and  
4.23 paying for the collection, covered services, and all other activities described in a covered  
4.24 battery stewardship plan approved by the commissioner under section 115A.1335, subdivision  
4.25 4.

4.26 (n) "Covered services" means transportation, processing, recycling, and disposal of  
4.27 covered batteries and residual materials after collection. Covered services does not include:

4.28 (1) repair or reuse of a covered battery by the collector; or

4.29 (2) transport of a covered battery by the covered battery collector that collected it to or  
4.30 between a covered battery collection site or sites that are operated by the covered battery  
4.31 collector.

5.1 (o) "De minimis covered battery producer" means a covered battery producer that, in  
5.2 the most recent calendar year, had fewer than 100 covered batteries that were sold, including  
5.3 online sales, in or into the state and for which the covered battery producer was responsible.

5.4 (p) "Easily removable" or "easily removed" means that a battery can be removed by a  
5.5 single person from a product using only the person's hands, a slotted screwdriver, or a #2  
5.6 Phillips screwdriver.

5.7 (q) "Full covered battery collection site" means a covered battery collection site that  
5.8 meets the requirements of section 115A.1341, subdivision 1, paragraph (b).

5.9 (r) "Household hazardous waste management program" means a program established  
5.10 under section 115A.96, subdivision 2, to collect and manage household hazardous waste  
5.11 as defined in section 115A.96.

5.12 (s) "Independent auditor" means a certified public accountant that:

5.13 (1) holds an active license under chapter 326A and rules adopted thereunder;

5.14 (2) is retained by the covered battery clearinghouse;

5.15 (3) is not otherwise employed by or affiliated with the commissioner or the covered  
5.16 battery clearinghouse; and

5.17 (4) is qualified to conduct an audit under section 115A.1337, subdivision 7, paragraph  
5.18 (b), clause (7).

5.19 (t) "Large lead acid battery" means a battery that has electrodes composed of metallic  
5.20 lead or lead compounds; uses an acid electrolyte in any form, including liquid, gel, or  
5.21 absorbed; and weighs 11 pounds or more. Large lead acid battery includes a dry-charged  
5.22 battery that is shipped for sale without electrolyte in the battery. Large lead acid batteries  
5.23 are subject to section 325E.1151.

5.24 (u) "Loose battery" means a battery that is not contained in or attached to a product.  
5.25 Loose battery does not include a battery that is contained in an enclosure when the enclosure  
5.26 is not integral to the operation of the battery. Loose battery may be of any brand, type,  
5.27 physical size, energy capacity, or chemistry.

5.28 (v) "Participant" means a covered battery producer that is named by the covered battery  
5.29 clearinghouse as meeting the covered battery producer's obligations under sections 115A.1331  
5.30 to 115A.1347.

5.31 (w) "Rechargeable battery" means a battery that is designed and intended to have electrical  
5.32 energy added to it by electrical or physical means after use.

6.1 (x) "Responsible market" means a market for covered batteries, for reclaimed materials  
6.2 from collected covered batteries, or for any other recyclable residual material from collected  
6.3 covered batteries that:

6.4 (1) reuses, recycles, or otherwise recovers materials and disposes of contaminants in a  
6.5 manner that protects the environment and minimizes risks to public health and worker health  
6.6 and safety;

6.7 (2) complies with all applicable federal, state, and local statutes, rules, ordinances, and  
6.8 other laws governing environmental, health, safety, and financial responsibility;

6.9 (3) possesses all licenses and permits required by a federal or state agency or political  
6.10 subdivision;

6.11 (4) if operating in the state, recycles batteries to the maximum extent practicable in  
6.12 accordance with section 115A.02, paragraph (b); and

6.13 (5) minimizes adverse impacts to environmental justice areas.

6.14 (y) "Specialized covered battery recycler" means a person that, if and as applicable, is  
6.15 properly authorized by the commissioner or, if operating in another state or country, by an  
6.16 equivalent state, federal, or other governmental body, to process or recycle useful materials  
6.17 from covered batteries.

6.18 **EFFECTIVE DATE.** This section is effective July 1, 2026.

6.19 **Sec. 6. [115A.1333] COVERED BATTERY REIMBURSEMENT BOARD.**

6.20 Subdivision 1. **Establishment.** The Covered Battery Reimbursement Board is established  
6.21 to recommend reimbursement rates for covered battery collection to the commissioner.

6.22 Except as provided in this section, chapter 15 does not apply to the board.

6.23 Subd. 2. **Membership.** (a) By January 1, 2027, the commissioner must appoint the initial  
6.24 membership of the Covered Battery Reimbursement Board. Membership must consist of:

6.25 (1) two members representing household hazardous waste management programs;

6.26 (2) two members representing covered battery collectors that are not household waste  
6.27 management programs; and

6.28 (3) four members representing covered battery producers.

6.29 (b) In making appointments under paragraph (a), the commissioner may not appoint  
6.30 persons who are:

6.31 (1) current or elected Minnesota state representatives or senators;

7.1 (2) required to register as lobbyists under section 10A.03; or

7.2 (3) employees of the agency.

7.3 (c) Initial appointments under paragraph (a), clause (2), must represent potential battery  
7.4 collectors. After January 1, 2030, whenever the terms of these members expire according  
7.5 to subdivision 3, the new appointments must represent covered battery collectors.

7.6 Subd. 3. **Terms; removal.** Members serve for a term of four years, except that one  
7.7 member appointed under subdivision 2, paragraph (a), clause (1); one member appointed  
7.8 under subdivision 2, paragraph (a), clause (2); and two members appointed under subdivision  
7.9 2, paragraph (a), clause (3), must be appointed to serve an initial term of two years, so that  
7.10 membership terms are staggered. Members may be reappointed to another term following  
7.11 the end of a term. The removal of members is governed by section 15.059, subdivision 4.

7.12 Subd. 4. **Quorum; voting.** Meetings of the board must have at least a quorum of six  
7.13 members. Recommendations of the board require the affirmative vote of at least five  
7.14 members.

7.15 Subd. 5. **Administrative support; facilitator.** (a) The commissioner must provide  
7.16 administrative support to the board, including meeting space and public access for meetings  
7.17 conducted by telephone or interactive technology. The commissioner must ensure that all  
7.18 activities of the board that require public notice, such as notice of meetings, agendas and  
7.19 materials related to agenda items, and minutes, are published on the agency's publicly  
7.20 accessible website.

7.21 (b) The board must ensure that all activities of the board that require public notice are  
7.22 timely provided to the commissioner for publication.

7.23 (c) The commissioner must contract for an independent facilitator for the board. The  
7.24 facilitator is not a member for purposes of quorum or voting.

7.25 Subd. 6. **Meetings.** (a) The board must meet at least annually and additionally as  
7.26 necessary to meet the requirements of subdivisions 7 to 9. Meetings may be scheduled at  
7.27 the request of four members of the board.

7.28 (b) The board is subject to chapter 13D.

7.29 Subd. 7. **Recommendations for reimbursement rates.** (a) By January 1, 2028, and  
7.30 beginning July 1, 2029, at least annually each July 1, the board must submit to the  
7.31 commissioner a recommendation for reimbursement rates for covered battery collection for  
7.32 the following calendar year.

8.1 (b) If the board does not submit a recommendation for reimbursement rates by the due  
8.2 dates in paragraph (a), then within 30 days after a due date, the facilitator must review the  
8.3 proposals of each member of the board and prepare and submit a recommendation for  
8.4 reimbursement rates to the commissioner. Notwithstanding the proposals of any members  
8.5 of the board, the recommendation of the facilitator under this paragraph is considered the  
8.6 recommendation of the board.

8.7 (c) Recommended rates may be differentiated by methods recommended by the board,  
8.8 such as local property lease or purchase costs, prevailing local wages, or other factors to  
8.9 ensure:

8.10 (1) convenient collection statewide according to section 115A.1335, subdivision 3; and

8.11 (2) that all costs of collection are covered according to paragraph (d).

8.12 (d) Recommended rates must cover all costs of covered battery collection incurred by  
8.13 covered battery collectors, including but not limited to:

8.14 (1) labor, overhead, and supplies;

8.15 (2) necessary collection and storage structures and containers;

8.16 (3) employee training;

8.17 (4) necessary safety equipment, including appropriate fire protection and suppression  
8.18 equipment and supplies; and

8.19 (5) any other costs determined necessary by the commissioner.

8.20 (e) In making determinations under paragraph (d), clause (5), the commissioner may  
8.21 consider data submitted according to section 115A.1337, subdivision 7; the quantity of  
8.22 covered batteries collected; the estimated quantity of covered batteries sold in or into the  
8.23 state; the estimated quantity of covered batteries discarded into solid waste in the state; and  
8.24 any other information related to the implementation of sections 115A.1331 to 115A.1347.

8.25 (f) The board must also consider any additional financial incentives necessary to induce  
8.26 covered battery collectors to join the covered battery stewardship program, if necessary for  
8.27 the covered battery clearinghouse to meet or exceed the required convenience standards  
8.28 under section 115A.1335, subdivision 3.

8.29 Subd. 8. **Review and approval of reimbursement rates.** (a) Within 90 days after  
8.30 receiving a recommendation on reimbursement rates submitted under subdivision 7, the  
8.31 commissioner must review the recommendation and approve or reject the recommendation.

9.1 (b) In conducting a review of a recommendation, the commissioner may consult with  
9.2 interested parties.

9.3 (c) For at least 30 days before approving a recommendation under this subdivision, the  
9.4 commissioner must post the recommendation on the agency's publicly accessible website  
9.5 for public review and comment.

9.6 (d) If the commissioner determines that a recommendation does not meet the requirements  
9.7 of sections 115A.1331 to 115A.1347, the commissioner must reject the recommendation.  
9.8 The commissioner must provide a written notice of determination describing the reasons  
9.9 for the rejection to the board. The board must meet as necessary to submit a revised  
9.10 recommendation to the commissioner.

9.11 (e) After consultation under paragraph (b) and review of public comments under  
9.12 paragraph (c), if the commissioner determines that a recommendation meets the requirements  
9.13 of this section, the commissioner may approve the recommendation. The commissioner  
9.14 must provide a written notice of approval to the board and to the covered battery  
9.15 clearinghouse. In the notice, the commissioner must specify the effective date of the approved  
9.16 reimbursement rates.

9.17 (f) The commissioner must publish approved reimbursement rates on the agency's  
9.18 publicly accessible website within 30 days after approving the rates. The commissioner  
9.19 must continue to publish the approved rates until a successive reimbursement rate is approved  
9.20 and published.

9.21 Subd. 9. **More-frequent rate changes.** The board may, for good cause, submit a  
9.22 recommendation for reimbursement rates to the commissioner more frequently than once  
9.23 per year. The commissioner must review the recommendation according to subdivision 8.

9.24 Subd. 10. **Continuation of rates.** Approved reimbursement rates remain in effect until  
9.25 the commissioner approves a new rate recommendation of the board.

9.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

9.27 Sec. 7. **[115A.1335] COVERED BATTERY STEWARDSHIP PLAN AND BUDGET.**

9.28 Subdivision 1. **Due dates; assumption of responsibility by one producer for other**  
9.29 **producers.** (a) By July 1, 2027:

9.30 (1) each covered battery producer must contract with a covered battery stewardship  
9.31 organization to act on the covered battery producer's behalf;

10.1 (2) if covered battery producers contract with more than one covered battery stewardship  
10.2 organization, then all the covered battery stewardship organizations must establish or identify  
10.3 a covered battery clearinghouse to administer the covered battery stewardship program; and

10.4 (3) the covered battery clearinghouse must notify the commissioner that it has been  
10.5 established and provide to the commissioner identification of and contact information for  
10.6 the covered battery clearinghouse and all covered battery stewardship organizations that  
10.7 have contracted with the covered battery clearinghouse.

10.8 (b) If more than one person is a producer for a specific covered battery, one producer  
10.9 may assume all responsibility for obligations to a covered battery stewardship organization  
10.10 on behalf of another producer or all other producers for that covered battery. If the one  
10.11 producer assuming responsibility meets all obligations on behalf of one or more other  
10.12 producers of a covered battery, then each of those producers is a participant.

10.13 (c) By January 1, 2029, the covered battery clearinghouse must submit to the  
10.14 commissioner a single covered battery stewardship plan that meets the requirements of  
10.15 subdivision 2 for review under subdivision 4.

10.16 Subd. 2. **Plan content; budget requirement.** (a) The covered battery stewardship plan  
10.17 must include:

10.18 (1) identification of and contact information for the covered battery clearinghouse and  
10.19 all covered battery stewardship organizations that have contracted with the covered battery  
10.20 clearinghouse;

10.21 (2) copies of contracts clearly granting the covered battery clearinghouse the authority  
10.22 to act on behalf of the covered battery stewardship organizations and the participants they  
10.23 represent to implement the covered battery stewardship plan, including responsibility of  
10.24 the covered battery stewardship organizations and the participants they represent to comply  
10.25 with an approved covered battery stewardship plan and to fund the covered battery  
10.26 clearinghouse as necessary to implement the covered battery stewardship plan, pay for  
10.27 associated costs, and pay for fees and penalties assessed by the commissioner;

10.28 (3) identification of and contact information for all participants in the covered battery  
10.29 stewardship program;

10.30 (4) identification of and contact information for each covered battery collector;

10.31 (5) identification of and contact information for each person providing covered services  
10.32 and the location of all facilities where covered services will be provided;

11.1 (6) identification and contact information for all subordinate persons that the covered  
11.2 battery clearinghouse has contracted with to administer and implement the covered battery  
11.3 stewardship program in accordance with section 115A.1337, subdivision 8. The relationship  
11.4 of the other persons to the covered battery clearinghouse and their role in administering and  
11.5 implementing the covered battery stewardship program must be described;

11.6 (7) the address; county of location; and, in a form prescribed by the commissioner,  
11.7 geolocation data for each covered battery collection site to be served through the covered  
11.8 battery clearinghouse under the covered battery stewardship program and identification of  
11.9 those covered battery collection sites that are operated by a household hazardous waste  
11.10 management program;

11.11 (8) a list of the brands covered under the covered battery stewardship program;

11.12 (9) eligibility criteria for prospective covered battery collectors;

11.13 (10) a description of how the covered battery stewardship program will provide covered  
11.14 services under this section to any household hazardous waste management program in a  
11.15 manner that is equal to the covered services provided to all other covered battery collectors,  
11.16 if the operator of the household hazardous waste management program requests covered  
11.17 services;

11.18 (11) a description of how the covered battery stewardship program will provide  
11.19 convenient, statewide collection according to subdivision 3;

11.20 (12) a description of how the covered battery clearinghouse will annually monitor and  
11.21 ensure continuing compliance with the convenience standards under subdivision 3;

11.22 (13) a description of how the covered battery clearinghouse will ensure each covered  
11.23 battery collector is provided with the materials specified in section 115A.1337, subdivision  
11.24 1;

11.25 (14) a description of how covered battery collection sites will be accessible according  
11.26 to section 115A.1337, subdivision 3;

11.27 (15) the performance standards for persons providing covered services for the covered  
11.28 battery clearinghouse and the oversight methods by which the covered battery clearinghouse  
11.29 will ensure continuing compliance with the performance standards. The covered battery  
11.30 clearinghouse may determine performance standards, which at a minimum must:

11.31 (i) accord with clauses (19) to (22), (24), (25), and (35);

12.1 (ii) ensure that covered services other than transportation are provided only by specialized  
12.2 covered battery recyclers; and

12.3 (iii) ensure covered batteries and residual materials are managed through responsible  
12.4 markets;

12.5 (16) a description of the oversight methods by which the covered battery clearinghouse  
12.6 will ensure continuing compliance with the performance standards under clause (15);

12.7 (17) a description of how the covered battery clearinghouse will ensure that there are at  
12.8 least ten persons providing covered services;

12.9 (18) a description of how the covered battery clearinghouse will arrange for and ensure  
12.10 that covered services are provided by small businesses, as determined according to the Code  
12.11 of Federal Regulations, title 13, part 121, for at least 25 percent of the covered batteries  
12.12 collected annually, by weight;

12.13 (19) a description of methods by which the covered battery clearinghouse will ensure  
12.14 that discarded covered batteries and residual materials managed under the covered battery  
12.15 stewardship program are managed while in the state in compliance with rules adopted under  
12.16 section 116.07 for managing solid waste and hazardous waste, when applicable, and, when  
12.17 outside the state, with all federal, state, and local requirements for managing solid waste  
12.18 and hazardous waste, as applicable;

12.19 (20) a description of the actions the covered battery clearinghouse will take upon receiving  
12.20 information of potential or actual noncompliance under clause (19) by any person handling  
12.21 covered batteries under the covered battery stewardship program;

12.22 (21) a description of methods by which the covered battery clearinghouse will ensure  
12.23 that covered batteries and residual materials managed under the covered battery stewardship  
12.24 program are managed in compliance with safety and health requirements for employees  
12.25 administered by the Department of Labor and Industry and with fire protection requirements  
12.26 administered by the Department of Public Safety while in the state and, when outside the  
12.27 state, with all applicable federal, state, and local employee safety and health requirements  
12.28 and fire protection requirements;

12.29 (22) a description of the actions the covered battery clearinghouse will take upon receiving  
12.30 information of potential or actual noncompliance under clause (21) by any person handling  
12.31 covered batteries under the covered battery stewardship program;

12.32 (23) a description of how the covered battery clearinghouse will ensure sufficient and  
12.33 timely pickup and transport of covered batteries are provided to each covered battery

13.1 collection site so that the covered battery collection site can continuously and safely collect  
13.2 and store covered batteries;

13.3 (24) a description of methods by which the covered battery clearinghouse will ensure  
13.4 that covered batteries and residual materials managed under the covered battery stewardship  
13.5 program are transported in compliance with applicable regulations incorporated by reference  
13.6 under section 221.033 for transporting hazardous materials while in the state and, when  
13.7 outside the state, with all federal, state, and local requirements for transporting hazardous  
13.8 materials;

13.9 (25) a description of the actions the covered battery clearinghouse will take upon receiving  
13.10 information of potential or actual noncompliance under clause (24) by any person handling  
13.11 covered batteries under the covered battery stewardship program;

13.12 (26) a statement of indemnification by the covered battery clearinghouse to covered  
13.13 battery collectors for potential liability for improper downstream management of covered  
13.14 batteries or residual materials by providers of covered services arranged for by the covered  
13.15 battery clearinghouse and identified in the covered battery stewardship plan under clause  
13.16 (5);

13.17 (27) a description of how the covered battery clearinghouse will determine and annually  
13.18 report the quantity of covered batteries collected under the covered battery stewardship  
13.19 program by chemistry by weight;

13.20 (28) a description of the outreach and education methods and activities that the covered  
13.21 battery clearinghouse will ensure are provided according to section 115A.1337, subdivision  
13.22 5;

13.23 (29) a description of how the covered battery clearinghouse will ensure that there is at  
13.24 least one full-time representative of the covered battery clearinghouse who is solely dedicated  
13.25 to implementing the covered battery stewardship program in this state and serves as the  
13.26 primary contact between the covered battery clearinghouse and the agency;

13.27 (30) a description of the system by which the covered battery clearinghouse will provide  
13.28 advance payment or reimbursement to covered battery collectors in a manner that:

13.29 (i) provides:

13.30 (A) periodic automatic payment of reimbursements at least annually; or

13.31 (B) a process for submitting reimbursement requests and reasonable timelines for  
13.32 reimbursement at intervals no longer than monthly unless otherwise agreed to by the covered  
13.33 battery collector; and

- 14.1 (ii) provides an independent mediator to resolve reimbursement disputes that arise  
14.2 between the covered battery clearinghouse and a covered battery collector;
- 14.3 (31) a description of the system by which the covered battery clearinghouse will pay  
14.4 persons providing covered services in a manner that provides:
- 14.5 (i) a clear process for submitting invoices;
- 14.6 (ii) reasonable timelines for payment at intervals no longer than monthly unless otherwise  
14.7 agreed to by the person providing covered services; and
- 14.8 (iii) an independent mediator to resolve payment disputes that arise between the covered  
14.9 battery clearinghouse and a person providing covered services;
- 14.10 (32) a description of how the covered battery stewardship program costs will be allocated  
14.11 among participants, either individually or among groups of participants identified by the  
14.12 covered battery clearinghouse, or through covered battery stewardship organizations that  
14.13 have contracted with the covered battery clearinghouse, such that the costs of managing  
14.14 covered batteries are allocated equitably. The description must include a clear assignment  
14.15 of responsibility for costs of managing covered batteries subject to a voluntary or mandatory  
14.16 recall to the participant or participants associated with those covered batteries and not to  
14.17 other participants;
- 14.18 (33) a description of how the covered battery clearinghouse will comply with subdivision  
14.19 6, paragraph (c);
- 14.20 (34) a description of how the covered battery clearinghouse will assist covered battery  
14.21 producers in complying with the labeling requirements under section 115A.1347, subdivision  
14.22 2, paragraph (a);
- 14.23 (35) a description of how the covered battery clearinghouse will ensure that covered  
14.24 batteries and residual materials managed under the covered battery stewardship program  
14.25 are managed to the maximum extent practicable in accordance with section 115A.02,  
14.26 paragraph (b);
- 14.27 (36) a description of how the covered battery clearinghouse will incentivize investment  
14.28 in processes, product design and material use, technology, and personnel training that could  
14.29 raise the future maximum extent practicable for management described in clause (35),  
14.30 including consideration of covered battery reuse, repair, and product life cycle;
- 14.31 (37) a description of how the covered battery clearinghouse will annually report to the  
14.32 commissioner, by chemistry by weight, the end management through recycling or disposal

15.1 of covered batteries for which the covered battery stewardship program was responsible  
15.2 during each calendar year; and

15.3 (38) a description of how the covered battery clearinghouse will take action to decrease  
15.4 the incidence of covered batteries in solid waste in the state according to section 115A.1337,  
15.5 subdivision 5, paragraph (c), including providing collection opportunities under section  
15.6 115A.1337, subdivision 3, paragraph (b).

15.7 (b) By January 1, 2029, and annually thereafter, the covered battery clearinghouse must  
15.8 submit an anticipated annual budget for the covered battery stewardship program for the  
15.9 following calendar year, broken down into the covered battery stewardship program's  
15.10 estimated costs for administration, collection, sorting after collection, storage after collection,  
15.11 transportation after collection, processing, recycling, disposal, and communication, including  
15.12 the cost of fees under section 115A.1339. The budget is not subject to review and approval  
15.13 under subdivisions 4 and 5.

15.14 Subd. 3. **Convenience standards.** (a) The covered battery stewardship plan must provide  
15.15 convenient, statewide collection for all covered batteries that are offered to covered battery  
15.16 collectors by a person in the state, regardless of:

15.17 (1) a covered battery's type, physical size, energy capacity, or chemistry;

15.18 (2) a covered battery's brand; or

15.19 (3) the producer of a covered battery.

15.20 (b) The covered battery stewardship plan must meet the following convenience standards:

15.21 (1) for each county with a population of 10,000 or less, maintain at least two full covered  
15.22 battery collection sites;

15.23 (2) for each county with a population greater than 10,000 but less than or equal to  
15.24 100,000, maintain at least two full covered battery collection sites and at least one additional  
15.25 full covered battery collection site for each additional 10,000 in population above a population  
15.26 of 10,000;

15.27 (3) for each county with a population greater than 100,000, maintain at least 11 full  
15.28 covered battery collection sites and at least one additional full covered battery collection  
15.29 site for each additional 50,000 in population above a population of 100,000;

15.30 (4) maintain a full covered battery collection site located within ten miles of the household  
15.31 of at least 95 percent of the residents of the state;

16.1 (5) ensure no net loss in estimated collection convenience and capacity for covered  
16.2 batteries; and

16.3 (6) any additional convenience standards that the commissioner determines are necessary  
16.4 to provide convenient, statewide collection for covered batteries, including operation of  
16.5 additional covered battery collection sites.

16.6 (c) In making a determination under paragraph (b), clause (6), the commissioner may  
16.7 consider data submitted according to section 115A.1337, subdivision 7; the quantity of  
16.8 covered batteries collected; the estimated quantity of covered batteries sold in or into the  
16.9 state; the estimated quantity of covered batteries disposed of in the state; and other  
16.10 information related to the effectiveness of the covered battery stewardship program.

16.11 Subd. 4. Review of covered battery stewardship plan; implementation. (a) Within  
16.12 120 days after receiving a complete covered battery stewardship plan submitted under this  
16.13 section, the commissioner must determine whether the stewardship plan complies with this  
16.14 section and will ensure that elements required by subdivision 2, paragraph (a), will be met  
16.15 to the maximum extent practicable. The commissioner must provide a written notice of  
16.16 determination according to this subdivision.

16.17 (b) In conducting a review of a covered battery stewardship plan, the commissioner may  
16.18 consult with interested parties.

16.19 (c) For at least 30 days before approving a covered battery stewardship plan, the  
16.20 commissioner must place the stewardship plan on the agency's publicly accessible website  
16.21 for public review and comment.

16.22 (d) If the commissioner determines that a covered battery stewardship plan fails to  
16.23 comply with this section or will not ensure that elements required by subdivision 2, paragraph  
16.24 (a), will be met to the maximum extent practicable, the commissioner must reject the covered  
16.25 battery stewardship plan. The commissioner must provide a written notice of determination  
16.26 to the covered battery clearinghouse describing the reasons for the rejection.

16.27 (e) After any consultation under paragraph (b) and review of public comments received  
16.28 under paragraph (c), if the commissioner determines that a covered battery stewardship plan  
16.29 complies with this section and will ensure that elements required by subdivision 2, paragraph  
16.30 (a), will be met to the maximum extent practicable, the commissioner must approve the  
16.31 covered battery stewardship plan. The commissioner must provide a written notice of  
16.32 determination to the covered battery clearinghouse and must publish the approved covered  
16.33 battery stewardship plan on the agency's publicly accessible website within 30 days after  
16.34 approval.

17.1 (f) The covered battery clearinghouse must implement the covered battery stewardship  
17.2 plan approved by the commissioner, including any amendments to the stewardship plan  
17.3 that are approved by the commissioner according to subdivision 5, within 60 days after  
17.4 receiving written notice of approval.

17.5 (g) For each covered battery stewardship plan or amendment submitted to the  
17.6 commissioner for review, the commissioner may consider the data submitted according to  
17.7 section 115A.1337, subdivision 7, and other relevant information to establish requirements  
17.8 to improve the effectiveness, performance, and awareness of the covered battery stewardship  
17.9 program.

17.10 **Subd. 5. Amending or terminating covered battery stewardship plan.** (a) The covered  
17.11 battery clearinghouse may amend a covered battery stewardship plan approved under  
17.12 subdivision 4 without review or approval by the commissioner to make the changes specified  
17.13 in clauses (1) to (3). Within 30 days after adopting an amendment under this paragraph, the  
17.14 covered battery clearinghouse must report the amendment to the commissioner and the  
17.15 commissioner must publish the amended stewardship plan on the agency's publicly accessible  
17.16 website. The covered battery clearinghouse must implement amendments made to a  
17.17 stewardship plan under this paragraph within 60 days after adopting the amendment. The  
17.18 covered battery clearinghouse may:

17.19 (1) add, terminate, or replace a covered battery collector, collection site, person providing  
17.20 covered services, or facility where covered services will be performed;

17.21 (2) add or remove participants or brands covered under the covered battery stewardship  
17.22 plan; or

17.23 (3) change contact staff or contact staff information for the covered battery clearinghouse,  
17.24 covered battery stewardship organizations, participants, covered battery collectors, or persons  
17.25 providing covered services.

17.26 (b) Except for an amendment under paragraph (a), the revised covered battery stewardship  
17.27 plan containing any amendment must be submitted to and reviewed and approved by the  
17.28 commissioner before it may be implemented by the covered battery clearinghouse. The  
17.29 commissioner must review and approve or reject the covered battery stewardship plan  
17.30 containing the proposed amendment according to subdivision 4.

17.31 (c) The covered battery clearinghouse must submit an amended covered battery  
17.32 stewardship plan for review:

17.33 (1) at least every five years according to this subdivision and subdivision 4; or

18.1 (2) within 60 days if the commissioner determines that an amended stewardship plan is  
18.2 necessary to implement sections 115A.1331 to 115A.1347.

18.3 (d) The covered battery clearinghouse may terminate a covered battery stewardship plan  
18.4 only:

18.5 (1) by providing at least 90 days' written notice to the commissioner and to all covered  
18.6 battery stewardship organizations and participants in the covered battery stewardship  
18.7 program; and

18.8 (2) after a replacement covered battery stewardship plan submitted by the covered battery  
18.9 clearinghouse or a new covered battery clearinghouse is approved by the commissioner  
18.10 under subdivision 4.

18.11 (e) The commissioner may terminate a covered battery stewardship plan for good cause,  
18.12 as defined in paragraph (f). If the commissioner terminates a covered battery stewardship  
18.13 plan, the commissioner must provide the covered battery clearinghouse with written notice  
18.14 of termination describing the good cause for termination. The commissioner must also notify  
18.15 all participants in the covered battery stewardship program in writing of the termination,  
18.16 using the contact information for the participants provided in the covered battery stewardship  
18.17 plan.

18.18 (f) For purposes of paragraph (e), "good cause" includes but is not limited to:

18.19 (1) failure by the covered battery clearinghouse to:

18.20 (i) fully and accurately disclose required or requested information to the commissioner;

18.21 (ii) comply with the terms of sections 115A.1331 to 115A.1347; or

18.22 (iii) pay fees or penalties owed to the commissioner or comply with an order lawfully  
18.23 issued by the commissioner; and

18.24 (2) a finding that the covered battery clearinghouse's activities endanger human health  
18.25 or the environment and the danger cannot reasonably be removed by an amendment to the  
18.26 covered battery stewardship plan.

18.27 Subd. 6. **Compliance.** (a) The covered battery clearinghouse must comply with the  
18.28 covered battery stewardship plan approved by the commissioner, including any amendments  
18.29 to the stewardship plan that are made according to subdivision 5, paragraph (a) or (b). The  
18.30 covered battery clearinghouse must ensure that all covered battery stewardship organizations,  
18.31 participants, and persons providing covered services also comply with the stewardship plan

19.1 and are responsible to the covered battery clearinghouse and to the commissioner for  
 19.2 compliance.

19.3 (b) All other covered battery stewardship organizations must comply with the covered  
 19.4 battery stewardship plan approved by the commissioner, including any amendments to the  
 19.5 stewardship plan that are made according to subdivision 5, paragraph (a) or (b). A covered  
 19.6 battery stewardship organization must ensure that all participants the organization represents  
 19.7 and all persons providing covered services for which the organization is responsible also  
 19.8 comply with the stewardship plan and are responsible to the covered battery stewardship  
 19.9 organization and to the commissioner for compliance.

19.10 (c) The covered battery clearinghouse must ensure that covered battery collectors are  
 19.11 reimbursed according to the reimbursement rates approved by the commissioner according  
 19.12 to section 115A.1333 and the method described in the covered battery stewardship plan.

19.13 (d) The covered battery clearinghouse must ensure that all costs of the covered battery  
 19.14 stewardship program are fully paid for by participants, except for de minimis covered battery  
 19.15 producers. All costs of the covered battery stewardship program must be fairly allocated  
 19.16 between groups of participants without any fee, charge, surcharge, or any other cost to:

- 19.17 (1) any member of the public;  
 19.18 (2) any business other than a covered battery producer;  
 19.19 (3) any covered battery collector;  
 19.20 (4) any person providing covered services;  
 19.21 (5) the state or any political subdivision;  
 19.22 (6) de minimis covered battery producers; or  
 19.23 (7) any other person that is not a covered battery producer.

19.24 **EFFECTIVE DATE.** This section is effective July 1, 2026.

19.25 Sec. 8. **[115A.1337] COVERED BATTERY CLEARINGHOUSE AND COVERED**  
 19.26 **BATTERY STEWARDSHIP ORGANIZATIONS; DUTIES AND STRUCTURE.**

19.27 Subdivision 1. **Duties to covered battery collectors.** (a) The covered battery  
 19.28 clearinghouse must ensure that the following are provided to each covered battery collector:

- 19.29 (1) reimbursement at the rates approved by the commissioner according to section  
 19.30 115A.1333 and the method described in the covered battery stewardship plan;

20.1 (2) pickup and transport of collected covered batteries from each covered battery  
20.2 collection site in sufficient time and quantity to allow the covered battery collector to safely  
20.3 receive covered batteries without interruption or cost to the covered battery collector;

20.4 (3) appropriate containers for storage and transportation of covered batteries and supplies  
20.5 necessary for the collection of covered batteries;

20.6 (4) signage to identify collection sites and the covered batteries accepted at the collection  
20.7 sites;

20.8 (5) training for covered battery collection site employees on identifying and safely  
20.9 handling and storing covered batteries, including damaged, defective, or recalled batteries,  
20.10 also known as DDR batteries;

20.11 (6) educational materials that address the information described in subdivision 5,  
20.12 paragraph (a), clause (3), for distribution to members of the public and businesses in  
20.13 Minnesota. The educational materials must be made available in English and at least the  
20.14 three languages most commonly spoken at homes in the state other than English, according  
20.15 to the state demographer; and

20.16 (7) direction to an alternate covered battery collector whenever a covered battery collector  
20.17 determines and reports to the covered battery clearinghouse, according to section 115A.1341,  
20.18 subdivision 1, paragraph (d), that the collector cannot safely collect a covered battery. The  
20.19 covered battery clearinghouse must ensure that the covered battery is collected by another  
20.20 covered battery collector.

20.21 (b) The covered battery clearinghouse and covered battery stewardship organizations  
20.22 must consider the request of a covered battery collector to perform covered services if the  
20.23 covered battery collector meets the performance standards in the covered battery stewardship  
20.24 plan under section 115A.1335, subdivision 2, paragraph (a), clause (15), and the covered  
20.25 battery collector and the covered battery clearinghouse or covered battery stewardship  
20.26 organization agree after negotiation in good faith on the fees to be paid to the covered battery  
20.27 collector for performing the covered services. The covered battery stewardship plan must  
20.28 identify the covered battery collector as providing covered services according to section  
20.29 115A.1335, subdivision 2, paragraph (a), clause (5).

20.30 (c) The covered battery clearinghouse and covered battery stewardship organizations  
20.31 must allow the following persons to serve as a covered battery collector:

20.32 (1) a person that agrees to operate or continues to operate a full covered battery collection  
20.33 site in compliance with:

21.1 (i) the conditions in section 115A.1335, subdivision 2, paragraph (a), clauses (19) to  
21.2 (22), (24), and (25), and any other applicable provisions of the covered battery stewardship  
21.3 plan in section 115A.1335; and

21.4 (ii) section 115A.1341; and

21.5 (2) a household hazardous waste management program.

21.6 (d) The covered battery clearinghouse may terminate a covered battery collector, except  
21.7 a household hazardous waste management program, and cease payment to the covered  
21.8 battery collector for good cause.

21.9 Subd. 2. **Duty to negotiate in good faith.** The covered battery clearinghouse and covered  
21.10 battery stewardship organizations must negotiate in good faith:

21.11 (1) allocation of covered battery stewardship program costs with and among participants;  
21.12 and

21.13 (2) payments for covered services to persons providing covered services.

21.14 Subd. 3. **Accessibility.** (a) The covered battery stewardship program must provide  
21.15 convenient, equitable, and accessible service to all persons in Minnesota, including but not  
21.16 limited to people of color; Minnesota Tribal governments as defined in section 10.65,  
21.17 subdivision 2; those that are non-English speaking; immigrant and refugee communities;  
21.18 those with limited access to transportation; and those in environmental justice areas.

21.19 (b) The covered battery stewardship program must include collection opportunities  
21.20 beyond those required under section 115A.1335, subdivision 3, to better serve populations  
21.21 under paragraph (a), such as individual pickup from households and temporary events to  
21.22 provide enhanced collection availability.

21.23 (c) Where feasible, the covered battery stewardship program must encourage establishing  
21.24 covered battery collection sites in proximity to local public transit.

21.25 Subd. 4. **Oversight; eligibility to provide covered services.** (a) The covered battery  
21.26 clearinghouse and covered battery stewardship organizations must ensure that covered  
21.27 batteries and residual materials managed under the covered battery stewardship program  
21.28 are managed according to the performance standards in section 115A.1335, subdivision 2,  
21.29 paragraph (a), clause (15), by all persons providing covered services.

21.30 (b) To ensure that covered batteries and residual materials are managed to the maximum  
21.31 extent practicable in accordance with section 115A.02, paragraph (b), the commissioner  
21.32 may require performance standards and oversight methods in lieu of or in addition to the

22.1 performance standards and oversight methods used by the covered battery clearinghouse  
22.2 under paragraph (a) and section 115A.1335, subdivision 2, paragraph (a), clause (15), for  
22.3 persons providing covered services for covered batteries. The commissioner may consider  
22.4 data submitted under subdivision 7; the availability and feasibility of technology, processes,  
22.5 and methods for managing covered batteries; and other information related to the  
22.6 effectiveness of the covered battery stewardship program.

22.7 Subd. 5. **Program effectiveness.** (a) To support the effectiveness of the covered battery  
22.8 stewardship program, the covered battery clearinghouse must provide outreach and education  
22.9 to:

22.10 (1) persons that might sell, offer for sale or promotional purposes, distribute, or facilitate  
22.11 a sale of covered batteries in or into the state, to inform them of the requirements of section  
22.12 115A.1347, subdivision 2;

22.13 (2) potential covered battery collectors and persons who collected covered batteries  
22.14 before the effective date of this section to inform them how to request coverage by the  
22.15 covered battery stewardship program; and

22.16 (3) members of the public to raise awareness of:

22.17 (i) public health and safety and environmental risks caused by improperly charging,  
22.18 storing, and disposing of covered batteries;

22.19 (ii) methods to safely charge and store covered batteries;

22.20 (iii) the benefits of recycling covered batteries in contrast to disposal; and

22.21 (iv) the existence of the covered battery stewardship program and the ability to manage  
22.22 covered batteries at no cost, including the location and convenience of covered battery  
22.23 collection sites in the state.

22.24 (b) The covered battery clearinghouse must maintain a publicly accessible website to  
22.25 locate covered battery collection sites through map-based and text-based searches.

22.26 (c) The covered battery clearinghouse may coordinate or combine the provision of  
22.27 education efforts under paragraphs (a) and (b) with education efforts required for the covered  
22.28 battery clearinghouse under subdivision 1. The immunities conveyed by section 115A.1345,  
22.29 subdivision 2, also apply to any such coordination or combination.

22.30 (d) The covered battery clearinghouse must, in addition to the requirements of paragraphs  
22.31 (a) to (c) and subdivision 6, take action to decrease the incidence of covered batteries in  
22.32 solid waste generated in the state as soon as practicable and to the maximum extent

23.1 achievable. The commissioner may determine the effectiveness of the covered battery  
23.2 stewardship program using information from waste composition studies under section  
23.3 115A.412 and other information available to the commissioner and may require the covered  
23.4 battery clearinghouse to submit information and implement actions to decrease the incidence  
23.5 of covered batteries in solid waste in accordance with section 115A.1335, subdivisions 2,  
23.6 paragraph (a), clause (38), and 3, paragraph (b), clause (6).

23.7 Subd. 6. **Public advisory committee.** (a) The covered battery clearinghouse must  
23.8 establish and maintain a public advisory committee.

23.9 (b) The duties of the public advisory committee are to:

23.10 (1) assist with drafting, continuous review, and periodic audit of the covered battery  
23.11 clearinghouse's outreach and education activities, including but not limited to signage and  
23.12 educational materials; and

23.13 (2) make recommendations to the covered battery clearinghouse and the commissioner  
23.14 to continuously improve the effectiveness of the outreach and education activities and  
23.15 maximize participation in the covered battery stewardship program.

23.16 (c) The public advisory committee must meet and make recommendations before a  
23.17 covered battery stewardship plan is submitted to the commissioner.

23.18 (d) Membership of the committee must include representatives of stakeholders of the  
23.19 covered battery stewardship program, including but not limited to:

23.20 (1) the commissioner;

23.21 (2) household hazardous waste management programs;

23.22 (3) covered battery collectors that are not household waste management programs;

23.23 (4) persons providing or that might provide covered services;

23.24 (5) producers; and

23.25 (6) other persons providing statewide representation.

23.26 Subd. 7. **Reporting.** (a) The covered battery clearinghouse must report an amendment  
23.27 to the covered battery stewardship plan made under section 115A.1335, subdivision 5,  
23.28 paragraph (a), to the commissioner within 30 days after making the amendment.

23.29 (b) By April 1 each year after a covered battery stewardship plan is approved under  
23.30 section 115A.1335, subdivision 4, the covered battery clearinghouse must report to the  
23.31 commissioner, in a form and manner prescribed by the commissioner, on the covered battery

- 24.1 clearinghouse's activities during the preceding calendar year. The covered battery  
24.2 clearinghouse must also submit a copy of the report to the board. The report must include:
- 24.3 (1) the address, county of location, and geolocation data for each covered battery  
24.4 collection site served by the covered battery stewardship program during the preceding  
24.5 calendar year;
- 24.6 (2) the chemistry by weight of covered batteries collected during each calendar year, in  
24.7 accordance with section 115A.1335, subdivision 2, paragraph (a), clause (27);
- 24.8 (3) a description by chemistry by weight of:
- 24.9 (i) the end management through recycling or disposal of the covered batteries shipped  
24.10 from covered battery collection sites under the covered battery stewardship program, in  
24.11 accordance with section 115A.1335, subdivision 2, paragraph (a), clause (37);
- 24.12 (ii) the records maintained or received by the covered battery clearinghouse to document  
24.13 the end management described in item (i); and
- 24.14 (iii) the method or methods of verification used by the covered battery clearinghouse to  
24.15 ensure that the records maintained or received in item (ii) accurately reflect the actual end  
24.16 management of the covered batteries;
- 24.17 (4) the effectiveness of the covered battery clearinghouse's efforts to decrease the  
24.18 incidence of covered batteries in solid waste in the state, in accordance with section  
24.19 115A.1335, subdivision 2, paragraph (a), clause (38);
- 24.20 (5) the results of the oversight according to section 115A.1335, subdivision 2, paragraph  
24.21 (a), clause (15), verifying that the performance standards were met by each of the persons  
24.22 providing covered services;
- 24.23 (6) a description of outreach and education activities provided by the covered battery  
24.24 clearinghouse during the preceding calendar year according to subdivision 5;
- 24.25 (7) a financial report on the covered battery stewardship program, including actual costs  
24.26 and funding compared to the budget for the year submitted under section 115A.1335,  
24.27 subdivision 2, paragraph (b). The financial report must include an audit report of the covered  
24.28 battery stewardship program, including the covered battery clearinghouse and any additional  
24.29 covered battery stewardship organizations, by an independent auditor. The independent  
24.30 auditor must be selected by the covered battery clearinghouse and approved or rejected by  
24.31 the commissioner. If the commissioner rejects an independent auditor, the covered battery  
24.32 clearinghouse must select a different independent auditor for approval or rejection by the  
24.33 commissioner. The independent audit must meet the requirements of Accounting Standards

25.1 Update 2018-08, Not-for-Profit Entities (Topic 958), Financial Accounting Standards Board,  
25.2 as amended;

25.3 (8) the proposed and actual budget for the year in which the report is submitted; and

25.4 (9) starting on the second April 1 after the covered battery clearinghouse's first covered  
25.5 battery stewardship plan is approved by the commissioner, and then every third year  
25.6 thereafter, a performance audit of the covered battery stewardship program. The performance  
25.7 audit must conform to audit standards established by the United States Government  
25.8 Accountability Office; the National Association of State Auditors, Comptrollers and  
25.9 Treasurers; or another nationally recognized organization approved by the commissioner.

25.10 Subd. 8. **Organization of clearinghouse and stewardship organizations.** (a) A covered  
25.11 battery stewardship organization and the covered battery clearinghouse must:

25.12 (1) be a nonprofit organization as described in section 501(c)(3) of the Internal Revenue  
25.13 Code; and

25.14 (2) comply with section 5.36.

25.15 (b) The covered battery clearinghouse and covered battery stewardship organizations  
25.16 may contract with subordinate persons to implement or administer a portion or portions of  
25.17 the covered battery stewardship plan or to coordinate with a group or groups of participants.

25.18 (c) A contract established under paragraph (b) must be described under section  
25.19 115A.1335, subdivision 2, paragraph (a), clause (6).

25.20 (d) Notwithstanding any contract established under paragraph (b), the covered battery  
25.21 clearinghouse must:

25.22 (1) submit a single covered battery stewardship plan to the commissioner meeting the  
25.23 requirements of sections 115A.1331 to 115A.1347;

25.24 (2) submit a single report to the commissioner according to subdivision 7 meeting the  
25.25 requirements of sections 115A.1331 to 115A.1347;

25.26 (3) serve as the single point of contact for reporting, reimbursement, and payment to the  
25.27 agency; and

25.28 (4) maintain all responsibility and liability for compliance with all other requirements  
25.29 of sections 115A.1331 to 115A.1347 applicable to the covered battery clearinghouse.

25.30 **EFFECTIVE DATE.** This section is effective July 1, 2027.

26.1 **Sec. 9. [115A.1339] FEES.**

26.2 Subdivision 1. **Administrative fees.** (a) By October 1, 2027, the commissioner must  
26.3 calculate the sum of all costs that the agency incurred to implement and administer sections  
26.4 115A.1331 to 115A.1347 from July 1, 2026, to June 30, 2027.

26.5 (b) By December 1, 2027, the commissioner must assess an administrative fee to the  
26.6 covered battery clearinghouse at an amount that is adequate to reimburse the agency's costs  
26.7 calculated under paragraph (a). The covered battery clearinghouse must pay the assessed  
26.8 administrative fee by the due date set by the commissioner.

26.9 (c) By April 1, 2028, and annually thereafter, the commissioner must calculate the sum  
26.10 of all costs that the agency incurred to implement and administer sections 115A.1331 to  
26.11 115A.1347 during the six months of July through December of the preceding calendar year.  
26.12 By October 1, 2028, and annually thereafter, the commissioner must calculate the sum of  
26.13 all costs that the agency incurred to implement and administer sections 115A.1331 to  
26.14 115A.1347 during the six months of January through June of that calendar year.

26.15 (d) Notwithstanding section 16A.1283, the commissioner must semiannually assess  
26.16 annual administrative fees to the covered battery clearinghouse at an amount that is adequate  
26.17 to reimburse the agency's costs calculated under paragraph (c). The covered battery  
26.18 clearinghouse must pay the assessed administrative fees by the due dates set by the  
26.19 commissioner.

26.20 (e) For purposes of this subdivision, costs of the board are considered costs incurred by  
26.21 the agency.

26.22 (f) All agency costs calculated under this subdivision may be recovered in a civil action  
26.23 brought by the attorney general against any person that may be liable under this subdivision  
26.24 or any other law. Any costs that are recovered by the attorney general, including any award  
26.25 of attorney fees, must be deposited in the battery stewardship account under paragraph (g).

26.26 (g) A battery stewardship account is established in the special revenue fund.

26.27 **Subd. 2. Recovery and proper management fees.** (a) When the commissioner intends  
26.28 to spend money for the recovery and proper management of covered batteries under section  
26.29 115A.1343, subdivision 1, notwithstanding section 16A.1283, the commissioner must assess  
26.30 the estimated cost of recovery and proper management of covered batteries to the covered  
26.31 battery clearinghouse.

26.32 (b) The cost under paragraph (a) must not include any subsequent remediation of the  
26.33 real properties where the covered batteries are located nor the cost of any environmental

27.1 assessment of the properties to determine appropriate subsequent remediation under other  
27.2 law. Such costs must not be paid from any money assessed, collected, or appropriated under  
27.3 this section. The covered battery clearinghouse must pay the assessed recovery and  
27.4 management fee by the due date set by the commissioner.

27.5 (c) If, after the covered batteries have been recovered and properly managed, the actual  
27.6 cost of recovery and proper management of the recovered batteries is less than the fee paid  
27.7 by the covered battery clearinghouse, the commissioner must refund the excess payment.  
27.8 If the cost of recovery and proper management exceeds the fee paid by the covered battery  
27.9 clearinghouse, the commissioner must assess the covered battery clearinghouse for the  
27.10 deficit. The covered battery clearinghouse must pay the assessed recovery and management  
27.11 fee deficit by the due date set by the commissioner.

27.12 Subd. 3. **Disposition of fees.** The total amount of net fees collected under this section  
27.13 must not exceed the amount necessary to reimburse agency costs as calculated under  
27.14 subdivisions 1 and 2. All fees received under subdivisions 1 and 2 must be deposited in the  
27.15 state treasury and credited to the battery stewardship account in the special revenue fund.  
27.16 The amount collected under this section is annually appropriated to the commissioner to  
27.17 implement and enforce sections 115A.1331 to 115A.1347.

27.18 **EFFECTIVE DATE.** This section is effective July 1, 2026.

27.19 Sec. 10. **[115A.1341] COVERED BATTERY COLLECTOR DUTIES.**

27.20 Subdivision 1. **Accepting covered products.** (a) All covered battery collectors must  
27.21 accept covered batteries without imposing a fee, charge, surcharge, or other cost to any  
27.22 person other than the covered battery clearinghouse.

27.23 (b) At a full covered battery collection site, a covered battery collector must accept from  
27.24 any person at least ten covered batteries daily of any brand, type, physical size, energy  
27.25 capacity, or chemistry, unless the covered battery collector determines a specific covered  
27.26 battery cannot be safely collected by the covered battery collector at a specific covered  
27.27 battery collection site at a specific time. A full covered battery collection site must be open  
27.28 to receiving covered batteries at least 12 operating hours per week, 50 weeks each calendar  
27.29 year.

27.30 (c) A household hazardous waste management program may accept covered batteries  
27.31 at any covered battery collection site that the program operates. The household hazardous  
27.32 waste management program may limit from which persons it will accept covered batteries  
27.33 and may limit the number, type, physical size, energy capacity, or chemistry of a covered

28.1 battery accepted. The covered battery clearinghouse may count a covered battery collection  
28.2 site operated by the household hazardous waste management program as a full covered  
28.3 battery collection site when demonstrating compliance with the convenience standards under  
28.4 section 115A.1335, subdivision 3, only if the household hazardous waste management  
28.5 program voluntarily agrees in writing with the covered battery clearinghouse to comply  
28.6 with paragraph (b) at the site.

28.7 (d) A covered battery collector that determines that it cannot safely accept a specific  
28.8 covered battery according to paragraph (b) must document the reason for not accepting the  
28.9 covered battery and immediately notify the covered battery clearinghouse of the  
28.10 nonacceptance to allow the covered battery clearinghouse to arrange for alternate collection  
28.11 of the covered battery under section 115A.1337, subdivision 1, paragraph (a), clause (7).

28.12 Subd. 2. **Storing accepted covered batteries.** A covered battery collector must manage  
28.13 and store all accepted covered batteries safely and in compliance with all applicable federal,  
28.14 state, and local laws, including but not limited to applicable rules adopted under section  
28.15 116.07 for managing solid waste and hazardous waste.

28.16 Subd. 3. **Training.** A covered battery collector must ensure and document that training  
28.17 is provided for covered battery collection site employees on identifying and safely handling  
28.18 and storing covered batteries, including damaged, defective, or recalled batteries, also known  
28.19 as DDR batteries. The covered battery collector may provide the training or may receive  
28.20 training through the covered battery clearinghouse.

28.21 Subd. 4. **Record keeping.** (a) A covered battery collector must maintain records as  
28.22 specified in this paragraph for at least three years and make the records available to the  
28.23 commissioner for inspection. The records must include the chemistry by weight of covered  
28.24 batteries and any additional information required by the commissioner. The records must  
28.25 document for each calendar year the covered batteries:

28.26 (1) accepted at a covered battery collection site; and

28.27 (2) shipped from a covered battery collection site.

28.28 (b) A covered battery collector must maintain documentation of each employee's training  
28.29 related to covered batteries starting on the date of training and for at least three years  
28.30 following the last day that the employee worked for the covered battery collector.

28.31 Subd. 5. **Covered services.** (a) A covered battery collector may request that the covered  
28.32 battery clearinghouse use a particular person to provide covered services on behalf of the  
28.33 covered battery clearinghouse. The covered battery clearinghouse must consider the request.

29.1 (b) A covered battery collector may request that the covered battery clearinghouse allow  
 29.2 the covered battery collector to provide covered services on behalf of the covered battery  
 29.3 clearinghouse. To make a request, the covered battery collector must be able to show that  
 29.4 it meets the performance standards in section 115A.1335, subdivision 2, paragraph (a),  
 29.5 clause (15). The covered battery collector must negotiate in good faith the fees to be paid  
 29.6 to the covered battery collector for providing the covered services.

29.7 **EFFECTIVE DATE.** This section is effective January 1, 2030.

29.8 Sec. 11. **[115A.1343] COVERED BATTERIES RECOVERY AND PROPER**  
 29.9 **MANAGEMENT.**

29.10 Subdivision 1. **Recovery and proper management.** (a) In addition to any authority  
 29.11 granted by other law and without limiting that authority, whenever the commissioner  
 29.12 determines that covered batteries have been abandoned, improperly disposed of, or stored  
 29.13 on real property within the state in a manner not in compliance with sections 115A.1331 to  
 29.14 115A.1347 or with applicable rules adopted under section 116.07, subdivision 2, paragraph  
 29.15 (d), or 4, paragraph (g), the commissioner may issue an order under section 115.071,  
 29.16 subdivision 5; 116.07, subdivision 9; or 116.072, subdivision 1, requiring a person responsible  
 29.17 for the abandonment, improper disposal, or noncompliant storage of the covered batteries  
 29.18 to recover and properly manage the covered batteries according to sections 115A.1331 to  
 29.19 115A.1347 and applicable rules. An order under this paragraph must notify the person of  
 29.20 the provisions of this subdivision.

29.21 (b) If a person that receives an order under paragraph (a) fails to complete the ordered  
 29.22 actions to recover and properly manage the covered batteries within the time specified in  
 29.23 the order, then after that time or upon expiration of the appeal period for the order, whichever  
 29.24 is later, the commissioner must notify the covered battery clearinghouse in writing of:

29.25 (1) the commissioner's determination that the covered batteries have been abandoned,  
 29.26 improperly disposed of, or stored in a noncompliant manner;

29.27 (2) the name of the person that was issued the order under paragraph (a) and the location  
 29.28 of the covered batteries;

29.29 (3) the actions required to recover and properly manage the covered batteries; and

29.30 (4) the amount of time that the covered battery clearinghouse may, with the consent of  
 29.31 the person, attempt to complete the actions to recover and properly manage the covered  
 29.32 batteries on behalf of the person before the commissioner takes action.

30.1 (c) If the covered battery clearinghouse intends to arrange for recovery and proper  
30.2 management of the covered batteries, the covered battery clearinghouse must notify the  
30.3 commissioner of its intent and submit a plan to recover and properly manage the covered  
30.4 batteries to the commissioner. The covered battery clearinghouse must then comply with  
30.5 its submitted recovery and management plan.

30.6 (d) If, after the period specified in paragraph (b), the ordered actions to recover and  
30.7 properly manage the covered products have not been completed, or upon earlier notice from  
30.8 the covered battery clearinghouse that it does not intend to take the actions, the commissioner  
30.9 may recover and properly manage the covered batteries. The commissioner must estimate  
30.10 the cost for a person contracted to the agency to perform the recovery and management.  
30.11 The commissioner must assess the estimated cost to the covered battery clearinghouse  
30.12 according to section 115A.1339, subdivision 2. After the covered battery clearinghouse  
30.13 pays the assessed fee, the commissioner may recover and properly manage the covered  
30.14 batteries. Money appropriated to the commissioner from the battery stewardship account  
30.15 may be spent by the commissioner to recover and properly manage the covered batteries.

30.16 (e) In addition to the authority to enter upon any public or private property for the purpose  
30.17 of obtaining information or conducting surveys or investigations under section 115A.06,  
30.18 the commissioner or commissioner's designee or agent may enter upon the property to  
30.19 recover covered batteries when acting under this subdivision.

30.20 **Subd. 2. Limited private right of action for recovery and proper management. (a)**  
30.21 If the covered battery clearinghouse arranges and pays for the recovery and proper  
30.22 management of covered batteries under subdivision 1, paragraph (c), the covered battery  
30.23 clearinghouse may maintain a civil action against a person issued an order to recover and  
30.24 properly manage those covered batteries under subdivision 1, paragraph (a). The covered  
30.25 battery clearinghouse is entitled to damages under this paragraph of twice the actual cost  
30.26 of recovery and proper management of the covered batteries. Additional amounts recoverable  
30.27 under this paragraph include an award of reasonable attorney fees and costs.

30.28 (b) If the covered battery clearinghouse is assessed and pays the cost to recover and  
30.29 properly manage covered batteries under subdivision 1, paragraph (d), and section  
30.30 115A.1339, subdivision 2, the covered battery clearinghouse may maintain a civil action  
30.31 against a person issued an order to recover and properly manage those covered batteries  
30.32 under subdivision 1, paragraph (a). The covered battery clearinghouse is entitled to damages  
30.33 under this paragraph equal to the cost of recovery and proper management of covered  
30.34 batteries. Additional amounts recoverable under this paragraph include an award of  
30.35 reasonable attorney fees and costs.

31.1 (c) The commissioner may not be a party to or be required to provide assistance or  
31.2 otherwise participate in a civil action authorized under this subdivision unless subject to a  
31.3 subpoena before a court of jurisdiction.

31.4 **EFFECTIVE DATE.** This section is effective January 1, 2030.

31.5 **Sec. 12. [115A.1345] OTHER AUTHORITIES AND DUTIES.**

31.6 Subdivision 1. **Limited private right of action against producers.** (a) Except as  
31.7 provided in paragraph (e), the covered battery clearinghouse or a covered battery stewardship  
31.8 organization may maintain a civil action against one or more covered battery stewardship  
31.9 organizations or one or more covered battery producers, except a de minimis covered battery  
31.10 producer, to recover a portion of the covered battery clearinghouse's or covered battery  
31.11 stewardship organization's costs and additional amounts according to this subdivision.

31.12 (b) Damages recoverable under this subdivision may not exceed a fair share of the actual  
31.13 costs incurred by the plaintiff covered battery clearinghouse or covered battery stewardship  
31.14 organization under sections 115A.1331 to 115A.1347; of managing covered batteries of  
31.15 other covered battery producers that were not participants; or that should otherwise have  
31.16 been due to the covered battery clearinghouse from a subordinate covered battery stewardship  
31.17 organization. Additional amounts recoverable under this subdivision include an award of  
31.18 reasonable attorney fees and costs. If a defendant covered battery producer did not participate  
31.19 in the covered battery stewardship program during the period when covered batteries of the  
31.20 defendant were managed by the plaintiff covered battery clearinghouse or covered battery  
31.21 stewardship organization, a punitive sum of up to three times the damages awarded may be  
31.22 assessed.

31.23 (c) A plaintiff covered battery clearinghouse may establish a defendant covered battery  
31.24 stewardship organization's fair share of the plaintiff's actual costs by providing the court  
31.25 with information by which the defendant covered battery stewardship organization's share  
31.26 of the covered battery stewardship program costs would have been allocated had the  
31.27 defendant covered battery stewardship organization paid its allocated share. The plaintiff  
31.28 covered battery clearinghouse may use data from other covered battery stewardship  
31.29 organizations to provide the information.

31.30 (d) A plaintiff covered battery clearinghouse or covered battery stewardship organization  
31.31 may establish a defendant covered battery producer's fair share of the plaintiff's actual costs  
31.32 by providing the court with information establishing the process by which the defendant  
31.33 covered battery producer's share of covered battery stewardship program costs would have  
31.34 been allocated had the defendant covered battery producer been a participant in the program

32.1 or paid its allocated share if it was a participant. The plaintiff covered battery clearinghouse  
32.2 or covered battery stewardship organization may use data from covered battery producers  
32.3 similar in covered battery, financial status, or market share to the defendant covered battery  
32.4 producer to provide the information.

32.5 (e) An action may not be commenced under this subdivision against a potential defendant  
32.6 until 60 days after the plaintiff provides to all potential defendants a written notice of the  
32.7 claim setting forth the amount of the claim and the basis for the calculation of the amount.

32.8 (f) No action may be brought under this subdivision against a person other than a covered  
32.9 battery producer or covered battery stewardship organization.

32.10 (g) The commissioner may not be a party to or be required to provide assistance or  
32.11 otherwise participate in a civil action authorized under this subdivision unless subject to a  
32.12 subpoena before a court of jurisdiction.

32.13 Subd. 2. **Conduct authorized.** A covered battery producer, covered battery stewardship  
32.14 organization, or covered battery clearinghouse that organizes collection and covered services  
32.15 for covered batteries under sections 115A.1331 to 115A.1347 is immune from liability for  
32.16 the conduct under state laws relating to antitrust, restraint of trade, unfair trade practices,  
32.17 and other regulation of trade or commerce only to the extent that the conduct is necessary  
32.18 to plan and implement the covered battery producer's, covered battery stewardship  
32.19 organization's, or covered battery clearinghouse's chosen system.

32.20 Subd. 3. **Duty to provide information.** Upon request of the commissioner for purposes  
32.21 of implementing sections 115A.1331 to 115A.1347, 115A.9157, or 325E.125, a person  
32.22 must furnish to the commissioner any information that the person has or may reasonably  
32.23 obtain.

32.24 Subd. 4. **Contracts.** (a) Any person awarded a contract under chapter 16C for purchase  
32.25 or lease of covered batteries that is found to be in violation of sections 115A.1331 to  
32.26 115A.1347 is subject to the following sanctions:

32.27 (1) the contract must be voided if the commissioner of administration determines that  
32.28 the potential adverse impact to the state is exceeded by the benefit obtained from voiding  
32.29 the contract; and

32.30 (2) the contractor is subject to suspension and disbarment under Minnesota Rules, part  
32.31 1230.1150.

32.32 (b) If the attorney general establishes that any money, property, or benefit was obtained  
32.33 by a contractor as a result of violating sections 115A.1331 to 115A.1347, the court may, in

33.1 addition to any other remedy, order the disgorgement of the unlawfully obtained money,  
33.2 property, or benefit.

33.3 Subd. 5. **Multistate implementation.** The commissioner may participate in establishing  
33.4 a regional multistate organization or compact to assist in carrying out the requirements of  
33.5 sections 115A.1331 to 115A.1347.

33.6 Subd. 6. **Rules.** The commissioner may adopt rules to implement sections 115A.1331  
33.7 to 115A.1347. The 18-month time limit under section 14.125 does not apply to rulemaking  
33.8 under this subdivision.

33.9 **EFFECTIVE DATE.** This section is effective January 1, 2026.

33.10 Sec. 13. **[115A.1347] DISPOSAL PROHIBITIONS; BATTERY LABELING;**  
33.11 **COVERED BATTERY SALES RESTRICTION.**

33.12 Subdivision 1. **Disposal prohibition.** (a) A person may not place a covered battery into:

33.13 (1) solid waste; or

33.14 (2) a recycling container that a covered battery collector has not clearly marked for use  
33.15 for collecting covered batteries.

33.16 (b) A person must manage a covered battery that is discarded by delivering the covered  
33.17 battery to a covered battery collection site or to a recycling facility for covered batteries.

33.18 (c) Until recycled, covered batteries are not exempt from any applicable rules adopted  
33.19 under section 116.07 for managing hazardous waste.

33.20 Subd. 2. **Labeling and sale; requirements.** (a) A person may not sell, including online  
33.21 sales; offer for sale or promotional purposes; distribute in or into the state; or facilitate a  
33.22 sale of a covered battery unless the covered battery is labeled as required under clauses (1)  
33.23 to (3). Labeling under this paragraph must be permanently marked on or affixed to the  
33.24 covered battery and must use language, graphics, or a QR code. A QR code must be  
33.25 compliant with International Organization of Standardization 18004:2015 and access  
33.26 equivalent data via the Internet that is available without a fee or a requirement to create an  
33.27 account. The labeling must identify:

33.28 (1) the battery chemistry employed to store energy in the battery;

33.29 (2) the energy capacity of the battery in watt-hours; and

33.30 (3) the manufacturer of the battery or the brand under which the battery will be sold.

34.1 (b) A person may not sell, including online sales; offer for sale or promotional purposes;  
 34.2 distribute in or into the state; or facilitate a sale of a covered battery unless:

34.3 (1) the covered battery's producer is named as a participant in a covered battery  
 34.4 stewardship plan published under section 115A.1335, subdivision 4; or

34.5 (2) the brand is named as covered in the approved covered battery stewardship plan  
 34.6 published under section 115A.1335, subdivision 4.

34.7 (c) A person may not sell, including online sales; offer for sale or promotional purposes;  
 34.8 distribute in or into the state; or facilitate a sale of a covered battery if the covered battery  
 34.9 stewardship plan under which the covered battery was covered has been terminated under  
 34.10 section 115A.1335, subdivision 5, until a new covered battery stewardship plan is approved  
 34.11 under section 115A.1335, subdivision 4.

34.12 (d) This subdivision does not apply to isolated and occasional sales of a covered battery  
 34.13 that are not made in the normal course of business, as exempted from sales tax under section  
 34.14 297A.67, subdivision 23.

34.15 (e) This subdivision does not apply to sales, including online sales; offers for sale or  
 34.16 promotional purposes; distribution; or facilitation of a sale of a used covered battery.

34.17 **EFFECTIVE DATE.** This section is effective January 1, 2030.

34.18 Sec. 14. Minnesota Statutes 2024, section 115A.554, is amended to read:

34.19 **115A.554 AUTHORITY OF SANITARY DISTRICTS.**

34.20 A sanitary district has the authorities and duties of counties within the district's boundary  
 34.21 for purposes of sections 115A.0716; 115A.46, subdivisions 4 and 5; 115A.48; 115A.551;  
 34.22 115A.552; 115A.553; 115A.919; 115A.929; 115A.93; 115A.96, subdivision 6; ~~115A.961;~~  
 34.23 116.072; 375.18, subdivision 14; 400.04; 400.06; 400.07; 400.08; 400.16; and 400.161.

34.24 **EFFECTIVE DATE.** This section is effective January 1, 2030.

34.25 Sec. 15. Minnesota Statutes 2024, section 115A.9157, is amended to read:

34.26 **115A.9157 RECHARGEABLE BATTERIES AND PRODUCTS.**

34.27 Subdivision 1. **Definition.** ~~For the purpose of this section, "rechargeable battery" means~~  
 34.28 ~~a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery,~~  
 34.29 ~~except a rechargeable battery governed by section 115A.9155 or exempted by the~~  
 34.30 ~~commissioner under subdivision 9.~~ The terms used in this section have the meanings given  
 34.31 in sections 115A.03 and 115A.1331.

35.1 Subd. 2. **Prohibition.** ~~Effective August 1, 1991, A person may not place in mixed~~  
 35.2 ~~municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a~~  
 35.3 ~~nonremovable rechargeable battery, or a product powered by rechargeable batteries or~~  
 35.4 ~~rechargeable battery pack, from which all batteries or battery packs have not been removed.~~  
 35.5 A person may not place a product powered by rechargeable batteries in solid waste unless  
 35.6 all batteries have been removed from the product.

35.7 Subd. 3. **Collection and management costs.** A manufacturer of ~~rechargeable batteries~~  
 35.8 ~~or~~ products powered by rechargeable batteries that are not easily removable from the products  
 35.9 is responsible for the costs of collecting and managing its ~~waste rechargeable batteries and~~  
 35.10 ~~waste products~~ under subdivision 5 to ensure that the products and batteries are not part of  
 35.11 the solid waste stream.

35.12 Subd. 5. **Collection and management programs.** (a) ~~By September 20, 1995, the~~  
 35.13 ~~manufacturers~~ A manufacturer under subdivision 3 or their representative organization shall  
 35.14 implement a permanent programs, based on the results of the pilot projects required in  
 35.15 ~~Minnesota Statutes 1994, section 115A.9157, subdivision 4, program~~ that may be reasonably  
 35.16 expected to collect 90 percent of the ~~waste rechargeable batteries and the participating~~  
 35.17 ~~manufacturers'~~ manufacturer's products powered by rechargeable batteries that are not easily  
 35.18 removable from the products and that are generated as waste in the state. The ~~batteries and~~  
 35.19 products collected must be recycled or otherwise managed or disposed of properly.

35.20 (b) In every odd-numbered year ~~after 1995~~, each manufacturer or a representative  
 35.21 organization shall provide information to the commissioner and the senate and house of  
 35.22 representatives committees having jurisdiction over environment and natural resources and  
 35.23 environment and natural resources finance that specifies at least the estimated amount of  
 35.24 battery-containing products powered by rechargeable batteries that are not easily removed  
 35.25 from the products subject to this section ~~and~~ generated as waste in the state by ~~each~~  
 35.26 manufacturer ~~and~~, the amount of ~~batteries each~~ such products collected during the previous  
 35.27 two years, and the methodology used to calculate those amounts. A representative  
 35.28 organization may report the amounts in aggregate for all the members of the organization.

35.29 Subd. 6. ~~List of participants~~ **Program notice.** A manufacturer or its representative  
 35.30 organization shall inform the commissioner and the committees listed in subdivision 5 when  
 35.31 they begin ~~participating in the projects and programs~~ implementing a program under  
 35.32 subdivision 5 and immediately if they ~~withdraw participation~~ stop implementing a program.

35.33 Subd. 7. **Contracts.** A manufacturer or a representative organization of manufacturers  
 35.34 may contract with ~~the state or a political subdivision~~ any person to provide collection services

36.1 under this section. The manufacturer or organization shall fully reimburse the ~~state or~~  
 36.2 ~~political subdivision~~ person for the value of any contractual services rendered under this  
 36.3 subdivision.

36.4 Subd. 8. **Anticompetitive conduct.** A manufacturer or organization of manufacturers  
 36.5 and its officers, members, employees, and agents who participate in ~~projects or programs~~  
 36.6 ~~to collect and properly manage waste rechargeable batteries or products powered by~~  
 36.7 ~~rechargeable batteries~~ a program under this section are immune from liability under state  
 36.8 law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of  
 36.9 trade or commerce for activities related to the collection and management of ~~batteries and~~  
 36.10 products required under this section.

36.11 ~~Subd. 9. Exemptions. To ensure that new types of batteries do not add additional~~  
 36.12 ~~hazardous or toxic materials to the mixed municipal solid waste stream, the commissioner~~  
 36.13 ~~of the agency may exempt a new type of rechargeable battery from the requirements of this~~  
 36.14 ~~section if it poses no unreasonable hazard when placed in and processed or disposed of as~~  
 36.15 ~~part of a mixed municipal solid waste.~~

36.16 **EFFECTIVE DATE.** This section is effective July 1, 2026.

36.17 Sec. 16. Minnesota Statutes 2024, section 116.92, subdivision 6, is amended to read:

36.18 Subd. 6. **Mercury thermometers prohibited.** (a) A manufacturer, wholesaler, or retailer  
 36.19 may not sell or distribute at no cost a thermometer containing mercury that was manufactured  
 36.20 after June 1, 2001.

36.21 (b) Paragraph (a) does not apply to an electronic thermometer with a battery containing  
 36.22 mercury if the battery is in compliance with ~~section 325E.125~~ subdivision 81.

36.23 (c) A manufacturer is in compliance with this subdivision if the manufacturer:

36.24 (1) has received an exclusion or exemption from a state that is a member of the Interstate  
 36.25 Mercury Education and Reduction Clearinghouse (IMERC) for replacement parts when no  
 36.26 alternative is available or for an application when no feasible alternative is available;

36.27 (2) submits a copy of the approved exclusion or exemption to the commissioner; and

36.28 (3) meets all of the requirements in the approved exclusion or exemption for the  
 36.29 manufacturer's activities within the state.

36.30 **EFFECTIVE DATE.** This section is effective January 1, 2030.

37.1 Sec. 17. Minnesota Statutes 2024, section 116.92, is amended by adding a subdivision to  
37.2 read:

37.3 Subd. 81. **Ban; mercury in batteries.** A person may not sell, offer for sale, or distribute  
37.4 in or into the state:

37.5 (1) an alkaline manganese battery that contains mercury that is not a button cell  
37.6 nonrechargeable battery;

37.7 (2) a nonrechargeable button cell battery that contains more than 25 milligrams of  
37.8 mercury; or

37.9 (3) a dry cell battery containing a mercuric oxide electrode.

37.10 **EFFECTIVE DATE.** This section is effective January 1, 2030.

37.11 Sec. 18. Minnesota Statutes 2024, section 325E.1151, subdivision 1, is amended to read:

37.12 Subdivision 1. **Purchasers must return battery or pay surcharge.** (a) A person who  
37.13 purchases a large lead acid battery at retail, except a large lead acid battery that is designed  
37.14 to provide power for a boat motor that is purchased at the same time as the battery, must:

37.15 (1) return a large lead acid battery to the retailer at the time of purchase; or

37.16 (2) pay the retailer a surcharge of at least \$10.

37.17 (b) A person who has paid a surcharge under paragraph (a) must receive a refund of the  
37.18 surcharge from the retailer if the person returns a large lead acid battery with a receipt for  
37.19 the purchase of a new large lead acid battery from that retailer within 30 days after purchasing  
37.20 a the new lead acid battery.

37.21 (c) A retailer may keep the unrefunded surcharges for large lead acid batteries not  
37.22 returned within 30 days.

37.23 (d) For purposes of this section, "large lead acid battery" has the meaning given in section  
37.24 115A.1331.

37.25 **EFFECTIVE DATE.** This section is effective July 1, 2026.

37.26 Sec. 19. Minnesota Statutes 2024, section 325E.1151, subdivision 2, is amended to read:

37.27 Subd. 2. **Retailers must accept batteries.** (a) A person who sells large lead acid batteries  
37.28 at retail, including for installation by the seller or any other person, must accept at least five  
37.29 large lead acid batteries from ~~consumers~~ a consumer daily and may not charge to receive

38.1 the lead acid batteries. ~~A consumer may not deliver more than five lead acid batteries to a~~  
 38.2 ~~retailer at one time.~~

38.3 (b) A retailer of large lead acid batteries must recycle the large lead acid batteries received  
 38.4 from consumers.

38.5 (c) A retailer who violates paragraph (b) is guilty of a misdemeanor. Each large lead  
 38.6 acid battery that is not recycled is a separate violation.

38.7 **EFFECTIVE DATE.** This section is effective July 1, 2026.

38.8 Sec. 20. Minnesota Statutes 2024, section 325E.1151, subdivision 3, is amended to read:

38.9 Subd. 3. **Retailers must post notices.** (a) A person who sells large lead acid batteries  
 38.10 at retail must post the notice in paragraph (b) in a manner clearly visible to a consumer  
 38.11 making purchasing decisions.

38.12 (b) The notice must be at least 8-1/2 inches by 11 inches and contain the universal  
 38.13 recycling symbol and state:

38.14 "NOTICE: USED BATTERIES

38.15 This retailer is required to accept your used large lead acid batteries, EVEN IF YOU  
 38.16 DO NOT PURCHASE A BATTERY. When you purchase a new battery, you will ~~be charged~~  
 38.17 ~~an additional amount~~ pay a surcharge of at least \$10 unless you return a used battery at the  
 38.18 time of purchase. If you return a used battery to the retailer within 30 days of purchasing a  
 38.19 new battery, the surcharge amount will be refunded.

38.20 It is ~~a crime~~ illegal to put a ~~motor vehicle battery~~ batteries in the ~~garbage~~ trash."

38.21 **EFFECTIVE DATE.** This section is effective July 1, 2026.

38.22 Sec. 21. Minnesota Statutes 2024, section 325E.1151, is amended by adding a subdivision  
 38.23 to read:

38.24 Subd. 5. **Wholesaler duty.** A person that sells large lead acid batteries at wholesale or  
 38.25 offers large lead acid batteries for sale at wholesale must accept, at the point of transfer,  
 38.26 large lead acid batteries from customers.

38.27 **EFFECTIVE DATE.** This section is effective July 1, 2026.

39.1 Sec. 22. Minnesota Statutes 2024, section 325E.12, is amended to read:

39.2 **325E.12 PENALTY.**

39.3 Violation of sections 325E.10 to 325E.1151 is a petty misdemeanor. Sections 325E.10  
39.4 to 325E.1151 may be enforced under ~~section~~ sections 115.071 and 116.072.

39.5 **EFFECTIVE DATE.** This section is effective July 1, 2026.

39.6 Sec. 23. Minnesota Statutes 2024, section 325E.125, subdivision 3, is amended to read:

39.7 Subd. 3. **Rechargeable tools and appliances consumer products.** (a) ~~A manufacturer~~  
39.8 After January 1, 2028, a person may not sell, including online sales; facilitate a sale of, as  
39.9 defined in section 115A.03; distribute; or offer for sale in or into this state a rechargeable  
39.10 consumer product unless:

39.11 (1) the battery can be easily removed by the consumer or is contained in a battery pack  
39.12 that is separate from the product and can be easily removed; and

39.13 (2) the product and the battery are both labeled in a manner that is clearly visible to the  
39.14 consumer indicating that the battery must be recycled or disposed of properly and the battery  
39.15 must be clearly identifiable as to the type of electrode used in the battery.

39.16 (b) "Rechargeable consumer product" as used in this subdivision means any product  
39.17 that contains a rechargeable battery and is primarily used or purchased to be used for personal,  
39.18 family, or household purposes.

39.19 ~~(c) On application by a manufacturer, the commissioner of the Pollution Control Agency~~  
39.20 ~~may exempt a rechargeable consumer product from the requirements of paragraph (a) if:~~

39.21 ~~(1) the product cannot be reasonably redesigned and manufactured to comply with the~~  
39.22 ~~requirements prior to the effective date of Laws 1990, chapter 409, section 2;~~

39.23 ~~(2) the redesign of the product to comply with the requirements would result in significant~~  
39.24 ~~danger to public health and safety; or~~

39.25 ~~(3) the type of electrode used in the battery poses no unreasonable hazards when placed~~  
39.26 ~~in and processed or disposed of as part of mixed municipal solid waste.~~

39.27 ~~(d) An exemption granted by the commissioner of the Pollution Control Agency under~~  
39.28 ~~paragraph (c), clause (1), must be limited to a maximum of two years and may be renewed.~~

39.29 **EFFECTIVE DATE.** This section is effective July 1, 2026.

40.1 Sec. 24. Minnesota Statutes 2024, section 325E.125, subdivision 5, is amended to read:

40.2 Subd. 5. **Prohibitions.** ~~A manufacturer of rechargeable batteries or products powered~~  
 40.3 ~~by rechargeable batteries that does not participate in the pilot projects and programs required~~  
 40.4 ~~in section 115A.9157 (a) A person may not sell, including online sales; facilitate a sale of;~~  
 40.5 ~~distribute; or offer for sale in or into this state rechargeable batteries or products powered~~  
 40.6 ~~by rechargeable batteries after January 1, 1992. that are not easily removable unless~~

40.7 ~~After January 1, 1992, a person who first purchases rechargeable batteries or products~~  
 40.8 ~~powered by rechargeable batteries for importation into the state for resale may not purchase~~  
 40.9 ~~rechargeable batteries or products powered by rechargeable batteries made by any person~~  
 40.10 ~~other than a the manufacturer that participates in the projects and programs program required~~  
 40.11 ~~under section 115A.9157.~~

40.12 (b) The terms used in this subdivision have the meanings given in sections 115A.03 and  
 40.13 115A.1331.

40.14 **EFFECTIVE DATE.** This section is effective July 1, 2026.

40.15 Sec. 25. Minnesota Statutes 2024, section 325E.1251, subdivision 2, is amended to read:

40.16 Subd. 2. **Recovery of costs.** Section 325E.125 may be enforced under ~~section~~ sections  
 40.17 115.071 and 116.072. In an enforcement action under this section in which the state prevails,  
 40.18 the state may recover reasonable administrative expenses, court costs, and attorney fees  
 40.19 incurred to take the enforcement action, in an amount to be determined by the court.

40.20 **EFFECTIVE DATE.** This section is effective July 1, 2026.

40.21 Sec. 26. **REVISOR INSTRUCTION.**

40.22 The revisor of statutes must renumber Minnesota Statutes, section 115A.03, subdivision  
 40.23 10b, as section 115A.03, subdivision 10e; and Minnesota Statutes, section 115A.03,  
 40.24 subdivision 10c, as section 115A.03, subdivision 10f.

40.25 Sec. 27. **REPEALER.**

40.26 Minnesota Statutes 2024, sections 115A.9155; 115A.961, subdivisions 1, 2, and 3;  
 40.27 325E.115; 325E.1151, subdivision 4; 325E.125, subdivisions 1, 2, 2a, and 4; and 325E.1251,  
 40.28 subdivision 1, are repealed.

40.29 **EFFECTIVE DATE.** This section is effective July 1, 2026.

**115A.9155 DISPOSING OF CERTAIN DRY CELL BATTERIES.**

Subdivision 1. **Prohibition.** A person may not place in mixed municipal solid waste a dry cell battery containing mercuric oxide electrode, silver oxide electrode, nickel-cadmium, or sealed lead-acid that was purchased for use or used by a government agency, or an industrial, communications, or medical facility.

Subd. 2. **Manufacturer responsibility.** (a) A manufacturer of batteries subject to subdivision 1 shall:

(1) ensure that a system for the proper collection, transportation, and processing of waste batteries exists for purchasers in Minnesota; and

(2) clearly inform each final purchaser of the prohibition on disposal of waste batteries and of the system or systems for proper collection, transportation, and processing of waste batteries available to the purchaser.

(b) To ensure that a system for the proper collection, transportation, and processing of waste batteries exists, a manufacturer shall:

(1) identify collectors, transporters, and processors for the waste batteries and contract or otherwise expressly agree with a person or persons for the proper collection, transportation, and processing of the waste batteries; or

(2) accept waste batteries returned to its manufacturing facility.

(c) At the time of sale of a battery subject to subdivision 1, a manufacturer shall provide in a clear and conspicuous manner a telephone number that the final consumer of the battery can call to obtain information on specific procedures to follow in returning the battery for recycling or proper disposal. The manufacturer may include the telephone number and notice of return procedures on an invoice or other transaction document held by the purchaser. The manufacturer shall provide the telephone number to the commissioner of the agency.

(d) A manufacturer shall ensure that the cost of proper collection, transportation, and processing of the waste batteries is included in the sales transaction or agreement between the manufacturer and any purchaser.

(e) A manufacturer that has complied with this subdivision is not liable under subdivision 1 for improper disposal by a person other than the manufacturer of waste batteries.

**115A.961 HOUSEHOLD BATTERIES; COLLECTION, PROCESSING, AND DISPOSAL.**

Subdivision 1. **Definition.** For the purposes of this section, "household batteries" means disposable or rechargeable dry cells commonly used as power sources for household or consumer products including, but not limited to, nickel-cadmium, alkaline, mercuric oxide, silver oxide, zinc oxide, lithium, and carbon-zinc batteries, but excluding lead acid batteries.

Subd. 2. **Program.** (a) The commissioner, in consultation with other state agencies, political subdivisions, and representatives of the household battery industry, may develop household battery programs. The commissioner must coordinate the programs with the Legislative-Citizen Commission on Minnesota Resources study on batteries.

(b) The commissioner shall investigate options and develop guidelines for collection, processing, and disposal of household batteries. The options the commissioner may investigate include:

(1) establishing a grant program for counties to plan and implement household battery collection, processing, and disposal projects;

(2) establishing collection and transportation systems;

(3) developing and disseminating educational materials regarding environmentally sound battery management; and

(4) developing markets for materials recovered from the batteries.

(c) The commissioner may also distribute funds to political subdivisions to develop battery management plans and implement those plans.

Subd. 3. **Participation.** A political subdivision, on its own or in cooperation with others, may implement a program to collect, process, or dispose of household batteries. A political subdivision

may provide financial incentives to any person, including public or private civic groups, to collect the batteries.

**325E.115 LEAD ACID BATTERIES; COLLECTION FOR RECYCLING.**

Subdivision 1. **Surcharge; collection; notice.** (a) A person selling lead acid batteries at retail or offering lead acid batteries for retail sale in this state shall:

(1) accept, at the point of transfer, lead acid batteries from customers;

(2) charge a fee of at least \$10 per battery sold unless the customer returns a used battery to the retailer; and

(3) post written notice in accordance with section 325E.1151.

(b) Any person selling lead acid batteries at wholesale or offering lead acid batteries for sale at wholesale must accept, at the point of transfer, lead acid batteries from customers.

Subd. 2. **Compliance; management.** The commissioner of the Pollution Control Agency shall inform persons governed by subdivision 1 of requirements for managing lead acid batteries.

**325E.1151 LEAD ACID BATTERY PURCHASE AND RETURN.**

Subd. 4. **Notices required in newspaper advertisements.** (a) An advertisement for sale of new lead acid batteries at retail in newspapers published in this state must contain the notice in paragraph (b).

(b) The notice must state:

"At least \$10 additional charge unless a used lead acid battery is returned. Improper disposal of a lead acid battery is a crime."

**325E.125 GENERAL AND SPECIAL PURPOSE BATTERY REQUIREMENTS.**

Subdivision 1. **Labeling.** (a) The manufacturer of a button cell battery that is to be sold in this state shall ensure that each battery contains no intentionally introduced mercury or is labeled to clearly identify for the final consumer of the battery the type of electrode used in the battery.

(b) The manufacturer of a rechargeable battery that is to be sold in this state shall ensure that each rechargeable battery is labeled to clearly identify for the final consumer of the battery the type of electrode and the name of the manufacturer. The manufacturer of a rechargeable battery shall also provide clear instructions for properly recharging the battery.

Subd. 2. **Mercury content.** (a) Except as provided in paragraph (c), a manufacturer may not sell, distribute, or offer for sale in this state an alkaline manganese battery that contains more than 0.025 percent mercury by weight.

(b) On application, the commissioner of the Pollution Control Agency may exempt a specific type of battery from the requirements of paragraph (a) or (d) if there is no battery meeting the requirements that can be reasonably substituted for the battery for which the exemption is sought. A battery exempted by the commissioner under this paragraph is subject to the requirements of section 115A.9155, subdivision 2.

(c) Notwithstanding paragraph (a), a manufacturer may not sell, distribute, or offer for sale in this state a button cell nonrechargeable battery not subject to paragraph (a) that contains more than 25 milligrams of mercury.

(d) A manufacturer may not sell, distribute, or offer for sale in this state a dry cell battery containing a mercuric oxide electrode.

(e) After January 1, 1996, a manufacturer may not sell, distribute, or offer for sale in this state an alkaline manganese battery, except an alkaline manganese button cell, that contains mercury unless the commissioner of the Pollution Control Agency determines that compliance with this requirement is not technically and commercially feasible.

Subd. 2a. **Approval of new batteries.** A manufacturer may not sell, distribute, or offer for sale in this state a nonrechargeable battery other than a zinc air, zinc carbon, silver oxide, lithium, or alkaline manganese battery, without first having received approval of the battery from the commissioner of the Pollution Control Agency. The commissioner shall approve only batteries that comply with subdivision 1 and do not pose an undue hazard when disposed of. This subdivision is

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intended to ensure that new types of batteries do not add additional hazardous or toxic materials to the state's mixed municipal waste stream.

Subd. 4. **Rechargeable batteries and products; notice.** (a) A person who sells rechargeable batteries or products powered by rechargeable batteries governed by section 115A.9157 at retail shall post the notice in paragraph (b) in a manner clearly visible to a consumer making purchasing decisions.

(b) The notice must be at least four inches by six inches and state:

"ATTENTION USERS OF RECHARGEABLE BATTERIES AND CORDLESS PRODUCTS:

Under Minnesota law, manufacturers of rechargeable batteries, rechargeable battery packs, and products powered by nonremovable rechargeable batteries will provide a special collection system for these items by April 15, 1994. It is illegal to put rechargeable batteries in the garbage. Use the special collection system that will be provided in your area. Take care of our environment.

DO NOT PUT RECHARGEABLE BATTERIES OR PRODUCTS POWERED BY  
NONREMOVABLE RECHARGEABLE BATTERIES IN THE GARBAGE."

(c) Notice is not required for home solicitation sales, as defined in section 325G.06, or for catalogue sales.

**325E.1251 PENALTY ENFORCEMENT.**

Subdivision 1. **Penalty.** Violation of section 325E.125 is a misdemeanor. A manufacturer who violates section 325E.125 is also subject to a minimum fine of \$100 per violation.