

# PROPOSED AMENDMENT

## HB 1231 # 1

### DIGEST

Battery recycling. Adds or amends the definitions of "producer" and "battery containing product". Provides that producers of battery containing products are subject to the provisions of the bill. Makes changes to the applicability provision of the bill. Changes the fees the department of environmental management may impose under the bill. Alters the duties of a battery stewardship organization. Allows fee based and nonfee based collection and recycling programs to operate under certain conditions. Provides that a producer and battery stewardship organization are exempt from state antitrust law with respect to planning, reporting, or operating a battery stewardship program. Makes conforming changes.

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1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 13-11-2-17.3 IS ADDED TO THE INDIANA  
4       CODE AS A NEW SECTION TO READ AS FOLLOWS  
5       [EFFECTIVE JULY 1, 2026]: Sec. 17.3. (a) **"Battery containing**  
6       **product", for purposes of section 171.5 of this chapter and**  
7       **IC 13-20.7, means a product that contains or is packaged with a**  
8       **covered battery.**  
9       (b) **The term does not include computers, small scale servers,**  
10       **computer monitors, electronic keyboards and mice, printers, fax**  
11       **machines, scanners, televisions, digital video disc players and**  
12       **recorders, video cassette recorders, digital converter boxes, cable**  
13       **receivers, satellite receivers, portable digital music players, and**  
14       **video game consoles".**  
15       Page 2, line 31, after "Sec. 171.5." insert "(a)".  
16       Page 2, line 32, delete "a".  
17       Page 2, delete line 33 and insert **"the following:**  
18       **(1) For a covered battery, the following:**  
19       **(A) If the battery is sold under the brand of the battery**  
20       **manufacturer, the battery manufacturer.**  
21       **(B) If the battery is sold under a retail brand or under a**  
22       **brand owned by a person other than the manufacturer, the**  
23       **brand owner.**

**(C) If clauses (A) and (B) are inapplicable, the licensee of a brand or trademark under which the battery is:**

- (i) used in a commercial enterprise;
- (ii) sold;
- (iii) offered for sale; or
- (iv) distributed.

**(2) For a battery containing product, the following:**

(A) If the battery containing product is sold under the brand of the product manufacturer, the product manufacturer.

**(B) If the battery containing product is sold under a retail brand or under a brand owned by a person other than the manufacturer, the brand owner.**

**(C) If clauses (A) and (B) are inapplicable, the licensee of a brand or trademark under which the product is:**

- (i) used in a commercial enterprise;
- (ii) sold;
- (iii) offered for sale; or
- (iv) distributed.

(b) The term does not include a person who would otherwise be considered a producer under subsection (a)(2) if:

**(1) the supplier of the battery used in the product has joined a registered battery stewardship organization with respect to the battery; and**

(2) the supplier provides written certification of its membership in the approved battery stewardship organization to the person who would otherwise be considered a producer under subsection (a)(2).".

Page 4, delete lines 21 through 30 and insert "apply to:

**(1) a covered battery regulated by IC 13-20-16, except that this article does not apply to a covered battery:**

(A) that:

(i) contains lead and sulfuric acid; and

(ii) has nominal voltage of at least six (6) volts; and

**(B) that is used in a motorized toy;**

**(2) a covered battery contained within a device, as defined in 21 U.S.C. 321(h), that is not designed and marketed for sale or resale principally to consumers for personal use;**

**(3) a covered battery that is:**

**(A) in a product; and**

- (B) not designed to be easily removable from the product;
- (4) a covered battery that contains an electrolyte as a free liquid;
- (5) a covered battery designed to power a motor vehicle, in whole or part, or a component of a motor vehicle;
- (6) a covered battery or battery containing product or that has been recalled for safety reasons; or
- (7) a covered battery that is a part of a utility scale battery energy storage system (as defined in IC 22-14-8-3).".

10 Page 4, line 33, after "covered battery" insert "or battery  
11 containing product".

12 Page 5, line 2, after "covered battery" insert "**or battery in a**  
13 **battery containing product**".

14 Page 5, line 20, delete "and producer".

15           Page 5, line 25, delete "standards;" and insert "**standards, including**  
16           **collection site safety training procedures related to covered battery**  
17           **collection activities at collection sites, such as appropriate**  
18           **protocols to reduce risks of spills or fires and response protocols in**  
19           **the event of a spill or fire, and a protocol for safe management of**  
20           **damaged batteries that are returned to collection sites;**".

21 Page 5, line 29, delete "consumers." and insert "**consumers and**  
22 **that reimburses units of local government for collecting covered**  
23 **batteries.**".

24 Page 6, delete lines 5 through 9, begin a new paragraph and insert:  
25 **"Sec. 7. The department shall impose the following fees:**

29 (2) An annual fee sufficient to cover the costs of the  
30 department in administering this article, as determined by the  
31 department, for each approved battery stewardship  
32 organization.".

33 Page 7, delete lines 7 through 27, begin a new paragraph and insert:

**"Sec. 2. (a) A battery stewardship organization:**

35                   **(1) shall provide for the collection of loose covered batteries;**  
36                    **and**

37 (2) may, but is not required to, provide for the collection of:

**(A) battery containing products; or**

39                   **(B) covered batteries or battery containing products**  
40                   **recalled for safety reasons.**

(b) If a battery stewardship organization collects a covered battery or battery containing product described in subsection (a)(2)(B), the battery stewardship organization may recover all costs incurred in collecting, transporting, and processing the covered battery or battery containing product from the producer.

**Sec. 3. (a) A person may operate a fee based collection and recycling program that collects covered batteries independently of a battery stewardship organization or a similar program that is not fee based for government sites if the following conditions are met:**

- (1) The person accepts all covered batteries.
- (2) The person receives no compensation from a battery stewardship organization with respect to the covered batteries, unless the battery stewardship organization has an agreement with the person.

(3) The person provides the following information to the department on an annual basis, as established by the department, with respect to each covered battery collected by the person:

- (A) The weight, by chemistry, of covered batteries collected.
- (B) The weight of materials recovered from covered batteries collected, in total and by method of battery recycling.
- (C) The percentage calculated by dividing:
  - (i) the weight of components and materials recycled by the person; by
  - (ii) the weight of covered batteries collected by the person;for each recycling process.

**(D) A description of how each facility used for the final disposition of covered batteries, whether recycled or otherwise, managed the batteries and battery components.**

(E) The weight and chemistry of covered batteries sent to each facility that is used for final disposition of the batteries.

**(b) If a battery stewardship organization's performance goals would be impacted by the information provided under subsection (a)(3), the department shall:**

(1) consider the information when calculating the recycling efficiency rate for the battery stewardship organization; and

1                   **(2) provide the information to the battery stewardship**  
2                   **organization.".**

3                   Page 7, after line 42, begin a new paragraph and insert:

4                   **"Sec. 6. A producer and battery stewardship organization are**  
5                   **exempt from the provisions of IC 24-1 with respect to planning,**  
6                   **reporting, or operating a battery stewardship program, including:**

7                   **(1) the creation, implementation, or management of a battery**  
8                   **stewardship organization and any battery stewardship plan,**  
9                   **regardless of whether it is submitted, denied, or approved;**

10                   **(2) the determination of the cost and structure of a battery**  
11                   **stewardship plan; and**

12                   **(3) the types or quantities of batteries being recycled or**  
13                   **otherwise managed under this article.".**

14                   Page 8, line 1, delete "Sec. 6." and insert "Sec. 7."

15                   Renumber all SECTIONS consecutively.

(Reference is to HB 1231 as introduced.)