

SENATE BILL NO. 593

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURGER.

2038S.02I

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 701, RSMo, by adding thereto one new section relating to battery recycling.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 701, RSMo, is amended by adding thereto
2 one new section, to be known as section 701.155, to read as
3 follows:

701.155. 1. This section shall be known and may be
2 cited as the "Lithium Battery Recycling and Safety Act".

3 2. As used in this section, the following terms shall
4 mean:

5 (1) "Battery", a medium-format rechargeable battery
6 with a rating between three hundred to two thousand watt-
7 hours, a lithium-ion rechargeable battery that uses lithium
8 ions to store energy, or a portable battery that can be
9 carried by hand and is used to charge or operate electronic
10 devices. A battery does not mean:

11 (a) A battery contained within a medical device;

12 (b) A battery that contains an electrolyte as a free
13 liquid;

14 (c) A lead-acid battery of any size;

15 (d) A battery that is a component of a motor vehicle
16 or intended for use exclusively in a motor vehicle; or

17 (e) A battery that is not intended or designed to be
18 removed from any product that is manufactured, distributed,
19 or sold in the state;

20 (2) "Battery recycling program" or "program", a
21 battery recycling program sponsored by the department where
22 the department provides or contracts for the transport,
23 processing, or recycling of batteries;

24 (3) "Collection site", any location, event, or other
25 department-approved collection service at which batteries
26 are accepted into the battery recycling program;

27 (4) "Department", the department of natural resources;

28 (5) "Director", the director of the department of
29 natural resources or the director's designee;

30 (6) "Representative organization", a nonprofit
31 organization established to implement the battery recycling
32 program.

33 3. Any person or entity engaged in the manufacture,
34 distribution, or sale of batteries in the state shall
35 establish or join a representative organization. The
36 representative organization shall develop and submit to the
37 director for the director's approval a plan for the
38 establishment of a battery recycling program no less than
39 every five years. The plan shall:

40 (1) List contact information of each person or entity
41 engaged in the manufacture, distribution, or sale of
42 batteries and battery brands covered by the program;

43 (2) Describe the education and communication
44 strategies used to promote participation in the battery
45 recycling program;

46 (3) Describe the methods of funding the battery
47 recycling program in a manner that equitably distributes the
48 program's costs between the members of the representative
49 organization;

50 (4) Establish battery collection rate goals for every
51 year for the first three years after the implementation of

52 the program that are based on the estimated total weight of
53 batteries that have been sold in the state in the previous
54 three calendar years prior to the implementation of the
55 program;

56 (5) Identify proposed battery collection service
57 providers, including sorters, transporters, or processors to
58 be used by the program for the final disposition of
59 batteries;

60 (6) Establish a goal for the number and geographic
61 distribution of sites for the collection of batteries;

62 (7) Describe how the program will compensate service
63 providers for activities conducted under the program,
64 including but not limited to collection, transportation, and
65 final disposition of batteries;

66 (8) Describe the public outreach methods used to
67 increase the public awareness of the program; and

68 (9) List any other information the department deems
69 relevant.

70 4. The department shall enforce the representative
71 organization's compliance with the plan under subsection 2
72 of this section and may, by regulation or by using existing
73 regulations promulgated under section 260.230, 260.240, and
74 260.249, establish enforcement procedures and penalties.

75 5. After the program is implemented, a person or an
76 entity shall not manufacture, distribute, sell, or make
77 available for sale batteries in the state unless the person
78 or entity participates in a battery recycling program. A
79 person or an entity shall not charge a point-of-sale fee to
80 consumers to cover the costs of the battery recycling
81 program.

82 6. After the program is implemented, all batteries
83 shall only be disposed into receptacles at collection sites

84 approved by the program. A battery shall not be disposed
85 into any household waste or household recycle receptacle or
86 container.

87 7. A person or an entity engaged in the manufacture,
88 distribution, or sale of batteries shall be deemed to be in
89 compliance with this section if, on the date a battery is
90 offered for sale, the person or entity is listed on the
91 department's website as being included in the program.

92 8. Any person may report violations of this section to
93 the department. If the department finds that the person or
94 entity engaged in the manufacture, distribution, or sale of
95 batteries violated provisions of this section, the
96 department shall ask the attorney general to commence a
97 civil action in a court of competent jurisdiction. If the
98 court finds that the person or entity violated provisions of
99 this section, the court may grant injunctive relief,
100 damages, attorney fees, and any such other relief the court
101 finds appropriate.

102 9. By June 1, 2027, and by June first of each
103 following year, a representative organization shall submit
104 an annual report to the department covering the preceding
105 calendar year of the battery recycling program. The report
106 shall contain the following:

107 (1) An independent financial assessment of the program
108 by a third-party assessor, including a breakdown of the
109 program's expenses, including but not limited to collection
110 expenses, recycling expenses, and public outreach expenses;

111 (2) Annual weight of batteries collected under the
112 program;

113 (3) The collection rate achieved under the program,
114 including a description of how the collection rate was
115 calculated;

116 (4) A list of all facilities used in the collection,
117 transportation, processing, or disposition of batteries;

118 (5) An estimated aggregate sales of batteries sold in
119 the state; and

120 (6) Any other information the department deems
121 relevant.

122 10. The report under subsection 9 of this section
123 shall be posted on the department's website and on the
124 website of the representative organization.

125 11. The department shall promulgate rules to implement
126 the provisions of this section. Any rule or portion of a
127 rule, as that term is defined in section 536.010, that is
128 created under the authority delegated in this section shall
129 become effective only if it complies with and is subject to
130 all of the provisions of chapter 536 and, if applicable,
131 section 536.028. This section and chapter 536 are
132 nonseverable and if any of the powers vested with the
133 general assembly pursuant to chapter 536 to review, to delay
134 the effective date, or to disapprove and annul a rule are
135 subsequently held unconstitutional, then the grant of
136 rulemaking authority and any rule proposed or adopted after
137 August 28, 2025, shall be invalid and void.

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