

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

**S.F. No. 5174**

(SENATE AUTHORS: FRENTZ)

DATE	D-PG	OFFICIAL STATUS
04/20/2026	8521	Introduction and first reading Referred to Environment, Climate, and Legacy

1.1 A bill for an act

1.2 relating to environment; enacting the Safe Battery Collection and Recycling

1.3 Stewardship Act; establishing a covered electronics device manufacturer electronic

1.4 waste recycling program; establishing an Electronics Recycling Advisory Task

1.5 Force; creating civil penalties; authorizing rulemaking; appropriating money;

1.6 requiring reports; proposing coding for new law in Minnesota Statutes, chapter

1.7 115A; repealing Minnesota Statutes 2024, sections 115A.1310, subdivisions 1, 2,

1.8 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 12a, 12b, 12c, 13, 14, 15, 17, 18, 19, 20; 115A.1312;

1.9 115A.1314; 115A.1316; 115A.1318; 115A.1320; 115A.1322; 115A.1323;

1.10 115A.1324; 115A.1326; 115A.1328; 115A.1330; 115A.9157, subdivisions 1, 2,

1.11 3, 5, 6, 7, 8, 9; 325E.125, subdivisions 3, 4, 5.

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

1.13 **ARTICLE 1**

1.14 **BATTERY STEWARDSHIP**

1.15 Section 1. **[115A.9165] SHORT TITLE.**

1.16 Sections 115A.9165 to 115A.9184 are the "Safe Battery Collection and Recycling

1.17 Stewardship Act."

1.18 Sec. 2. **[115A.9167] DEFINITIONS.**

1.19 Subdivision 1. **Scope.** For purposes of sections 115A.9165 to 115A.9184, the terms in

1.20 this section have the meanings given.

1.21 Subd. 2. **Battery-containing product.** "Battery-containing product" means a product

1.22 that contains or is packaged with one or more covered batteries. A battery-containing product

1.23 does not include a covered electronic device as defined in section 115A.1341.

2.1 Subd. 3. **Battery stewardship organization.** "Battery stewardship organization" means  
2.2 all of the following, as applicable:

2.3 (1) a producer that directly implements a stewardship plan;

2.4 (2) an organization that implements a stewardship plan on behalf of five or more  
2.5 producers; and

2.6 (3) an entity that has submitted a draft stewardship plan to the commissioner if, once  
2.7 the plan is approved, the entity will be one of the entities described in clause (1) or (2).

2.8 Subd. 4. **Covered battery.** "Covered battery" means a portable battery or a  
2.9 medium-format battery other than:

2.10 (1) a battery contained within a medical device, as specified in United States Code, title  
2.11 21, section 321(h), as amended through the effective date of this section, that is not designed  
2.12 and marketed for sale or resale principally to consumers for personal use;

2.13 (2) a battery that contains an electrolyte as a free liquid;

2.14 (3) a lead-acid battery weighing more than 11 pounds;

2.15 (4) a battery in a battery-containing product that is not intended or designed to be easily  
2.16 removable from the battery-containing product;

2.17 (5) a battery that is being recalled for safety reasons; or

2.18 (6) a battery designed to power a motor vehicle, part of a motor vehicle, or a component  
2.19 part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealer,  
2.20 including replacement parts for use in a motor vehicle. For purposes of this clause, "motor  
2.21 vehicle" means a self-propelled mechanical device that has a vehicle identification number  
2.22 and is manufactured primarily for transporting people or property on public streets, roads,  
2.23 and highways, excluding devices that run on stationary rails or tracks or that fly.

2.24 Subd. 5. **Damaged and defective battery.** "Damaged and defective battery" means a  
2.25 battery that:

2.26 (1) has been damaged or identified by the manufacturer as being defective for safety  
2.27 reasons;

2.28 (2) has the potential of producing a dangerous evolution of heat, fire, or short circuit, as  
2.29 provided under Code of Federal Regulations, title 49, section 173.185(f), as amended through  
2.30 January 1, 2023; or

3.1 (3) is designated as a damaged and defective battery by the commissioner by rule to  
3.2 maintain consistency with federal standards.

3.3 Subd. 6. **Easily removable.** "Easily removable" means designed by the manufacturer  
3.4 to be removable by the user of the product with no more than commonly used, commercially  
3.5 available household tools.

3.6 Subd. 7. **Environmentally sound manner.** "Environmentally sound manner" means in  
3.7 accordance with management practices undertaken in connection with sections 115A.9165  
3.8 to 115A.9184 that:

3.9 (1) comply with all applicable laws and rules in place to protect workers, public health,  
3.10 and the environment;

3.11 (2) provide for adequate record keeping, tracking, and documenting of the disposition  
3.12 of materials within the state and beyond; and

3.13 (3) include comprehensive liability coverage for a battery stewardship organization,  
3.14 including environmental liability coverage that is commercially practicable.

3.15 Subd. 8. **Medium-format battery.** "Medium-format battery" means the following  
3.16 covered batteries:

3.17 (1) for rechargeable batteries, a battery weighing more than 11 pounds or having a rating  
3.18 of more than 300 watt-hours, or both, but weighing no more than 25 pounds and having a  
3.19 rating of no more than 2,000 watt-hours; and

3.20 (2) for primary batteries, a battery weighing more than 4.4 pounds but not more than 25  
3.21 pounds.

3.22 Subd. 9. **Portable battery.** "Portable battery" means the following covered batteries:

3.23 (1) for rechargeable batteries, a battery weighing no more than 11 pounds and having a  
3.24 rating of no more than 300 watt-hours; and

3.25 (2) for primary batteries, a battery weighing no more than 4.4 pounds.

3.26 Subd. 10. **Primary battery.** "Primary battery" means a battery that is not capable of  
3.27 being recharged.

3.28 Subd. 11. **Producer.** "Producer" means the following person responsible for compliance  
3.29 with sections 115A.9165 to 115A.9184 for a covered battery or battery-containing product  
3.30 sold, offered for sale, or distributed in or into Minnesota:

3.31 (1) for covered batteries:

4.1 (i) if the battery is sold under the brand of the battery manufacturer, the producer is the  
4.2 person that manufactures the battery;

4.3 (ii) if the battery is sold under a retail brand or under a brand owned by a person other  
4.4 than the manufacturer, the producer is the brand owner;

4.5 (iii) if there is no person to which item (i) or (ii) apply, the producer is the person that  
4.6 is the licensee of a brand or trademark under which the battery is used in a commercial  
4.7 enterprise, sold, offered for sale, or distributed in or into Minnesota, whether or not the  
4.8 trademark is registered in Minnesota;

4.9 (iv) if there is no person described in items (i) to (iii) within the United States, the  
4.10 producer is the person who is the importer of record for the battery into the United States  
4.11 for use in a commercial enterprise that sells, offers for sale, or distributes the battery in  
4.12 Minnesota; and

4.13 (v) if there is no person described in items (i) to (iv) with a commercial presence within  
4.14 Minnesota, the producer is the person who first sells, offers for sale, or distributes the battery  
4.15 in or into Minnesota; and

4.16 (2) for covered battery-containing products:

4.17 (i) if the battery-containing product is sold under the brand of the product manufacturer,  
4.18 the producer is the person that manufactures the product;

4.19 (ii) if the battery-containing product is sold under a retail brand or under a brand owned  
4.20 by a person other than the manufacturer, the producer is the brand owner;

4.21 (iii) if there is no person to which item (i) or (ii) apply, the producer is the person that  
4.22 is the licensee of a brand or trademark under which the product is used in a commercial  
4.23 enterprise, sold, offered for sale, or distributed in or into Minnesota, whether or not the  
4.24 trademark is registered in Minnesota;

4.25 (iv) if there is no person described in items (i) to (iii) within the United States, the  
4.26 producer is the person who is the importer of record for the product into the United States  
4.27 for use in a commercial enterprise that sells, offers for sale, or distributes the product in  
4.28 Minnesota;

4.29 (v) if there is no person described in items (i) to (iv) with a commercial presence within  
4.30 Minnesota, the producer is the person who first sells, offers for sale, or distributes the product  
4.31 in or into Minnesota; and

5.1 (vi) producer does not include a person who only manufactures, sells, offers for sale,  
 5.2 distributes, or imports into Minnesota a battery-containing product if the only batteries used  
 5.3 by the battery-containing product are supplied by a producer that has joined a registered  
 5.4 battery stewardship organization as the producer for that covered battery under sections  
 5.5 115A.9165 to 115A.9184. Such a producer of covered batteries that are included in a  
 5.6 battery-containing product must provide written certification of that membership to both  
 5.7 the producer of the covered battery-containing product and a battery stewardship organization  
 5.8 of which the battery producer is a member.

5.9 Subd. 12. **Rechargeable battery.** "Rechargeable battery" means a battery that contains  
 5.10 one or more voltaic or galvanic cells, electrically connected to produce electric energy,  
 5.11 designed to be recharged.

5.12 Subd. 13. **Recycling efficiency rate.** "Recycling efficiency rate" means the ratio of the  
 5.13 weight of covered battery components and materials recycled to the weight of covered  
 5.14 batteries collected during a given period.

5.15 Subd. 14. **Retailer.** "Retailer" means a person who sells covered batteries or  
 5.16 battery-containing products in or into the state or offers or otherwise makes available covered  
 5.17 batteries or battery-containing products to a customer, including other businesses, in the  
 5.18 state.

5.19 Subd. 15. **Stewardship plan.** "Stewardship plan" means a plan submitted and approved  
 5.20 under section 115A.9169 for operating a stewardship program.

5.21 Subd. 16. **Stewardship program.** "Stewardship program" means a program for the  
 5.22 collection and responsible disposal of covered batteries implemented by a battery stewardship  
 5.23 organization under a stewardship plan.

5.24 Sec. 3. **[115A.9168] PRODUCERS REQUIRED TO PARTICIPATE IN**  
 5.25 **STEWARDSHIP PROGRAM.**

5.26 Beginning January 1, 2028, a producer may not do any of the following in or into this  
 5.27 state unless the producer participates in a stewardship program:

5.28 (1) sell a covered battery or battery-containing product;

5.29 (2) offer to sell or make available for sale a covered battery or battery-containing product;

5.30 or

5.31 (3) distribute covered batteries or battery-containing products.

6.1 Sec. 4. [115A.9169] STEWARDSHIP PLANS.

6.2 Subdivision 1. Stewardship plan contents. A stewardship plan must:

6.3 (1) include a list of each producer, covered battery brand, and battery-containing product  
6.4 brand participating in the stewardship program;

6.5 (2) include contact information for each producer participating in the stewardship  
6.6 program;

6.7 (3) explain how the stewardship program will comply with sections 115A.9170 to  
6.8 115A.9174 during each year the plan is in effect;

6.9 (4) identify proposed sorters, transporters, processors, and facilities to be used by the  
6.10 program for the final disposition of batteries and how collected batteries will be managed  
6.11 in an environmentally sound manner at facilities operating in compliance with human health  
6.12 and environmental protection standards that are broadly equivalent to or better than those  
6.13 required under federal law;

6.14 (5) describe the criteria to be used in the program to determine whether an entity may  
6.15 serve as a collection site for discarded covered batteries under the program; and

6.16 (6) describe how the plan will work in conjunction with other stewardship plans to  
6.17 achieve the purposes of sections 115A.9165 to 115A.9184.

6.18 Subd. 2. Plan approval; disapproval; revision. (a) When the commissioner receives  
6.19 a draft stewardship plan from a battery stewardship organization, the commissioner must  
6.20 review the plan for compliance with subdivision 1 and approve, disapprove, or conditionally  
6.21 approve the plan within 120 days after receipt.

6.22 (b) If the commissioner disapproves a draft stewardship plan, the commissioner must  
6.23 provide written notice to the battery stewardship organization within 30 days and must  
6.24 explain the deficiencies of the draft stewardship plan. The battery stewardship organization  
6.25 may submit a revised draft stewardship plan within 60 days after the date the written notice  
6.26 was issued. The commissioner must approve, disapprove, or conditionally approve the  
6.27 revised draft stewardship plan within 90 days after resubmission.

6.28 Subd. 3. Submission of new plans. (a) A battery stewardship organization must submit  
6.29 a new draft stewardship plan:

6.30 (1) if there are significant changes to the methods of collection, transport, or end-of-life  
6.31 management of covered batteries provided for under an existing stewardship plan. The  
6.32 commissioner must identify the types and magnitude of changes that require a new plan to

7.1 be submitted under this clause. For purposes of this clause, adding or removing a processor  
7.2 or transporter to the plan is not a significant change that requires submission of a new plan;  
7.3 and

7.4 (2) no less than every five years.

7.5 (b) A stewardship plan remains in effect until a subsequent stewardship plan is approved  
7.6 under this section.

7.7 Subd. 4. **Plan amendments.** A battery stewardship organization must submit an  
7.8 amendment to a stewardship plan to the commissioner:

7.9 (1) when the battery stewardship organization proposes to substantially modify a  
7.10 stewardship plan;

7.11 (2) when the commissioner notifies the battery stewardship organization that the approval  
7.12 of a stewardship plan submitted by another stewardship organization requires changes to a  
7.13 stewardship plan; and

7.14 (3) when the commissioner notifies the stewardship organization that other modifications  
7.15 to the stewardship plan are necessary.

7.16 Subd. 5. **Public comment.** The commissioner must make draft stewardship plans and  
7.17 applications for amendments available for public review and comment for at least 30 days.

7.18 Sec. 5. **[115A.9170] PERFORMANCE GOALS.**

7.19 Subdivision 1. **Performance goals required.** Each stewardship plan must include annual  
7.20 performance goals that will be used to measure the performance of the program, including:

7.21 (1) goals for the quantity of covered batteries collected, based on the estimated total  
7.22 weight of covered batteries that were sold in the state in the previous three calendar years  
7.23 by the producers participating in the battery stewardship program;

7.24 (2) goals for public awareness; and

7.25 (3) a target recycling efficiency rate of at least 60 percent for rechargeable batteries and  
7.26 at least 70 percent for primary batteries.

7.27 Subd. 2. **Effect of goal achievement.** A battery stewardship organization may not reduce  
7.28 or cease collection, education and outreach, or other activities under a stewardship plan if  
7.29 the organization achieves one or more performance goals.

8.1 Sec. 6. **[115A.9171] STEWARDSHIP PROGRAM FUNDING.**

8.2 Subdivision 1. Full funding. Each stewardship plan must ensure adequate funding is  
8.3 available for full plan implementation and must:

8.4 (1) include a method to collect charges from producers participating in the stewardship  
8.5 plan that are sufficient in the aggregate to cover the costs of plan implementation, including  
8.6 covered battery collection, transportation, processing, education, administration, agency  
8.7 reimbursement, recycling, and end-of-life management in an environmentally sound manner  
8.8 in accordance with sections 115A.9165 to 115A.9184; and

8.9 (2) ensure that the costs of participating in the stewardship plan are shared, including  
8.10 the costs for reimbursing local governments and solid waste or recyclables handling facilities  
8.11 for demonstrable and reasonable costs incurred as a result of a local government facility or  
8.12 solid waste or recyclables handling facility serving as a collection site for the program,  
8.13 including but not limited to associated labor costs and other costs associated with accessibility  
8.14 and collection site standards, such as storage.

8.15 Subd. 2. Point-of-sale or point-of-collection charges prohibited. Retailers, producers,  
8.16 battery stewardship organizations, and collection sites must not charge a specific point-of-sale  
8.17 fee to businesses and consumers to cover the administrative or operational costs of a battery  
8.18 stewardship organization or the battery stewardship program.

8.19 Sec. 7. **[115A.9172] COLLECTION AND MANAGEMENT REQUIREMENTS.**

8.20 Subdivision 1. Statewide collection required. (a) A stewardship plan must provide  
8.21 statewide collection opportunities for collecting all covered batteries, including all chemistries  
8.22 and brands of covered batteries, on a free, continuous, convenient, visible, and accessible  
8.23 basis to any person, business, government agency, or organization. For purposes of  
8.24 determining the geographical adequacy of collection site coverage, the commissioner may  
8.25 only consider permanent collection sites.

8.26 (b) If more than one stewardship plan is in effect at any given time, in lieu of requiring  
8.27 each individual stewardship plan to provide statewide collection opportunities and collection  
8.28 of all types of covered batteries, the commissioner may allow individual plans to provide  
8.29 collection opportunities that are not statewide and for certain types of covered batteries but  
8.30 not others, so long as the cumulative effect of all stewardship plans in effect at any given  
8.31 time is to provide statewide collection opportunities for all covered batteries in accordance  
8.32 with this section.

9.1 (c) If more than one stewardship plan is in effect at any given time, all battery stewardship  
9.2 organizations must coordinate their activities with one another to ensure the efficient delivery  
9.3 of services and to avoid unnecessary duplication of effort and expense.

9.4 Subd. 2. **Portable battery collection site requirements.** Within two years of approval  
9.5 of an initial stewardship plan that provides for collecting portable batteries, the battery  
9.6 stewardship organization must provide statewide collection opportunities to include:

9.7 (1) at least one permanent collection site, collection service, or collection event for every  
9.8 30,000 residents of a county; and

9.9 (2) at least one permanent collection site, collection service, or collection event within  
9.10 a 15-mile radius for at least 95 percent of all Minnesota residents.

9.11 Subd. 3. **Medium-format battery collection site requirements.** (a) Within two years  
9.12 of approval of a battery stewardship organization plan that provides for collecting  
9.13 medium-format batteries, the battery stewardship organization must provide statewide  
9.14 collection opportunities that include the provision of:

9.15 (1) at least ten permanent collection sites in the state during the initial five-year plan  
9.16 period;

9.17 (2) reasonable geographic dispersion of permanent collection sites throughout the state;

9.18 (3) after the initial five-year plan period, a permanent collection site in each county of  
9.19 at least 200,000 persons, as determined by the most recent federal census; and

9.20 (4) service to areas without a permanent collection site. A battery stewardship  
9.21 organization must ensure that there is a collection event at least once every three years in  
9.22 each county of the state that does not have a permanent collection site. The collection events  
9.23 must provide for collecting all medium-format batteries, including damaged and defective  
9.24 batteries.

9.25 (b) Medium-format batteries may be collected only at household hazardous waste  
9.26 collection sites or other staffed collection sites that meet applicable federal, state, and local  
9.27 regulatory requirements to manage medium-format batteries.

9.28 Subd. 4. **General collection site requirements.** (a) For each collection site that  
9.29 participates in a stewardship program, the battery stewardship organization must:

9.30 (1) provide suitable collection containers for covered batteries that will ensure that  
9.31 covered batteries are segregated from other solid waste or make mutually agreeable  
9.32 alternative arrangements for collecting batteries at the site;

10.1 (2) provide signage that informs customers regarding the end-of-life management options  
10.2 for batteries provided by the collection site under sections 115A.9165 to 115A.9184; and

10.3 (3) provide safety training procedures related to covered battery and collection activities,  
10.4 including appropriate protocols to reduce risks of spills or fires and response protocols in  
10.5 the event of a spill or fire, and a protocol for safe management of damaged and defective  
10.6 batteries that are brought to collection sites.

10.7 (b) Each collection site that participates in a stewardship program must:

10.8 (1) ensure that covered battery collection containers are kept within view of a responsible  
10.9 person and are accompanied by the signage made available to the collection site by the  
10.10 battery stewardship organization; and

10.11 (2) meet applicable federal, state, and local regulatory requirements while adhering to  
10.12 the operations manual and other safety information provided to the collection site by the  
10.13 battery stewardship organization.

10.14 **Subd. 5. Collecting damaged and defective batteries.** (a) At least once every three  
10.15 years and more often where practicable, a battery stewardship organization must hold  
10.16 collection events for damaged and defective batteries in each county that does not have a  
10.17 permanent collection site for collecting damaged and defective batteries.

10.18 (b) Notwithstanding paragraph (a), damaged and defective batteries may be collected  
10.19 only at collection sites staffed by persons trained to handle and ship damaged and defective  
10.20 batteries.

10.21 (c) A battery stewardship organization may seek reimbursement from the producer of  
10.22 any recalled battery for expenses incurred in collecting, transporting, or processing those  
10.23 batteries.

10.24 **Subd. 6. Use of existing services and facilities.** In implementing this section, a battery  
10.25 stewardship organization must:

10.26 (1) use existing public and private waste collection services and facilities, including  
10.27 where cost-effective, mutually agreeable, and otherwise practicable, battery collection sites  
10.28 that are established through other battery collection programs, services, transporters,  
10.29 consolidators, processors, and retailers;

10.30 (2) use as a collection site for covered batteries any retailer, wholesaler, municipality,  
10.31 solid waste management facility, household hazardous waste facility, or other entity that  
10.32 meets the criteria for collection sites set forth in the stewardship plan up to the minimum  
10.33 number of sites required for compliance with subdivisions 3 and 4, upon the submission of

11.1 a request by such entity to a battery stewardship organization to serve as a collection site.  
 11.2 Battery stewardship programs may use additional collection sites in excess of the minimum  
 11.3 required in subdivisions 3 and 4 as may be agreed between a battery stewardship organization  
 11.4 and the collection site; and

11.5 (3) use as a site for a collection event for covered batteries any retailer, wholesaler,  
 11.6 municipality, solid waste management facility, household hazardous waste facility, or other  
 11.7 entity that meets the criteria for collection events in the approved plan up to the minimum  
 11.8 number of sites required for compliance with subdivisions 3 and 4, upon the submission of  
 11.9 a request by such entity to a battery stewardship organization to serve as a site for a collection  
 11.10 event. Battery stewardship programs may use additional sites for collection events in excess  
 11.11 of the minimum required in subdivisions 3 and 4 as may be agreed between the battery  
 11.12 stewardship organizations and the collection sites.

11.13 Subd. 7. **Suspending or terminating collection site or service.** A battery stewardship  
 11.14 organization may issue a warning to, suspend, or terminate a collection site or service that  
 11.15 does not adhere to the collection site criteria in the approved plan or that poses an immediate  
 11.16 health and safety concern.

11.17 Subd. 8. **Additional requirements.** Battery stewardship programs:

11.18 (1) must provide for collecting loose covered batteries;

11.19 (2) are not required to provide for collecting battery-containing products;

11.20 (3) are not required to provide for collecting batteries that:

11.21 (i) are not easily removable from the product other than by the manufacturer; and

11.22 (ii) remain contained in a battery-containing product at the time of delivery to a collection  
 11.23 site;

11.24 (4) are not required to provide for collecting batteries still contained in a covered  
 11.25 electronic device as defined in section 115A.1341; and

11.26 (5) are not required to provide for collecting batteries or battery-containing products  
 11.27 being recalled for safety reasons. A battery stewardship organization may seek reimbursement  
 11.28 from the producer of a recalled battery or battery-containing product for the costs incurred  
 11.29 in collecting, transporting, and processing such batteries and products.

11.30 Sec. 8. **[115A.9173] EDUCATION AND OUTREACH REQUIREMENTS.**

11.31 Each stewardship plan must require the battery stewardship organization to:

- 12.1 (1) develop and maintain a website about the stewardship program;
- 12.2 (2) place advertisements for the stewardship program on social media or other relevant
- 12.3 media platforms;
- 12.4 (3) develop promotional materials about the program for use by retailers, government
- 12.5 agencies, waste and recycling collectors, and other persons;
- 12.6 (4) provide battery-user-focused educational promotional materials to each collection
- 12.7 site used by the program and to customers of retailers that sell covered batteries or
- 12.8 battery-containing products;
- 12.9 (5) provide safety information and training materials related to covered battery collection
- 12.10 activities to the operator of each collection site, including appropriate protocols to reduce
- 12.11 risks of spills or fires, response protocols in the event of a spill or fire, and response protocols
- 12.12 in the event of detection of a damaged or defective battery; and
- 12.13 (6) provide educational materials to each collection site for managing recalled batteries,
- 12.14 which are not intended to be part of collection as provided under section 115A.9172,
- 12.15 subdivision 8, to help facilitate transportation and processing of recalled batteries.

12.16 **Sec. 9. [115A.9174] REPORTING REQUIREMENTS.**

12.17 Subdivision 1. **Annual report required.** By June 1, 2028, and each June 1 thereafter,

12.18 a battery stewardship organization must submit a report to the commissioner that covers

12.19 the preceding calendar year of stewardship program implementation. The report must

12.20 include:

- 12.21 (1) a summary financial statement documenting the financing of the stewardship program
- 12.22 and an analysis of program costs and expenditures, including an analysis of the program's
- 12.23 expenses. The summary financial statement must be sufficiently detailed to provide
- 12.24 transparency that money collected from producers as a result of producers' activities in
- 12.25 Minnesota is spent on program implementation in Minnesota. A report submitted by a
- 12.26 battery stewardship organization that implements similar battery stewardship programs in
- 12.27 multiple states must separately provide financial information for Minnesota;
- 12.28 (2) the weight, by chemistry, of covered batteries collected under the stewardship
- 12.29 program. The weight of batteries must only be counted once and may not be counted by
- 12.30 more than one battery stewardship organization;
- 12.31 (3) a calculation of the recycling efficiency rates;

13.1 (4) for each facility used for the final disposition of batteries, a description of how the  
13.2 facility recycled or otherwise disposed of batteries and battery components;

13.3 (5) the weight and chemistry of batteries sent to each facility used for the final disposition  
13.4 of batteries. The information may be estimated for program operations in Minnesota based  
13.5 on extrapolations of national or regional data for programs operating in multiple states;

13.6 (6) the collection rate achieved under the program, including a description of how the  
13.7 collection rate was calculated. For purposes of this clause, "collection rate" means the  
13.8 percentage, by weight, of covered batteries that a battery stewardship organization collects  
13.9 that is calculated by dividing the total weight of primary and rechargeable batteries collected  
13.10 during the previous calendar year by the average annual weight of primary and rechargeable  
13.11 batteries that were estimated to have been sold in the state by all producers participating in  
13.12 that approved battery stewardship plan during the previous three calendar years;

13.13 (7) the estimated aggregate sales, by weight and chemistry, of batteries and batteries  
13.14 contained in or with battery-containing products sold in Minnesota by participating producers  
13.15 for each of the previous three calendar years;

13.16 (8) a description of the manner in which the collected batteries were managed and  
13.17 recycled, including a discussion of best available technologies and the recycling efficiency  
13.18 rate;

13.19 (9) a description of education and outreach efforts supporting plan implementation,  
13.20 including but not limited to a summary of education and outreach provided to battery users,  
13.21 collection sites, manufacturers, distributors, and retailers by the program operator for  
13.22 promoting the collection and recycling of covered batteries; a description of how the  
13.23 education and outreach met the requirements of section 115A.9173; samples of education  
13.24 and outreach materials; a summary of coordinated education and outreach efforts with any  
13.25 other battery stewardship organizations implementing a plan approved by the commissioner;  
13.26 and a summary of any changes made during the previous calendar year to education and  
13.27 outreach activities;

13.28 (10) a list of all collection sites, an address for each listed site, and an up-to-date map  
13.29 showing the location of all collection sites used to implement the program, with links to  
13.30 appropriate websites when there are existing websites associated with a collection site;

13.31 (11) a description of methods used to collect, transport, and recycle covered batteries  
13.32 by a battery stewardship organization;

14.1 (12) a summary of progress made toward the program performance goals established  
14.2 under section 115A.9170 and an explanation of why performance goals were not met, if  
14.3 applicable; and

14.4 (13) if a battery stewardship organization has disposed of covered batteries through  
14.5 energy recovery, incineration, or landfiling during the period covered by the report, a  
14.6 description of the steps that the battery stewardship organization will take to make recycling  
14.7 covered batteries cost-effective, where possible, or to otherwise increase battery recycling  
14.8 rates achieved by the battery stewardship organization.

14.9 Subd. 2. **Information about processing facilities.** For any facility used to process or  
14.10 dispose of covered batteries that is included in a report required by subdivision 1, the report  
14.11 must include:

14.12 (1) whether the facility is located domestically, in a country that is a member of the  
14.13 Organisation for Economic Co-operation and Development, or in a country that meets the  
14.14 operating standards of the Organisation for Economic Co-operation and Development; and

14.15 (2) what facilities processed the batteries and, for domestic facilities, a summary of any  
14.16 violations of environmental laws and regulations during the previous three years at each  
14.17 facility.

14.18 Subd. 3. **Trade secrets.** Trade secrets, as defined under section 13.37, submitted to the  
14.19 commissioner under this section are private or nonpublic data under section 13.37.

14.20 Subd. 4. **Independent assessment.** After five years of implementing an approved battery  
14.21 stewardship plan, a covered battery producer or battery stewardship organization must hire  
14.22 an independent third party to conduct a onetime assessment of the battery stewardship plan  
14.23 and plan operation. The independent assessor must examine the effectiveness of the battery  
14.24 stewardship plan in collecting and recycling covered batteries. The independent assessor  
14.25 must examine the cost effectiveness of the plan and compare it to that of collection plans  
14.26 or programs for covered batteries in other jurisdictions. The independent assessor must  
14.27 submit the assessment to the commissioner and to the chairs and ranking minority members  
14.28 of the senate and house of representatives committees with primary jurisdiction over  
14.29 environment policy and finance.

14.30 Sec. 10. **[115A.9175] FEES AND ADDITIONAL AGENCY RESPONSIBILITIES.**

14.31 Subdivision 1. **Plan and amendment review; fees.** A battery stewardship organization  
14.32 submitting a draft battery stewardship plan, a revision to a draft battery stewardship plan,  
14.33 or a stewardship plan amendment must pay, as applicable, a onetime:

15.1 (1) draft stewardship plan review fee of \$.....;

15.2 (2) revision to a draft stewardship plan review fee of \$.....; or

15.3 (3) amendment application review fee of \$.....

15.4 Subd. 2. **Annual agency costs; fee.** (a) In addition to the fees required under subdivision  
 15.5 1, a battery stewardship organization must annually pay the commissioner a fee under this  
 15.6 subdivision that, when aggregated with all other fees paid to the commissioner under this  
 15.7 section, are adequate to cover the agency's costs in administering sections 115A.9165 to  
 15.8 115A.9184.

15.9 (b) By June 1 each year, the commissioner must calculate the fee that will be charged  
 15.10 to each battery stewardship organization under this subdivision. The fee must be set so that  
 15.11 it fully recovers the agency's costs but does not exceed that amount.

15.12 Subd. 3. **Appropriation of fee proceeds.** The commissioner must deposit all fees  
 15.13 received under this section in the state treasury and credit the amount to a battery stewardship  
 15.14 account in the special revenue fund. The amount collected under this section is annually  
 15.15 appropriated to the commissioner to implement and enforce sections 115A.9165 to  
 15.16 115A.9184.

15.17 Subd. 4. **Agency website.** The commissioner must maintain a website that:

15.18 (1) lists producers and their brands that are participating in a stewardship plan;

15.19 (2) makes available to the public each draft stewardship plan, stewardship plan  
 15.20 amendment, and annual report received by the commissioner under sections 115A.9165 to  
 15.21 115A.9184; and

15.22 (3) lists all battery stewardship organizations and fee-based collection and mail-back  
 15.23 programs under section 115A.9182.

15.24 Subd. 5. **Technical assistance.** The commissioner must provide technical assistance to  
 15.25 producers and retailers in implementing sections 115A.9165 to 115A.9184.

15.26 Sec. 11. **[115A.9176] PENALTIES AND CIVIL ACTION PROVISIONS.**

15.27 (a) Any person who violates sections 115A.9165 to 115A.9184 is liable for a civil penalty  
 15.28 of \$2,500 per violation, except that the penalty for failure to pay a fee under sections  
 15.29 115A.9165 to 115A.9184 is a civil penalty that is double the applicable fee. The civil penalty  
 15.30 authority provided under this section is in addition to the authority conferred by section  
 15.31 115.071.

16.1 (b) No penalty may be assessed on an individual or resident for the improper disposal  
16.2 of covered batteries as described in section 115A.9179 in a noncommercial or residential  
16.3 setting.

16.4 **Sec. 12. [115A.9177] MARKING REQUIREMENTS FOR BATTERIES.**

16.5 Subdivision 1. **Marking.** Except as provided in subdivision 2, beginning January 1,  
16.6 2028, a producer or retailer may sell, distribute, or offer for sale in or into Minnesota a  
16.7 covered battery or battery-containing product that contains a battery that is designed or  
16.8 intended to be easily removable from the product only if the battery is marked with:

16.9 (1) an identification of the producer of the battery;

16.10 (2) an identification of the chemistry of the battery; and

16.11 (3) an indication that the battery should not be disposed of as household waste.

16.12 Subd. 2. **Exception.** Subdivision 1, clauses (1) and (2), do not apply to a battery that  
16.13 can fit entirely, in any orientation, into the small parts cylinder described in Code of Federal  
16.14 Regulations, title 16, section 1501.4. In that case, the marks required by subdivision 1,  
16.15 clauses (1) and (2), must be placed on the packaging of the battery or battery-containing  
16.16 product.

16.17 Subd. 3. **Modification.** The commissioner may amend, by rule, the requirements of  
16.18 subdivision 1 to maintain consistency with the labeling requirements or voluntary standards  
16.19 for batteries established in federal law.

16.20 **Sec. 13. [115A.9178] RETAILERS.**

16.21 Subdivision 1. **Retailer requirements.** (a) Beginning July 1, 2028, a retailer may not  
16.22 sell, offer or make available for sale, or distribute a covered battery or battery-containing  
16.23 product unless:

16.24 (1) the producer of the covered battery or battery-containing product certifies to the  
16.25 retailer that the producer participates in a battery stewardship organization whose plan has  
16.26 been approved by the commissioner; and

16.27 (2) the batteries are marked according to section 115A.9177 or the producer certifies to  
16.28 the retailer that the batteries are so marked.

16.29 (b) A retailer is not in violation of paragraph (a), clause (1), if the agency website  
16.30 maintained under section 115A.9175, subdivision 4, lists, as of the date a product is made  
16.31 available for retail sale, a producer or brand of a covered battery or battery-containing

17.1 product sold by the retailer as being a participant in an approved plan or the implementer  
17.2 of an approved plan.

17.3 Subd. 2. **Retailers not required to be collection sites.** Retailers of covered batteries or  
17.4 battery-containing products are not required to make retail locations available to serve as  
17.5 collection sites for a stewardship program operated by a battery stewardship organization.  
17.6 Retailers that serve as a collection site must participate in an approved stewardship plan  
17.7 and comply with sections 115A.9165 to 115A.9184.

17.8 Sec. 14. **[115A.9179] BATTERY DISPOSAL AND COLLECTION.**

17.9 (a) Effective January 1, 2028, all persons must handle unwanted covered batteries through  
17.10 delivery to a collection site operated under sections 115A.9165 to 115A.9184 or, for covered  
17.11 batteries generated by persons that are regulated generators of batteries covered under federal  
17.12 or state hazardous or solid waste laws, management must be undertaken in a manner  
17.13 consistent with those laws.

17.14 (b) Effective January 1, 2028, covered batteries may be collected, transported, and  
17.15 processed only in a manner that meets the standards established for a battery stewardship  
17.16 organization in a plan approved by the commissioner, unless the batteries are covered  
17.17 batteries generated by persons that are regulated generators of batteries covered under federal  
17.18 or state hazardous or solid waste laws, in which case management must be undertaken in a  
17.19 manner consistent with those laws.

17.20 (c) Effective January 1, 2028, a person may not place covered batteries in waste containers  
17.21 for disposal at incinerators, waste-to-energy facilities, or landfills.

17.22 (d) Effective January 1, 2028, a person may not place covered batteries in or on a  
17.23 container for mixed recyclables unless there is a separate location or compartment made  
17.24 available and designated for the covered battery that complies with local government  
17.25 collection standards or guidelines.

17.26 (e) Effective January 1, 2028:

17.27 (1) an owner or operator of a solid waste facility may not be found in violation of this  
17.28 section if the facility has posted in a conspicuous location a sign stating that covered batteries  
17.29 must be managed through collection sites established by a battery stewardship organization  
17.30 and are not accepted for disposal; and

17.31 (2) a solid waste collector may not be found in violation of this section for a covered  
17.32 battery placed in a disposal container by the generator of the covered battery.

18.1 Sec. 15. [115A.9180] PRIVATE RIGHT OF ACTION.

18.2 (a) A battery stewardship organization implementing an approved plan may bring a civil  
18.3 action or actions to recover costs, damages, and fees as specified in this section from a  
18.4 producer who sells or otherwise makes available in the state covered batteries or  
18.5 battery-containing products not included in an approved plan in violation of sections  
18.6 115A.9165 to 115A.9184. An action under this section may be brought against one or more  
18.7 defendants. An action may be brought only against a defendant producer when the  
18.8 stewardship program incurs costs in Minnesota, including reasonable incremental  
18.9 administrative and program promotional costs, in excess of \$1,000 to collect, transport, and  
18.10 recycle or otherwise dispose of the covered batteries or battery-containing products of a  
18.11 nonparticipating producer.

18.12 (b) A battery stewardship organization may bring a civil action against a producer of a  
18.13 recalled battery to recover costs associated with handling a recalled battery.

18.14 (c) A battery stewardship organization implementing a stewardship plan may bring a  
18.15 civil action against another battery stewardship organization that underperforms on its  
18.16 battery collection obligations under sections 115A.9165 to 115A.9184 by failing to collect  
18.17 and provide for the end-of-life management of batteries in an amount roughly equivalent  
18.18 to costs imposed on the plaintiff battery stewardship organization by virtue of the failures  
18.19 of the defendants, plus legal fees and expenses.

18.20 Sec. 16. [115A.9181] ANTITRUST.

18.21 Producers and battery stewardship organizations acting on behalf of producers that  
18.22 prepare, submit, and implement a battery stewardship program plan under sections 115A.9165  
18.23 to 115A.9184 and who are thereby subject to regulation by the commissioner are granted  
18.24 immunity from state laws relating to antitrust, restraint of trade, unfair trade practices, and  
18.25 other regulation of trade and commerce for the limited purpose of planning, reporting, and  
18.26 operating a battery stewardship program, including:

18.27 (1) creating, implementing, or managing a battery stewardship organization and any  
18.28 battery stewardship plan regardless of whether the plan is submitted, denied, or approved;

18.29 (2) determining the cost and structure of a stewardship plan; and

18.30 (3) determining the types or quantities of batteries being recycled or otherwise managed  
18.31 under sections 115A.9165 to 115A.9184.

19.1       Sec. 17. **[115A.9182] COLLECTION OF BATTERIES INDEPENDENT OF**  
19.2 **BATTERY STEWARDSHIP PROGRAM.**

19.3       (a) Nothing in sections 115A.9165 to 115A.9184 prevents or prohibits a person from  
19.4 offering or performing a fee-based collection or mail-back program for covered portable  
19.5 batteries or medium-format batteries independently of a battery stewardship program if:

19.6       (1) the person collects all types of covered batteries;

19.7       (2) the person notifies the commissioner, on an annual basis, of their intent to offer a  
19.8 collection or mail-back program;

19.9       (3) the person's services are performed and the person's facilities are operated in  
19.10 compliance with all applicable federal, state, and local laws and requirements;

19.11       (4) the person makes all batteries collected by the person from Minnesota customers  
19.12 available to a battery stewardship organization implementing a plan approved under sections  
19.13 115A.9165 to 115A.9184; and

19.14       (5) after consolidating portable or medium-format batteries at the person's facilities, the  
19.15 costs for transporting the batteries to a battery stewardship organization's designated sorters  
19.16 or processors are at the expense of the battery stewardship organization.

19.17       (b) A battery stewardship organization may refuse to accept batteries from a person  
19.18 under paragraph (a) if the organization notifies the commissioner of the reason for the  
19.19 refusal.

19.20       Sec. 18. **[115A.9183] PROHIBITION ON DISPOSAL.**

19.21       No person may dispose of or burn a covered battery in a solid waste disposal facility.  
19.22 A covered battery may be disposed of only by delivery to a collection site or collection  
19.23 event operated under a battery stewardship plan under sections 115A.9165 to 115A.9184,  
19.24 unless the battery is regulated as hazardous waste.

19.25       **EFFECTIVE DATE.** This section is effective January 1, 2028.

19.26       Sec. 19. **[115A.9184] SEVERABILITY.**

19.27       If any provision of sections 115A.9165 to 115A.9184 or its application to any person  
19.28 or circumstance is held invalid, the remainder of the act or the application of the provision  
19.29 to other persons or circumstances is not affected.

20.1 Sec. 20. REPEALER.

20.2 Minnesota Statutes 2024, sections 115A.9157, subdivisions 1, 2, 3, 5, 6, 7, 8, and 9; and  
20.3 325E.125, subdivisions 3, 4, and 5, are repealed.

20.4 **ARTICLE 2**20.5 **E-WASTE**20.6 Section 1. [115A.1341] DEFINITIONS.

20.7 (a) The terms used in sections 115A.1341 to 115A.1354 have the meanings given in this  
20.8 section.

20.9 (b) "Brand" means a name, a symbol, words, or marks that identify a covered electronic  
20.10 device, rather than any of its components, and attribute the device to the owner of the brand  
20.11 as the manufacturer.

20.12 (c) "Collection" means the aggregation of covered electronic devices at the end of life  
20.13 from covered entities and includes all the activities up to the time the covered electronic  
20.14 devices are delivered to a recycler.

20.15 (d) "Collector" means an entity that collects covered electronic devices on behalf of a  
20.16 manufacturer e-waste program.

20.17 (e) "Computer" means an electronic, magnetic, optical, electrochemical, or other  
20.18 high-speed data processing device performing logical, arithmetic, or storage functions, but  
20.19 does not include an automated typewriter or typesetter, a portable handheld calculator or  
20.20 device, or other similar device.

20.21 (f) "Computer monitor" means an electronic device of any type that is primarily intended  
20.22 to display information from a central processing unit or the Internet.

20.23 (g) "Covered electronic device":

20.24 (1) means:

20.25 (i) computers, including tablet computers and laptop computers;

20.26 (ii) peripherals;

20.27 (iii) computer monitors;

20.28 (iv) printers;

20.29 (v) facsimile machines;

20.30 (vi) video players, including DVD players and video cassette recorders;

- 21.1 (vii) cameras and camcorders;
- 21.2 (viii) mobile phones;
- 21.3 (ix) streaming devices;
- 21.4 (x) Wi-Fi and networking devices;
- 21.5 (xi) smart home devices;
- 21.6 (xii) audio products, including speakers, stereo equipment, and sound bars;
- 21.7 (xiii) video game consoles;
- 21.8 (xiv) wearable technology, including smartwatches, fitness trackers, glasses, headsets,
- 21.9 and headphones; and
- 21.10 (xv) televisions that are marketed and sold to a household by means of retail, wholesale,
- 21.11 or electronic commerce; and
- 21.12 (2) does not include:
- 21.13 (i) an electronic device that is a part of a motor vehicle or any component part of a motor
- 21.14 vehicle assembled by or for a vehicle manufacturer or franchised dealer, including
- 21.15 replacement parts for use in a motor vehicle;
- 21.16 (ii) an electronic device that is functionally or physically part of a larger piece of
- 21.17 equipment or that is taken out of service from an industrial; commercial, including retail;
- 21.18 library checkout; traffic control; kiosk; security, other than household security; governmental;
- 21.19 agricultural; or medical setting, including but not limited to diagnostic, monitoring, or
- 21.20 control equipment; or
- 21.21 (iii) an electronic device that is contained within a clothes washer, clothes dryer,
- 21.22 refrigerator, freezer, microwave oven, conventional oven or range, dishwasher, room air
- 21.23 conditioner, dehumidifier, water pump, sump pump, or air purifier.
- 21.24 (h) "Covered entity" means a household or any person giving seven or fewer covered
- 21.25 electronic devices to a collector at any one time.
- 21.26 (i) "De minimis manufacturer" means a person that provides evidence to the commissioner
- 21.27 that the manufacturer sold fewer than 100 covered electronic devices in the state during the
- 21.28 previous program year.
- 21.29 (j) "Manufacturer" means a person, other than a de minimis manufacturer and irrespective
- 21.30 of selling technique used, including by means of remote sale:

22.1 (1) that manufactures covered electronic devices under a brand that the person owns or  
22.2 is licensed to use;

22.3 (2) that sells covered electronic devices manufactured by others under a brand that the  
22.4 seller owns;

22.5 (3) that manufactures covered electronic devices without affixing a brand;

22.6 (4) that manufactures covered electronic devices to which the person affixes a brand  
22.7 that the person does not own; or

22.8 (5) on whose account covered electronic devices manufactured outside the United States  
22.9 are imported into the United States. This clause does not apply if, at the time the covered  
22.10 electronic devices are imported into the United States, another person is registered as the  
22.11 manufacturer of the brand of the covered electronic devices.

22.12 (k) "Manufacturer clearinghouse" means a person that prepares and submits a  
22.13 manufacturer e-waste program plan to the commissioner under section 115A.1344 and  
22.14 oversees the manufacturer e-waste program on behalf of a group of two or more  
22.15 manufacturers.

22.16 (l) "Manufacturer e-waste program" means a statewide program for collecting,  
22.17 transporting, and recycling covered electronic devices implemented and financed by a  
22.18 manufacturer e-waste program operator in accordance with section 115A.1344.

22.19 (m) "Manufacturer e-waste program operator" means an individual manufacturer, group  
22.20 of manufacturers, or manufacturer clearinghouse responsible for implementing and financing  
22.21 an approved manufacturer e-waste program.

22.22 (n) "Printer" means a device that is used to make reproductions or is multifunctional and  
22.23 performs one or more operations such as scanning or faxing in addition to making  
22.24 reproductions; that is designed to be placed on a desk or other work surface and may include  
22.25 an optional floor stand; and that uses print technology, such as a laser, electrographic, ink  
22.26 jet, dot matrix, or thermal or digital sublimation. Printer does not include a device used  
22.27 to make a reproduction that:

22.28 (1) is floor-standing;

22.29 (2) is a point-of-sale receipt printer;

22.30 (3) is also a calculator;

22.31 (4) can also make labels; or

22.32 (5) is embedded in something other than a covered electronic device.

23.1 (o) "Peripheral" means a keyboard, mouse, or other device sold exclusively for external  
 23.2 use with a covered electronic device as a wireless or corded device that provides input into  
 23.3 or output from a covered electronic device and cords used with such a device.

23.4 (p) "Program year" means the period from July 1 through June 30.

23.5 (q) "Recycler" means a public or private person that accepts covered electronic devices  
 23.6 from households and collectors for recycling. Recycler does not include a manufacturer  
 23.7 who takes products for refurbishment or repair.

23.8 (r) "Recycling" means the process of collecting and preparing covered electronic devices  
 23.9 for use in manufacturing processes or for recovery of usable materials followed by delivery  
 23.10 of such materials for use. Recycling does not include reuse, repair, or any other process  
 23.11 through which covered electronic devices are returned to use for households in their original  
 23.12 form.

23.13 (s) "Retailer" means a person who first sells, through sales outlets, catalogs, or the  
 23.14 Internet, a covered electronic device to a household and not for resale in any form.

23.15 (t) "Sell" or "sale" means any transfer for consideration of title, including but not limited  
 23.16 to transactions conducted through sales outlets, catalogs, or the Internet, or any other similar  
 23.17 electronic means either inside or outside the state, by a person who conducts the transaction  
 23.18 and controls the delivery of a covered electronic device to a consumer in the state. Sell or  
 23.19 sale does not include a manufacturer's or distributor's wholesale transaction with a distributor  
 23.20 or a retailer. Sell or sale does not include products that are leased.

23.21 **Sec. 2. [115A.1342] MANUFACTURER AND RETAILER REQUIREMENTS FOR**  
 23.22 **SALE.**

23.23 Subdivision 1. **Manufacturer requirements.** On or after July 1, 2027, a manufacturer  
 23.24 must not sell or offer for sale or deliver to retailers for subsequent sale a new covered  
 23.25 electronic device unless:

23.26 (1) the covered electronic device is labeled with the manufacturer's brand in a permanently  
 23.27 affixed and readily visible manner; and

23.28 (2) the manufacturer registers with, pays a registration fee, and participates in a  
 23.29 manufacturer e-waste program that complies with sections 115A.1341 to 115A.1354.

23.30 Subd. 2. **Manufacturer responsibility.** The failure of a manufacturer e-waste program  
 23.31 operated collectively as part of a group of manufacturers or manufacturer clearinghouse to  
 23.32 satisfy any of the responsibilities delegated to the program by a manufacturer for developing

24.1 and implementing a manufacturer e-waste program does not relieve the manufacturer of its  
24.2 responsibility to satisfy the requirements of sections 115A.1341 to 115A.1354.

24.3 Subd. 3. **Retailer requirements.** (a) A retailer must not sell or offer for sale a covered  
24.4 electronic device unless the covered electronic device is labeled according to this section  
24.5 and is listed as registered on the agency website under section 115A.1348.

24.6 (b) A retailer is not responsible for an unlawful sale under this section if the  
24.7 manufacturer's registration expired or was revoked and the retailer took possession of the  
24.8 covered electronic device before the expiration or revocation of the manufacturer's  
24.9 registration and the unlawful sale occurred within six months after the expiration or  
24.10 revocation.

24.11 **Sec. 3. [115A.1343] MANUFACTURER REGISTRATION AND FEE.**

24.12 Subdivision 1. **Registration required.** (a) By February 1, 2027, and each February 1  
24.13 thereafter, a manufacturer of covered electronic devices sold or offered for sale in this state  
24.14 must register with the agency for the upcoming program year on a form provided by the  
24.15 agency. The registration must include:

24.16 (1) a list of the manufacturer's brands of covered electronic devices offered for sale in  
24.17 the state;

24.18 (2) the name, address, and contact information of the person responsible for ensuring  
24.19 compliance with sections 115A.1341 to 115A.1354;

24.20 (3) the total weight of covered electronic devices sold in the state during the most recent  
24.21 program year or an estimate of the total weight of covered electronic devices sold in the  
24.22 state during the most recent program year, calculated by multiplying the weight of the  
24.23 manufacturer's covered electronic devices sold nationally times the quotient of Minnesota's  
24.24 population divided by the national population; and

24.25 (4) an indication of whether the manufacturer will meet the requirements of sections  
24.26 115A.1341 to 115A.1354 individually, as part of a group of manufacturers, or collectively  
24.27 as part of a manufacturer clearinghouse.

24.28 (b) If, during the program year, a covered electronic device is first sold or offered for  
24.29 sale in this state by a manufacturer or the brand is not listed in the manufacturer's registration,  
24.30 the manufacturer must register with the agency for the current program year in accordance  
24.31 with paragraph (a) within 30 days after the date the covered electronic devices were first  
24.32 sold and offered for sale in the state.

25.1 Subd. 2. **Registration fee.** (a) By July 1, 2027, and each July 1 thereafter, each  
25.2 manufacturer that registers under subdivision 1 must pay a registration fee in a manner  
25.3 prescribed by the commissioner. The commissioner must deposit all fees received under  
25.4 this section in the state treasury and credit the amount to a covered electronic devices  
25.5 stewardship account in the special revenue fund. The amount collected under this paragraph  
25.6 is annually appropriated to the commissioner to implement and enforce sections 115A.1341  
25.7 to 115A.1354.

25.8 (b) A manufacturer's registration fee must be based on the manufacturer's market share  
25.9 applied to the total costs for the agency to administer the program for the prior program  
25.10 year accounting for any justified increases.

25.11 (c) The commissioner must notify manufacturers of their respective registration fee  
25.12 amount by April 1, 2027, and each April 1 thereafter.

25.13 Sec. 4. **[115A.1344] MANUFACTURER E-WASTE PROGRAM; PLAN; ANNUAL**  
25.14 **REPORT.**

25.15 Subdivision 1. **Plan required.** By February 1, 2027, and each February 1 thereafter,  
25.16 each manufacturer, acting as or through a manufacturer e-waste program operator, must  
25.17 submit a plan for implementing a manufacturer e-waste program for the next program year  
25.18 to the commissioner in the form and manner prescribed by the commissioner.

25.19 Subd. 2. **Plan contents.** (a) A plan submitted under this section must describe how the  
25.20 manufacturer e-waste program operator will:

25.21 (1) provide for collecting, transporting, and recycling covered electronic devices from  
25.22 covered entities free of charge, except that the plan may provide for charging a fee for  
25.23 additional services such as at-home removal of covered electronic products;

25.24 (2) determine each participating manufacturer's market share for purposes of allocating  
25.25 the costs of financing, managing, and operating the program to each manufacturer;

25.26 (3) develop environmentally sound best management practices that collectors in the  
25.27 program will be required to adhere to when collecting, separating, storing, managing, and  
25.28 transporting covered electronic devices;

25.29 (4) establish standards for recycling facilities, including, at a minimum, a requirement  
25.30 that recyclers maintain a valid responsible recycling (R2) or e-stewards certification at each  
25.31 recycling facility processing covered electronics devices under the program;

- 26.1 (5) regularly advertise and promote covered electronic device collection opportunities  
26.2 statewide;
- 26.3 (6) make information about the program available to the public through a toll-free  
26.4 telephone number and website;
- 26.5 (7) develop educational resources, after consultation with participating local government  
26.6 collectors, to increase public awareness of opportunities for covered electronic device  
26.7 collection;
- 26.8 (8) provide for fair financial compensation to participating local government collectors  
26.9 that:
- 26.10 (i) is adequate to cover all of their costs, including for collecting, storing, managing,  
26.11 and transporting covered electronic devices and for approved reasonable public education  
26.12 activities to promote the collection and recycling of covered electronic devices; and
- 26.13 (ii) provides agreed-upon per-service compensation for all local government collectors  
26.14 operating under the manufacturer e-waste program plan for the duration of the program  
26.15 year;
- 26.16 (9) maintain information about each recycler that will be used by the manufacturer  
26.17 e-waste program and associated R2 or e-stewards certifications;
- 26.18 (10) maintain information about all manufacturers and associated brands participating  
26.19 in the manufacturer e-waste program;
- 26.20 (11) maintain contact information for manufacturers and the manufacturer clearinghouse,  
26.21 if applicable; and
- 26.22 (12) provide convenient service throughout the state that ensures that:
- 26.23 (i) at a minimum, 90 percent of the residents of the state are within 15 miles of a collection  
26.24 site;
- 26.25 (ii) there is at least one collection site in each county;
- 26.26 (iii) in each city with a population of at least 10,000 but less than 200,000, there is at  
26.27 least one collection site, plus one additional collection site for every additional 20,000  
26.28 residents of the city over 10,000; and
- 26.29 (iv) in each city with a population of 200,000 or greater, there are at least ten collection  
26.30 sites, plus one additional collection site for every additional 50,000 residents of the city  
26.31 over 200,000.

- 27.1 (b) In addition to the information required by paragraph (a), a stewardship plan submitted  
27.2 under this section must include:
- 27.3 (1) the contact information for the manufacturer e-waste program operator;  
27.4 (2) a list of all the manufacturers participating in the manufacturer e-waste program;  
27.5 (3) a list of all brands of covered electronic devices manufactured, sold, or imported by  
27.6 each participating manufacturer, including:
- 27.7 (i) brands being offered for sale in the state by each manufacturer; and  
27.8 (ii) brands being offered for sale in the state by each manufacturer during the immediately  
27.9 preceding program year;
- 27.10 (4) a list of each collection site participating in the manufacturer e-waste program,  
27.11 including the location and hours of operation; and
- 27.12 (5) a list of all recyclers that will be used by the manufacturer e-waste program.
- 27.13 (c) For purposes of determining whether the number, location, and adequacy of collection  
27.14 sites meets the requirements of this subdivision:
- 27.15 (1) a collection site must be staffed and open to the public at a frequency adequate to  
27.16 meet the needs of the area being served;
- 27.17 (2) a collection site for a county may be the same as a collection site for a city in the  
27.18 county;
- 27.19 (3) in lieu of a fixed, permanent site, a collection site may be a series of three collection  
27.20 events held across the program year;
- 27.21 (4) the commissioner may waive the requirements of paragraph (a), clause (12), with  
27.22 respect to a county or city if the proposed manufacturer e-waste program plan demonstrates  
27.23 to the commissioner's satisfaction that alternative services or collection sites would provide  
27.24 substantially equivalent collection convenience;
- 27.25 (5) a collection site must accept all covered electronic devices from covered entities on  
27.26 a regular basis throughout the program year; and
- 27.27 (6) before removing a collection site from a manufacturer e-waste program, the  
27.28 manufacturer e-waste program operator must provide notice to covered entities of the  
27.29 removal by posting information about the removal on the program website 90 days before  
27.30 removing the collection site from the program.

28.1 Subd. 3. **Annual report.** By October 1 each year, a manufacturer e-waste program  
28.2 operator must submit an annual report to the commissioner on the operation of the program  
28.3 during the previous program year in the form and manner prescribed by the commissioner.  
28.4 The report submitted under this subdivision must include at least:

28.5 (1) a list of all collection sites and recycling facilities used by the manufacturer e-waste  
28.6 program;

28.7 (2) the total weight of covered electronic devices collected from covered entities in the  
28.8 state by the manufacturer e-waste program during the previous program year;

28.9 (3) the total weight of covered electronic devices collected at each collection site or, if  
28.10 approved by the commissioner, each grouping of collection sites;

28.11 (4) details of any approved alternative methods of service in meeting the needs of the  
28.12 applicable jurisdiction adequately, including the date of each alternative service event and  
28.13 the total weight of covered electronic devices collected at each alternative service event;

28.14 (5) the total weight of covered electronic devices recycled at each recycling facility;

28.15 (6) a summary of public awareness activities and copies of public awareness materials  
28.16 developed by the manufacturer e-waste program operator; and

28.17 (7) an attestation that all covered electronic devices collected under the manufacturer  
28.18 e-waste program were collected and disposed of in compliance with all applicable laws,  
28.19 rules, and regulations and in accordance with the environmentally sound best management  
28.20 practices in subdivision 2, paragraph (a), clause (3).

28.21 Subd. 4. **Record retention.** A manufacturer e-waste program operator must retain all  
28.22 records related to implementing and administering the manufacturer e-waste program for  
28.23 not less than three years from the time the record was created and make the records available  
28.24 for inspection and audit by the commissioner upon request.

28.25 Sec. 5. **[115A.1345] APPROVAL OF MANUFACTURER E-WASTE PROGRAM.**

28.26 Subdivision 1. **Action on plan required.** No later than 45 days after receiving a plan  
28.27 under section 115A.1344, subdivision 1, the commissioner must approve, approve with  
28.28 conditions, or reject the plan. The commissioner must approve the plan if the commissioner  
28.29 determines that the plan satisfies the requirements of section 115A.1344. If the commissioner  
28.30 rejects the plan, the commissioner must provide in writing the reason or reasons for the  
28.31 rejection.

29.1 Subd. 2. Revised plan. A manufacturer, acting as or through a manufacturer e-waste  
29.2 program operator, must submit a revised plan to the agency no later than 30 days after the  
29.3 date of the previous plan's rejection. No later than 30 days after receiving a revised plan  
29.4 under this subdivision, the commissioner must approve, approve with conditions, or reject  
29.5 the revised plan. If the commissioner rejects a revised plan, the commissioner may require  
29.6 further revision of the plan within a timeline determined by the commissioner or may direct  
29.7 changes to the revised plan.

29.8 **Sec. 6. [115A.1346] ENFORCEMENT.**

29.9 A manufacturer e-waste program operator must not directly enforce manufacturer  
29.10 compliance with sections 115A.1341 to 115A.1354, including compliance with the allocation  
29.11 methodology under a manufacturer e-waste program plan. A manufacturer e-waste program  
29.12 operator must, upon prior notice to the manufacturer, refer any potential noncompliance to  
29.13 the commissioner. A manufacturer e-waste program operator may develop and implement  
29.14 policies and procedures that exclude from participation in the manufacturer e-waste program  
29.15 any manufacturers found by the commissioner or a court of competent jurisdiction to have  
29.16 failed to comply with sections 115A.1341 to 115A.1354.

29.17 **Sec. 7. [115A.1347] COLLECTION OF COVERED ELECTRONIC DEVICES**  
29.18 **OUTSIDE A MANUFACTURER E-WASTE PROGRAM.**

29.19 Nothing in sections 115A.1341 to 115A.1354 prohibits a person from establishing a  
29.20 program to collect and recycle covered electronic devices independently of a manufacturer  
29.21 e-waste program. Covered electronic devices collected and recycled outside a manufacturer  
29.22 e-waste program are not the responsibility of a manufacturer e-waste program operator.

29.23 **Sec. 8. [115A.1348] ADDITIONAL AGENCY DUTIES.**

29.24 Subdivision 1. Posting information. The commissioner must maintain on the agency  
29.25 website:

29.26 (1) a list of registered manufacturers and their brands;

29.27 (2) a list of brands for which no manufacturer has registered;

29.28 (3) a list that identifies which manufacturers are in compliance with section 115A.1343;

29.29 (4) manufacturer e-waste program plans submitted to the commissioner under sections  
29.30 115A.1344 and 115A.1345; and

29.31 (5) reports submitted to the commissioner under section 115A.1344.

30.1 Subd. 2. **Manufacturer market share calculation.** (a) By April 1, 2027, and every  
 30.2 April 1 thereafter, the commissioner must determine each manufacturer's market share of  
 30.3 covered electronic devices by dividing the total weight in pounds of covered electronic  
 30.4 devices sold in this state under brands manufactured, sold, or imported by the manufacturer  
 30.5 during the previous program year by the total weight in pounds of covered electronic devices  
 30.6 sold in this state under all brands manufactured, sold, or imported by all registered  
 30.7 manufacturers during the previous program year.

30.8 (b) The commissioner may use national market data prorated for Minnesota, retail or  
 30.9 manufacturer data, consumer research, or any other data from the previous program year,  
 30.10 as determined by the commissioner, to make the determinations under paragraph (a). The  
 30.11 commissioner may require a manufacturer to submit sales or other data regarding the number  
 30.12 and weight of covered electronic devices sold in this state by the manufacturer. A  
 30.13 manufacturer must submit any data required by the commissioner under this paragraph in  
 30.14 the format requested by the commissioner.

30.15 (c) The commissioner must provide a determination of market share made under this  
 30.16 subdivision to the applicable manufacturer or, if a manufacturer e-waste program plan was  
 30.17 submitted by a manufacturer clearinghouse, to the manufacturer clearinghouse.

30.18 **Sec. 9. [115A.1349] ELECTRONICS RECYCLING ADVISORY TASK FORCE.**

30.19 Subdivision 1. **Establishment.** An Electronics Recycling Advisory Task Force is  
 30.20 established in the Pollution Control Agency.

30.21 Subd. 2. **Purpose.** The purpose of the task force is to evaluate additional products for  
 30.22 compatibility with and incorporation into the manufacturer e-waste program and to make  
 30.23 recommendations to the legislature as follows:

30.24 (1) the list of products for consideration must come from task force members and must  
 30.25 be consumer electronic devices in their purpose and function;

30.26 (2) the task force must recommend whether a product should be included in the  
 30.27 manufacturer e-waste program based on the following criteria:

30.28 (i) products must be evaluated for compatibility with the covered electronic devices  
 30.29 collection and recycling system, and the task force must factor in the current way in which  
 30.30 covered electronic devices are collected, stored, transported, and recycled in the manufacturer  
 30.31 e-waste programs in the state; and

31.1 (ii) products must be evaluated against the following criteria for inclusion in the  
 31.2 manufacturer e-waste program: fire risk, difficulty of recycling, and toxicity to the  
 31.3 environment;

31.4 (3) the task force must engage with manufacturers and statewide or national trade  
 31.5 associations representing manufacturers of the products under consideration along with  
 31.6 recycling experts and local government collection programs; and

31.7 (4) the task force must recommend that the legislature do one of the following:

31.8 (i) amend the definition of covered electronic device in section 115A.1341 to include  
 31.9 the product so that it can be managed under sections 115A.1341 to 115A.1354;

31.10 (ii) not amend the definition of covered electronic device in section 115A.1341 to include  
 31.11 the product; or

31.12 (iii) establish a new collection and recycling program for managing the product.

31.13 Subd. 3. **Membership.** The task force consists of the following ten members, to be  
 31.14 appointed by the commissioner:

31.15 (1) two individuals who are representatives of local government recycling programs  
 31.16 participating in a manufacturer e-waste program;

31.17 (2) two individuals who are representatives of electronics recycling companies or who  
 31.18 are responsible for selecting electronics recycling companies under a manufacturer e-waste  
 31.19 program;

31.20 (3) two individuals who are representatives of manufacturers that are participating in a  
 31.21 manufacturer e-waste program;

31.22 (4) one individual who is a representative of a statewide trade association representing  
 31.23 retailers;

31.24 (5) one individual who is a representative of a statewide trade association representing  
 31.25 manufacturers;

31.26 (6) one individual who is a representative of a statewide trade association representing  
 31.27 waste disposal companies; and

31.28 (7) one individual who is a representative of a national trade association representing  
 31.29 manufacturers.

31.30 Subd. 4. **Appointment.** Members of the task force must be appointed as soon as  
 31.31 practicable after the effective date of this section, must serve for two-year terms beginning

32.1 January 1, 2028, and may be reappointed to subsequent terms. Vacancies must be filled by  
 32.2 the commissioner for the remainder of the current term. Members serve voluntarily and  
 32.3 without compensation.

32.4 Subd. 5. **Chairperson; quorum.** Members must elect from their number a chairperson  
 32.5 who serves in that capacity for the duration of the person's current appointed term. The  
 32.6 chairperson leads all meetings and works with the agency to prepare meeting materials,  
 32.7 align expert stakeholders, and prepare reports to the legislature as required under subdivision  
 32.8 8. A simple majority of the members of the task force constitutes a quorum for the transaction  
 32.9 of business, and all actions and recommendations of the task force must be approved by a  
 32.10 simple majority of its members.

32.11 Subd. 6. **Administrative support.** The commissioner must provide the task force with  
 32.12 administrative support as necessary.

32.13 Subd. 7. **Meetings.** The task force must meet as often as necessary and at least twice  
 32.14 per year beginning April 1, 2028. The first meeting of the task force is at the call of the  
 32.15 commissioner and subsequent meetings are at the call of the chairperson. Task force meetings  
 32.16 must have a virtual participation option available.

32.17 Subd. 8. **Reporting.** By January 1, 2029, and every two years thereafter, the task force  
 32.18 must submit a summary of its meetings and any recommendations to the chairs and ranking  
 32.19 minority members of the senate and house of representatives committees with primary  
 32.20 jurisdiction over environment.

32.21 Sec. 10. **[115A.1350] ANTICOMPETITIVE CONDUCT.**

32.22 (a) A manufacturer that participates in a manufacturer e-waste program individually, as  
 32.23 a group of manufacturers, or collectively as part of a manufacturer clearinghouse to organize  
 32.24 collection or recycling under a plan approved under section 115A.1345 may engage in  
 32.25 anticompetitive conduct to the extent necessary to plan and implement its chosen organized  
 32.26 collection or recycling system and is immune from liability under state laws relating to  
 32.27 antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

32.28 (b) A manufacturer e-waste program operator and its officers, members, employees, and  
 32.29 agents who cooperate with a political subdivision that organizes collection or recycling  
 32.30 under sections 115A.9165 to 115A.9184 may engage in anticompetitive conduct to the  
 32.31 extent necessary to plan and implement the organized collection or recycling system, provided  
 32.32 that the political subdivision actively supervises the participation of each entity. An  
 32.33 organization, entity, or person covered by this paragraph is immune from liability under

33.1 state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation  
33.2 of trade or commerce.

33.3 **Sec. 11. [115A.1351] REQUIREMENTS FOR PURCHASES BY STATE AGENCIES.**

33.4 (a) The Department of Administration must ensure that acquisitions of covered electronic  
33.5 devices under chapter 16C are in compliance with or not subject to sections 115A.1341 to  
33.6 115A.1354.

33.7 (b) The solicitation documents must specify that the prospective responder is required  
33.8 to cooperate fully in providing reasonable access to its records and documents that show  
33.9 compliance with sections 115A.1341 to 115A.1354.

33.10 (c) Any person awarded a contract under chapter 16C for purchase or lease of covered  
33.11 electronic devices that is found to be in violation of sections 115A.1341 to 115A.1354 is  
33.12 subject to the following sanctions:

33.13 (1) the contract must be voided if the commissioner of administration determines that  
33.14 the potential adverse impact to the state is exceeded by the benefit obtained from voiding  
33.15 the contract;

33.16 (2) the contractor is subject to suspension and disbarment under Minnesota Rules, part  
33.17 1230.1150; and

33.18 (3) if the attorney general establishes that any money, property, or benefit was obtained  
33.19 by a contractor as a result of violating sections 115A.1341 to 115A.1354, the court may, in  
33.20 addition to any other remedy, order the disgorgement of the unlawfully obtained money,  
33.21 property, or benefit.

33.22 **Sec. 12. [115A.1352] MULTISTATE IMPLEMENTATIONS.**

33.23 The commissioner may participate in the establishment of a regional multistate  
33.24 organization or compact to assist in implementing sections 115A.1341 to 115A.1354.

33.25 **Sec. 13. [115A.1353] REGULATING COVERED ELECTRONIC DEVICES.**

33.26 (a) If the Environmental Protection Agency adopts regulations under the Resource  
33.27 Conservation and Recovery Act regarding the handling, storage, or treatment of any type  
33.28 of covered electronic device being recycled, those regulations are effective in this state on  
33.29 the same date and supersede any rules previously adopted by the commissioner regarding  
33.30 the handling, storage, or treatment of all covered electronic devices being recycled.

34.1 (b) Sections 115A.1341 to 115A.1354 expire if a federal law, or combination of federal  
34.2 laws, establishes a program for the collection and recycling or reuse of covered electronic  
34.3 devices that is applicable to all covered electronic devices sold or discarded by covered  
34.4 entities.

34.5 Sec. 14. **[115A.1354] DATA CLASSIFICATION.**

34.6 Trade secret and sales information, as defined under section 13.37, submitted to the  
34.7 commissioner under sections 115A.9165 to 115A.9184 are private or nonpublic data under  
34.8 section 13.37.

34.9 Sec. 15. **REPEALER.**

34.10 Minnesota Statutes 2024, sections 115A.1310, subdivisions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10,  
34.11 11, 12, 12a, 12b, 12c, 13, 14, 15, 17, 18, 19, and 20; 115A.1312; 115A.1314; 115A.1316;  
34.12 115A.1318; 115A.1320; 115A.1322; 115A.1323; 115A.1324; 115A.1326; 115A.1328;  
34.13 115A.1330; and 115A.9157, subdivisions 1, 2, 3, 5, 6, 7, 8, and 9, are repealed.

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**115A.1310 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 115A.1310 to 115A.1330, the following terms have the meanings given.

Subd. 2. **Cathode-ray tube or CRT.** "Cathode-ray tube" or "CRT" means a vacuum tube or picture tube used to convert an electronic signal into a visual image.

Subd. 3. **Collection.** "Collection" means the aggregation of covered electronic devices from households and includes all the activities up to the time the covered electronic devices are delivered to a recycler.

Subd. 4. **Collector.** "Collector" means a public or private entity that receives covered electronic devices from households and arranges for the delivery of the devices to a recycler.

Subd. 5. **Computer.** "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing logical, arithmetic, or storage functions, but does not include an automated typewriter or typesetter, a portable handheld calculator or device, or other similar device.

Subd. 6. **Computer monitor.** "Computer monitor" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to display information from a central processing unit or the Internet.

Subd. 7. **Covered electronic device.** "Covered electronic device" means computers, including tablet computers and laptop computers, peripherals, facsimile machines, DVD players, video cassette recorders, and video display devices that are sold to a household by means of retail, wholesale, or electronic commerce.

Subd. 8. **Department.** "Department" means the Department of Revenue.

Subd. 9. **Dwelling unit.** "Dwelling unit" has the meaning given in section 238.02, subdivision 21a.

Subd. 10. **Household.** "Household" means an occupant of a single detached dwelling unit or a single unit of a multiple dwelling unit located in this state who has used a video display device at a dwelling unit primarily for personal use.

Subd. 11. **Manufacturer.** "Manufacturer" means a person who:

(1) manufactures video display devices to be sold under its own brand as identified by its own brand label; or

(2) sells video display devices manufactured by others under its own brand as identified by its own brand label.

Subd. 12. **Peripheral.** "Peripheral" means a keyboard, printer, or any other device sold exclusively for external use with a computer that provides input or output into or from a computer.

Subd. 12a. **Phase I recycling credits.** "Phase I recycling credits" means the number of pounds of covered electronic devices recycled by a manufacturer from households during program years one through nine, less the product of the number of pounds of video display devices sold to households during the same program year, multiplied by the proportion of sales a manufacturer is required to recycle.

Subd. 12b. **Phase II recycling credits.** "Phase II recycling credits" means an amount calculated in a program year beginning July 1, 2019, and in each program year thereafter, according to the formula  $(1.5 \times A) - (B - C)$ , where:

A = the number of pounds of covered electronic devices a manufacturer recycled or arranged to have collected and recycled during a program year from households located outside the 11-county metropolitan area, as defined in section 115A.1314, subdivision 2;

B = the manufacturer's recycling obligation calculated for the same program year in section 115A.1320, subdivision 1, paragraph (g); and

C = the number of pounds of covered electronic devices a manufacturer recycled or arranged to have collected and recycled, up to but not exceeding B, during the same program year from households in the 11-county metropolitan area.

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Subd. 12c. **Portable battery.** "Portable battery" means a rechargeable battery as defined in section 115A.9157.

Subd. 13. **Program year.** "Program year" means the period from July 1 through June 30.

Subd. 14. **Recycler.** "Recycler" means a public or private individual or entity who accepts covered electronic devices from households and collectors for the purpose of recycling. A manufacturer who takes products for refurbishment or repair is not a recycler.

Subd. 15. **Recycling.** "Recycling" means the process of collecting and preparing video display devices or covered electronic devices for use in manufacturing processes or for recovery of usable materials followed by delivery of such materials for use. Recycling does not include the destruction by incineration or other process or land disposal of recyclable materials nor reuse, repair, or any other process through which video display devices or covered electronic devices are returned to use for households in their original form.

Subd. 17. **Retailer.** "Retailer" means a person who sells, rents, or leases, through sales outlets, catalogs, or the Internet, a video display device to a household and not for resale in any form.

Subd. 18. **Sell or sale.** "Sell" or "sale" means any transfer for consideration of title or of the right to use, by lease or sales contract, including, but not limited to, transactions conducted through sales outlets, catalogs, or the Internet, or any other similar electronic means either inside or outside of the state, by a person who conducts the transaction and controls the delivery of a video display device to a consumer in the state, but does not include a manufacturer's or distributor's wholesale transaction with a distributor or a retailer.

Subd. 19. **Television.** "Television" means an electronic device that is a cathode-ray tube or flat panel display primarily intended to receive video programming via broadcast, cable, or satellite transmission or video from surveillance or other similar cameras.

Subd. 20. **Video display device.** "Video display device" means a television or computer monitor that contains a cathode-ray tube or a flat panel screen that is marketed by manufacturers for use by households. Video display device does not include any of the following:

- (1) a video display device that is part of a motor vehicle or any component part of a motor vehicle assembled by, or for, a vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;
- (2) a video display device, including a touch-screen display, that is functionally or physically part of a larger piece of equipment or is designed and intended for use in an industrial; commercial, including retail; library checkout; traffic control; kiosk; security, other than household security; border control; or medical setting, including diagnostic, monitoring, or control equipment;
- (3) a video display device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier; or
- (4) a telephone of any type.

**115A.1312 REGISTRATION PROGRAM.**

Subdivision 1. **Requirements for sale.** (a) On or after September 1, 2007, a manufacturer must not sell or offer for sale or deliver to retailers for subsequent sale a new video display device unless:

- (1) the video display device is labeled with the manufacturer's brand, which label is permanently affixed and readily visible; and
- (2) the manufacturer has filed a registration with the agency, as specified in subdivision 2.

(b) A retailer must not sell, offer for sale, rent, or lease a video display device unless the video display device is labeled according to this subdivision and listed as registered on the agency website according to subdivision 2.

(c) A retailer is not responsible for an unlawful sale under this subdivision if the manufacturer's registration expired or was revoked and the retailer took possession of the video display device prior to the expiration or revocation of the manufacturer's registration and the unlawful sale occurred within six months after the expiration or revocation.

Subd. 2. **Manufacturer registration.** (a) By August 15 each year, a manufacturer of video display devices sold or offered for sale to households in the state must submit a registration to the agency that includes:

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- (1) a list of the manufacturer's brands of video display devices offered for sale in this state;
  - (2) the name, address, and contact information of a person responsible for ensuring compliance with this chapter; and
  - (3) a certification that the manufacturer has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318.
- (b) A manufacturer of video display devices sold or offered for sale to a household must include in the registration submitted under paragraph (a), a statement disclosing whether:
- (1) any video display devices sold to households exceed the maximum concentration values established for lead, mercury, cadmium, hexavalent chromium, polybrominated biphenyls (PBB's), and polybrominated diphenyl ethers (PBDE's) under the RoHS (restricting the use of certain hazardous substances in electrical and electronic equipment) Directive 2002/95/EC of the European Parliament and Council and any amendments thereto; or
  - (2) the manufacturer has received an exemption from one or more of those maximum concentration values under the RoHS Directive that has been approved and published by the European Commission.
- (c) A manufacturer who begins to sell or offer for sale video display devices to households after August 15, 2016, and has not filed a registration under this subdivision must submit a registration to the agency within ten days of beginning to sell or offer for sale video display devices to households.
- (d) A registration must be updated within ten days after a change in the manufacturer's brands of video display devices sold or offered for sale to households.
- (e) A registration is effective upon receipt by the agency and is valid until August 15 each year.
- (f) The agency must review each registration and notify the manufacturer of any information required by this section that is omitted from the registration. Within 30 days of receipt of a notification from the agency, the manufacturer must submit a revised registration providing the information noted by the agency.
- (g) The agency must maintain on its website the names of manufacturers and the manufacturers' brands listed in registrations filed with the agency. The agency must update the website information promptly upon receipt of a new or updated registration. The website must contain prominent language stating, in effect, that sections 115A.1310 to 115A.1330 are directed at household equipment and the manufacturers' brands list is, therefore, not a list of manufacturers qualified to sell to industrial, commercial, or other markets identified as exempt from the requirements of sections 115A.1310 to 115A.1330.

**Subd. 3. Collector registration.** No person may operate as a collector of covered electronic devices from households unless that person has submitted a registration with the agency by July 15 each year on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of the business and a certification that the collector has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318 and any regulations adopted by a local government unit for the jurisdiction in which the collector operates. A collector must indicate any end-of-life fees that will be charged at the collection point. A registration is effective upon receipt by the agency and is valid until July 15 each year.

**Subd. 4. Recycler registration.** No person may recycle video display devices generated by households unless that person has submitted a registration with the agency by July 15 each year on a form prescribed by the commissioner. Registration information must include the name, address, telephone number, and location of all recycling facilities under the direct control of the recycler that may receive covered electronic devices from households and a certification that the recycler has complied and will continue to comply with the requirements of sections 115A.1312 to 115A.1318. A registered recycler must conduct recycling activities that are consistent with this chapter. A registration is effective upon receipt by the agency and is valid until July 15 each year.

**115A.1314 MANUFACTURER REGISTRATION FEE.**

**Subdivision 1. Registration fee.** (a) Each manufacturer who registers under section 115A.1312 must, by August 15 each year, pay to the commissioner of revenue an annual registration fee, on a form and in a manner prescribed by the commissioner of revenue. The commissioner of revenue must deposit the fee in the state treasury and credit the fee to the environmental fund.

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(b) The registration fee for manufacturers that sell 100 or more video display devices to households in the state during the previous calendar year is \$2,500, plus a variable recycling fee. The registration fee for manufacturers that sell fewer than 100 video display devices in the state during the previous calendar year is a variable recycling fee. The variable recycling fee is calculated according to the formula:

$[A - (B + C)] \times D$ , where:

A = the manufacturer's recycling obligation as determined under section 115A.1320;

B = the number of pounds of covered electronic devices that a manufacturer recycled or arranged to have collected and recycled from households during the immediately preceding program year, as reported under section 115A.1316, subdivision 1;

C = the number of phase I or phase II recycling credits a manufacturer elects to use to calculate the variable recycling fee; and

D = the estimated per-pound cost of recycling, initially set at \$0.50 per pound for manufacturers who recycle less than 50 percent of the manufacturer's recycling obligation; \$0.40 per pound for manufacturers who recycle at least 50 percent but less than 90 percent of the manufacturer's recycling obligation; \$0.30 per pound for manufacturers who recycle at least 90 percent but less than 100 percent of the manufacturer's recycling obligation; and \$0.00 per pound for manufacturers who recycle 100 percent or more of the manufacturer's recycling obligation.

(c) A manufacturer may petition the agency to waive the per-pound cost of recycling fee, element D in the formula in paragraph (b), required under this section. The agency shall direct the commissioner of revenue to waive the per-pound cost of recycling fee if the manufacturer demonstrates to the agency's satisfaction a good faith effort to meet its recycling obligation as determined under section 115A.1320. The petition must include:

(1) documentation that the manufacturer has met at least 75 percent of its recycling obligation as determined under section 115A.1320;

(2) a list of political subdivisions and public and private collectors with whom the manufacturer had a formal contract or agreement in effect during the previous program year to recycle or collect covered electronic devices;

(3) the total amounts of covered electronic devices collected from both within and outside of the 11-county metropolitan area, as defined in subdivision 2;

(4) a description of the manufacturer's best efforts to meet its recycling obligation as determined under section 115A.1320; and

(5) any other information requested by the agency.

(d) A manufacturer may retain phase I and phase II recycling credits to be added, in whole or in part, to the actual value of C, as reported under section 115A.1316, subdivision 2, during any succeeding program year, provided that no more than 25 percent of a manufacturer's recycling obligation A for any program year may be met with phase I and phase II recycling credits, separately or in combination, generated in a prior program year. A manufacturer may sell any portion or all of its phase I and phase II recycling credits to another manufacturer, at a price negotiated by the parties, who may use the credits in the same manner.

(e) For the purpose of determining B in calculating a manufacturer's variable recycling fee using the formula under paragraph (b), starting with the program year beginning July 1, 2019, and continuing each year thereafter, the weight of covered electronic devices that a manufacturer recycled or arranged to have collected and recycled from households located outside the 11-county metropolitan area, as defined in subdivision 2, paragraph (b), is calculated at 1.5 times their actual weight.

Subd. 2. **Use of registration fees.** (a) Registration fees may be used by the commissioner for:

(1) implementing sections 115A.1312 to 115A.1330, including transfer to the commissioner of revenue to carry out the department's duties under section 115A.1320, subdivision 2, and transfer to the commissioner of administration for responsibilities under section 115A.1324; and

(2) grants to counties outside the 11-county metropolitan area, as defined in paragraph (b), and to private entities that collect for recycling covered electronic devices in counties outside the 11-county metropolitan area, where the collection and recycling is consistent with the respective county's solid waste plan, for the purpose of carrying out the activities under sections 115A.1312

to 115A.1330. In awarding competitive grants under this clause, the commissioner must give preference to counties and private entities that are working cooperatively with manufacturers to help them meet their recycling obligations under section 115A.1318, subdivision 1.

(b) The 11-county metropolitan area consists of the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Isanti, Ramsey, Scott, Sherburne, Washington, and Wright.

#### **115A.1316 REPORTING REQUIREMENTS.**

Subdivision 1. **Manufacturer reporting requirements.** (a) By March 1 each year, each manufacturer must report to the agency using the form prescribed:

(1) the total weight of each specific model of its video display devices sold to households during the previous calendar year; and

(2) either:

(i) the total weight of its video display devices sold to households during the previous calendar year; or

(ii) an estimate of the total weight of its video display devices sold to households during the previous calendar year, calculated by multiplying the weight of its video display devices sold nationally times the quotient of Minnesota's population divided by the national population. All manufacturers with sales of 99 or fewer video display devices to households in the state during the previous calendar year must report using the method under this item for calculating sales.

A manufacturer must submit with the report required under this paragraph a description of how the information or estimate was calculated.

(b) By August 15 each year, each manufacturer must report to the agency:

(1) the total weight of covered electronic devices the manufacturer collected from households and recycled or arranged to have collected and recycled during the preceding program year;

(2) the number of phase I and phase II recycling credits the manufacturer has purchased and sold during the preceding program year;

(3) the number of phase I and phase II recycling credits possessed by the manufacturer that the manufacturer elects to use in the calculation of its variable recycling fee under section 115A.1314, subdivision 1; and

(4) the number of phase I and phase II recycling credits the manufacturer retains at the beginning of the current program year.

(c) Upon request of the commissioner of revenue, the agency shall provide a copy of each report to the commissioner of revenue.

Subd. 2. **Recycler reporting requirements.** (a) By July 15 each year, a recycler of covered electronic devices must report to the agency:

(1) the total weight of covered electronic devices recycled during the preceding program year and must certify that the recycler has complied with section 115A.1318, subdivision 2;

(2) the weight of video display devices recycled as part of covered electronic devices recycled during the previous program year; and

(3) an estimate of the weight of portable batteries and any mercury-containing lamps that are associated with the covered electronic devices managed.

(b) Upon request of the commissioner of revenue, the agency shall provide a copy of each report to the commissioner of revenue.

Subd. 3. **Collector reporting requirements.** By July 15 each year, a collector must report separately to the agency using the form prescribed by the commissioner:

(1) the total pounds of covered electronic devices collected in the state;

(2) a list of all recyclers to whom collectors delivered covered electronic devices; and

(3) whether the collector had a contract with a recycler or manufacturer to provide pounds toward meeting a manufacturer's obligation.

**115A.1318 RESPONSIBILITIES.**

Subdivision 1. **Manufacturer responsibilities.** (a) In addition to fulfilling the requirements of sections 115A.1310 to 115A.1330, a manufacturer must comply with paragraphs (b) to (f).

(b) A manufacturer must annually recycle or arrange for the collection and recycling of an amount of video display devices as determined by the agency in section 115A.1320, subdivision 1. A manufacturer must assume all financial responsibility associated with transporting and recycling covered electronic devices that are used to meet the manufacturer's recycling obligation determined under section 115A.1320 or that are counted as phase I or II recycling credits, including any necessary supplies. This excludes costs that are associated with receiving and aggregating covered electronic devices from households and all the activities up to the time that covered electronic devices are loaded for transport to a recycler or arranged for transportation to a recycler.

(c) The obligations of a manufacturer apply only to video display devices received from households and do not apply to video display devices received from sources other than households.

(d) A manufacturer must conduct and document due diligence assessments of collectors and recyclers it contracts with, including an assessment of items specified under subdivision 2. A manufacturer is responsible for maintaining, for a period of three years, documentation that all covered electronic devices recycled, partially recycled, or sent to downstream recycling operations comply with the requirements of subdivision 2.

(e) A manufacturer must provide the agency with contact information for a person who can be contacted regarding the manufacturer's activities under sections 115A.1310 to 115A.1320.

(f) Only the covered electronic devices that are recycled by a registered recycler that is certified by an ANSI-ASQ National Accreditation Board-accredited third-party certification body to an environmentally sound management standard are eligible to meet the manufacturer's obligation.

Subd. 1a. **Collector responsibilities.** (a) Collection sites must be:

(1) staffed; and

(2) open to the public at a frequency adequate to meet the needs of the area being served.

(b) A collector may limit the number of covered electronic devices or covered electronic devices by product type accepted per customer per day or per delivery at a collection site or service.

(c) A collector must use only registered recyclers.

Subd. 2. **Recycler responsibilities.** (a) As part of the report submitted under section 115A.1316, subdivision 2, a recycler must certify, except as provided in paragraph (b), that facilities that recycle covered electronic devices, including all downstream recycling operations:

(1) use only registered collectors;

(2) comply with all applicable health, environmental, safety, and financial responsibility regulations;

(3) are licensed by all applicable governmental authorities;

(4) use no prison labor to recycle video display devices;

(5) possess liability insurance of not less than \$1,000,000 for environmental releases, accidents, and other emergencies;

(6) provide a report annually to each registered collector regarding the video display devices received from that entity; and

(7) do not charge collectors for transporting, recycling, or any necessary supplies related to transporting or recycling covered electronic devices that meet a manufacturer's recycling obligation as determined under section 115A.1320, unless otherwise mutually agreed upon.

(b) A nonprofit corporation that contracts with a correctional institution to refurbish and reuse donated computers in schools is exempt from paragraph (a), clauses (4) and (5).

(c) Except to the extent otherwise required by law and unless agreed upon otherwise by the recycler or manufacturer, a recycler has no responsibility for any data that may be contained in a covered electronic device if an information storage device is included in the covered electronic device.

Subd. 3. **Retailer responsibilities.** A retailer who sells new video display devices shall provide information to households describing where and how they may recycle video display devices and advising them of opportunities and locations for the convenient collection of video display devices for the purpose of recycling. This requirement may be met by providing to households the agency's toll-free number and website address. Retailers selling through catalogs or the Internet may meet this requirement by including the information in a prominent location on the retailer's website.

**115A.1320 AGENCY AND DEPARTMENT DUTIES.**

Subdivision 1. **Duties of agency.** (a) The agency shall administer sections 115A.1310 to 115A.1330.

(b) The agency shall establish procedures for:

(1) receipt and maintenance of the registration statements and certifications filed with the agency under section 115A.1312; and

(2) making the statements and certifications easily available to manufacturers, retailers, and members of the public.

(c) The agency shall annually review the following variables that are used to calculate a manufacturer's annual registration fee under section 115A.1314, subdivision 1:

(1) the obligation-setting mechanism for manufacturers as specified under paragraph (g);

(2) the estimated per-pound price of recycling covered electronic devices sold to households; and

(3) the base registration fee.

(d) If the agency determines that any of these values must be changed in order to improve the efficiency or effectiveness of the activities regulated under sections 115A.1312 to 115A.1330, or if the revenues exceed the amount that the agency determines is necessary, the agency shall submit recommended changes and the reasons for them to the chairs of the senate and house of representatives committees with jurisdiction over solid waste policy.

(e) By May 1 each year, the agency shall publish a statewide recycling goal for all video display device waste that is the weight of all video display devices collected for recycling during each of the three most recently completed program years, excluding the most recently concluded program year, divided by two.

(f) By May 1 each year, the agency shall determine each registered manufacturer's market share of video display devices to be collected and recycled based on the manufacturer's percentage share of the total weight of video display devices sold as reported to the agency under section 115A.1316, subdivision 1.

(g) By May 1 each year, the agency shall provide each manufacturer with a determination of the manufacturer's share of video display devices to be collected and recycled. A manufacturer's market share of video display devices as specified in paragraph (f) is applied proportionally to the statewide recycling goal as specified in paragraph (e) to determine an individual manufacturer's recycling obligation. Upon request by the commissioner of revenue, the agency must provide the information submitted to manufacturers under this paragraph to the commissioner of revenue.

(h) The agency shall provide a report to the governor and the legislature on the implementation of sections 115A.1310 to 115A.1330. For each program year, the report must discuss the total weight of covered electronic devices recycled and a summary of information in the reports submitted by manufacturers and recyclers under section 115A.1316. The report must also discuss the various collection programs used by manufacturers to collect covered electronic devices; information regarding covered electronic devices that are being collected by persons other than registered manufacturers, collectors, and recyclers; and information about covered electronic devices, if any, being disposed of in landfills in this state. The report must examine which covered electronic devices, based on economic and environmental considerations, should be subject to the obligation-setting mechanism under paragraph (g). The report must include a description of enforcement actions under sections 115A.1310 to 115A.1330. The agency may include in its report other information received by the agency regarding the implementation of sections 115A.1312 to 115A.1330. The report must be done in conjunction with the report required under section 115A.121.

(i) The agency shall promote public participation in the activities regulated under sections 115A.1312 to 115A.1330 through public education and outreach efforts.

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(j) The agency shall enforce sections 115A.1310 to 115A.1330 in the manner provided by sections 115.071, subdivisions 1, 3, 4, 5, and 6; and 116.072, except for those provisions enforced by the department, as provided in subdivision 2. The agency may revoke a registration of a collector or recycler found to have violated sections 115A.1310 to 115A.1330.

(k) The agency shall facilitate communication between counties, collection and recycling centers, and manufacturers to ensure that manufacturers are aware of video display devices available for recycling.

(l) The agency shall post on its website the contact information provided by each manufacturer under section 115A.1318, subdivision 1, paragraph (e).

Subd. 2. **Additional duties.** (a) The agency must collect the data submitted to it annually by each manufacturer on the total weight of each specific model of video display device sold to households, if provided; the total weight of video display devices sold to households; the total weight of covered electronic devices collected from households that are recycled; and data on phase I and phase II recycling credits, as required under section 115A.1316. The department must use this data to review each manufacturer's annual registration fee submitted to the department to ensure that the fee was calculated accurately.

(b) The agency must estimate, for each registered manufacturer, the sales of video display devices to households during the previous program year, based on:

(1) data provided by a manufacturer on sales of video display devices to households, including documentation describing how that amount was calculated and certification that the amount is accurate; or

(2) if a manufacturer does not provide the data specified in clause (1), national data on sales of video display devices.

The department must use the data specified in this subdivision to review each manufacturer's annual registration fee submitted to the department to ensure that the fee was calculated accurately according to the formula in section 115A.1314, subdivision 1.

(c) The department must enforce section 115A.1314, subdivision 1. The audit, assessment, appeal, collection, enforcement, disclosure, and other administrative provisions of chapters 270B, 270C, and 289A that apply to the taxes imposed under chapter 297A apply to the fee imposed under section 115A.1314, subdivision 1. To enforce section 115A.1314, subdivision 1, the commissioner of revenue may grant extensions to pay, and impose and abate penalties and interest on, the fee due under section 115A.1314, subdivision 1, in the manner provided in chapters 270C and 289A as if the fee were a tax imposed under chapter 297A.

(d) The department may disclose nonpublic data to the agency only when necessary for the efficient and effective administration of the activities regulated under sections 115A.1310 to 115A.1330. Any data disclosed by the department to the agency retains the classification it had when in the possession of the department.

#### **115A.1322 OTHER RECYCLING PROGRAMS.**

A city, county, or other public agency may not require households to use public facilities to recycle their covered electronic devices to the exclusion of other lawful programs available. Cities, counties, and other public agencies, including those awarded contracts by the agency under section 115A.1314, subdivision 2, are encouraged to work with manufacturers to assist them in meeting their recycling obligations under section 115A.1318, subdivision 1. Nothing in sections 115A.1310 to 115A.1330 prohibits or restricts the operation of any program recycling covered electronic devices in addition to those provided by manufacturers or prohibits or restricts any persons from receiving, collecting, transporting, or recycling covered electronic devices, provided that those persons are registered under section 115A.1312.

#### **115A.1323 ANTICOMPETITIVE CONDUCT.**

(a) A manufacturer that organizes collection or recycling under sections 115A.1310 to 115A.1322 is authorized to engage in anticompetitive conduct to the extent necessary to plan and implement its chosen organized collection or recycling system and is immune from liability under state laws relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

(b) An organization of manufacturers, an individual manufacturer, and its officers, members, employees, and agents who cooperate with a political subdivision that organizes collection or

recycling under this section are authorized to engage in anticompetitive conduct to the extent necessary to plan and implement the organized collection or recycling system, provided that the political subdivision actively supervises the participation of each entity. An organization, entity, or person covered by this paragraph is immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce.

**115A.1324 REQUIREMENTS FOR PURCHASES BY STATE AGENCIES.**

(a) The Department of Administration must ensure that acquisitions of video display devices under chapter 16C are in compliance with or not subject to sections 115A.1310 to 115A.1318.

(b) The solicitation documents must specify that the prospective responder is required to cooperate fully in providing reasonable access to its records and documents that evidence compliance with paragraph (a) and sections 115A.1310 to 115A.1318.

(c) Any person awarded a contract under chapter 16C for purchase or lease of video display devices that is found to be in violation of paragraph (a) or sections 115A.1310 to 115A.1318 is subject to the following sanctions:

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

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

(3) if the attorney general establishes that any money, property, or benefit was obtained by a contractor as a result of violating paragraph (a) or sections 115A.1310 to 115A.1318, the court may, in addition to any other remedy, order the disgorgement of the unlawfully obtained money, property, or benefit.

**115A.1326 REGULATING VIDEO DISPLAY DEVICES.**

If the United States Environmental Protection Agency adopts regulations under the Resource Conservation and Recovery Act regarding the handling, storage, or treatment of any type of video display device being recycled, those regulations are automatically effective in this state on the same date and supersede any rules previously adopted by the agency regarding the handling, storage, or treatment of all video display devices being recycled.

**115A.1328 MULTISTATE IMPLEMENTATION.**

The agency and department are authorized to participate in the establishment of a regional multistate organization or compact to assist in carrying out the requirements of this chapter.

**115A.1330 LIMITATIONS.**

Sections 115A.1310 to 115A.1330 expire if a federal law, or combination of federal laws, take effect that is applicable to all video display devices sold in the United States and establish a program for the collection and recycling or reuse of video display devices that is applicable to all video display devices discarded by households.

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

Subdivision 1. **Definition.** For the purpose of this section, "rechargeable battery" means a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery, except a rechargeable battery governed by section 115A.9155 or exempted by the commissioner under subdivision 9.

Subdivision 1. **Definition.** For the purpose of this section, "rechargeable battery" means a sealed nickel-cadmium battery, a sealed lead acid battery, or any other rechargeable battery, except a rechargeable battery governed by section 115A.9155 or exempted by the commissioner under subdivision 9.

Subd. 2. **Prohibition.** Effective August 1, 1991, a person may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a nonremovable rechargeable battery, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed.

Subd. 2. **Prohibition.** Effective August 1, 1991, a person may not place in mixed municipal solid waste a rechargeable battery, a rechargeable battery pack, a product with a nonremovable rechargeable battery, or a product powered by rechargeable batteries or rechargeable battery pack, from which all batteries or battery packs have not been removed.

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Subd. 3. **Collection and management costs.** A manufacturer of rechargeable batteries or products powered by rechargeable batteries is responsible for the costs of collecting and managing its waste rechargeable batteries and waste products to ensure that the batteries are not part of the solid waste stream.

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Subd. 5. **Collection and management programs.** (a) By September 20, 1995, the manufacturers or their representative organization shall implement permanent programs, based on the results of the pilot projects required in Minnesota Statutes 1994, section 115A.9157, subdivision 4, that may be reasonably expected to collect 90 percent of the waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state. The batteries and products collected must be recycled or otherwise managed or disposed of properly.

(b) In every odd-numbered year after 1995, each manufacturer or a representative organization shall provide information to the senate and house of representatives committees having jurisdiction over environment and natural resources and environment and natural resources finance that specifies at least the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous two years. A representative organization may report the amounts in aggregate for all the members of the organization.

Subd. 5. **Collection and management programs.** (a) By September 20, 1995, the manufacturers or their representative organization shall implement permanent programs, based on the results of the pilot projects required in Minnesota Statutes 1994, section 115A.9157, subdivision 4, that may be reasonably expected to collect 90 percent of the waste rechargeable batteries and the participating manufacturers' products powered by rechargeable batteries that are generated in the state. The batteries and products collected must be recycled or otherwise managed or disposed of properly.

(b) In every odd-numbered year after 1995, each manufacturer or a representative organization shall provide information to the senate and house of representatives committees having jurisdiction over environment and natural resources and environment and natural resources finance that specifies at least the estimated amount of rechargeable batteries subject to this section sold in the state by each manufacturer and the amount of batteries each collected during the previous two years. A representative organization may report the amounts in aggregate for all the members of the organization.

Subd. 6. **List of participants.** A manufacturer or its representative organization shall inform the committees listed in subdivision 5 when they begin participating in the projects and programs and immediately if they withdraw participation.

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Subd. 7. **Contracts.** A manufacturer or a representative organization of manufacturers may contract with the state or a political subdivision to provide collection services under this section. The manufacturer or organization shall fully reimburse the state or political subdivision for the value of any contractual services rendered under this subdivision.

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

Subd. 8. **Anticompetitive conduct.** A manufacturer or organization of manufacturers and its officers, members, employees, and agents who participate in projects or programs to collect and properly manage waste rechargeable batteries or products powered by rechargeable batteries are

immune from liability under state law relating to antitrust, restraint of trade, unfair trade practices, and other regulation of trade or commerce for activities related to the collection and management of batteries and products required under this section.

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

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

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

Subd. 3. **Rechargeable tools and appliances.** (a) A manufacturer may not sell, distribute, or offer for sale in this state a rechargeable consumer product unless:

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

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

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

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

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

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

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

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

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.

Subd. 5. **Prohibitions.** A manufacturer of rechargeable batteries or products powered by rechargeable batteries that does not participate in the pilot projects and programs required in section 115A.9157 may not sell, distribute, or offer for sale in this state rechargeable batteries or products powered by rechargeable batteries after January 1, 1992.

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