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# HOUSE BILL No. 1231

Proposed Changes to introduced printing by AM123101

## DIGEST OF PROPOSED AMENDMENT

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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A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1   [ SECTION 1. IC 13-11-2-17.3 IS ADDED TO THE INDIANA  
2   CODE AS A NEW SECTION TO READ AS FOLLOWS  
3   [EFFECTIVE JULY 1, 2026]: Sec. 17.3. (a) "Battery containing  
4   product", for purposes of section 171.5 of this chapter and  
5   IC 13-20.7, means a product that contains or is packaged with a  
6   covered battery.

7   (b) The term does not include computers, small scale servers,  
8   computer monitors, electronic keyboards and mice, printers, fax  
9   machines, scanners, televisions, digital video disc players and  
10   recorders, video cassette recorders, digital converter boxes, cable  
11   receivers, satellite receivers, portable digital music players, and  
12   video game consoles.

13   [ SECTION ~~17.3~~17.5 IS ADDED TO THE  
14   INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
15   [EFFECTIVE JULY 1, 2026]: Sec. 17.5. "Battery stewardship

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1 organization", for purposes of sections 31.7 and 180.3 of this  
 2 chapter and IC 13-20.7, means an organization designated by a  
 3 producer to implement a battery stewardship plan approved by the  
 4 department under IC 13-20.7.

5 SECTION ~~↔~~<sup>3</sup>[3]. IC 13-11-2-31.7 IS ADDED TO THE  
 6 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2026]: Sec. 31.7. "Collection rate", for  
 8 purposes of IC 13-20.7, means the percentage calculated by  
 9 dividing:

- 10 (1) the total weight of covered batteries collected by a battery  
 11 stewardship organization in Indiana during a calendar year;  
 12 by
- 13 (2) the average annual weight of covered batteries estimated  
 14 to have been sold by all producers in Indiana during the  
 15 previous three (3) calendar years.

16 SECTION ~~↔~~<sup>4</sup>[4]. IC 13-11-2-47.3 IS ADDED TO THE  
 17 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 18 [EFFECTIVE JULY 1, 2026]: Sec. 47.3. "Covered battery", for  
 19 purposes of this chapter and IC 13-20.7, means a portable battery  
 20 or a medium format battery.

21 SECTION ~~↔~~<sup>5</sup>[5]. IC 13-11-2-128.1 IS ADDED TO THE  
 22 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 23 [EFFECTIVE JULY 1, 2026]: Sec. 128.1. "Medium format battery",  
 24 for purposes of section 47.3 of this chapter, means a:

- 25 (1) nonrechargeable battery that weighs more than four and  
 26 four-tenths (4.4) pounds but less than or equal to twenty-five  
 27 (25) pounds; or
- 28 (2) rechargeable battery that:
  - 29 (A) weighs more than eleven (11) pounds or has a rating  
 30 of more than three hundred (300) watt hours; and
  - 31 (B) weighs less than or equal to twenty-five (25) pounds  
 32 and has a rating of less than or equal to two thousand  
 33 (2,000) watt hours.

34 SECTION ~~↔~~<sup>6</sup>[6]. IC 13-11-2-166.7 IS ADDED TO THE  
 35 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2026]: Sec. 166.7. "Portable battery", for  
 37 purposes of section 47.3 of this chapter, means a:

- 38 (1) nonrechargeable battery that weighs less than or equal to  
 39 four and four-tenths (4.4) pounds; or
- 40 (2) rechargeable battery that weighs less than or equal to  
 41 eleven (11) pounds and has a rating of less than or equal to  
 42 three hundred (300) watt hours.



1 SECTION ~~↔~~[7]. IC 13-11-2-171.5 IS ADDED TO THE  
 2 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 3 [EFFECTIVE JULY 1, 2026]: Sec. 171.5. [(a)]"Producer", for  
 4 purposes of sections 17.5 and 31.7 of this chapter and IC 13-20.7,  
 5 means~~a person who manufactures~~[ the following:

6 (1) For a covered battery[, the following:

7 (A) If the battery is sold under the brand of the battery  
 8 manufacturer, the battery manufacturer.

9 (B) If the battery is sold under a retail brand or under  
 10 a brand owned by a person other than the  
 11 manufacturer, the brand owner.

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

14 (i) used in a commercial enterprise;

15 (ii) sold;

16 (iii) offered for sale; or

17 (iv) distributed.

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

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

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

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

27 (i) used in a commercial enterprise;

28 (ii) sold;

29 (iii) offered for sale; or

30 (iv) distributed.

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

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

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

40 SECTION ~~↔~~[8]. IC 13-11-2-178.3 IS ADDED TO THE  
 41 INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 42 [EFFECTIVE JULY 1, 2026]: Sec. 178.3. "Rechargeable battery",

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1       **for purposes of sections 128.1 and 166.7 of this chapter, means a**  
 2       **battery that:**

3           **(1) contains one (1) or more voltaic or galvanic cells**  
 4           **electrically connected to produce electric energy; and**  
 5           **(2) is designed to be recharged.**

6       SECTION ~~↔~~[9]. IC 13-11-2-180, AS AMENDED BY  
 7       P.L.54-2023, SECTION 11, IS AMENDED TO READ AS FOLLOWS  
 8       [EFFECTIVE JULY 1, 2026]: Sec. 180. (a) "Recycling", for purposes  
 9       of IC 13-20-17.5 and IC 13-21:

10       (1) means a process by which materials that would otherwise  
 11       become solid waste are:

12           (A) collected;  
 13           (B) separated or processed; and  
 14           (C) converted into materials or products for reuse or sale;  
 15           and

16       (2) includes advanced recycling.

17       (b) "Recycling", for purposes of section 179.9 of this chapter and  
 18       IC 13-20.5, means the process of collecting and preparing video display  
 19       devices or covered electronic devices for use in manufacturing  
 20       processes or for recovery of useable materials followed by delivery of  
 21       the materials for use. The term does not include the following:

22           (1) Destruction of recyclable materials by incineration or another  
 23           process.  
 24           (2) Land disposal of recyclable materials.  
 25           (3) Reuse, repair, or any other process through which video  
 26           display devices or covered electronic devices are returned to use  
 27           for covered entities in their original form.

28       (c) "Recycling", for purposes of IC 13-20.7, means the process  
 29       of collecting and preparing a covered battery for:

30           (1) use in a manufacturing process; or  
 31           (2) the recovery and delivery of usable materials.

32       However, the term does not include the destruction of a covered  
 33       battery, land disposal of recyclable materials, or any process by  
 34       which a covered battery is returned to its original form such as a  
 35       repair.

36       SECTION ~~↔~~[10]. IC 13-11-2-180.3 IS ADDED TO THE  
 37       INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS  
 38       [EFFECTIVE JULY 1, 2026]: Sec. 180.3. "Recycling efficiency  
 39       rate", for purposes of IC 13-20.7, means the percentage calculated  
 40       by dividing:

41           (1) the weight of components and materials recycled by a  
 42           battery stewardship organization; by



**(2) the weight of covered batteries collected by the battery stewardship organization.**

SECTION 1-~~1~~[1]. IC 13-11-2-194, AS AMENDED BY P.L.176-2023, SECTION 29, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 194. (a) "Retailer", for purposes of IC 13-20-14, means a person engaged in the business of selling new tires at retail in Indiana.

11 (c) "Retailer", for purposes of section 195.7 of this chapter and  
12 IC 13-20.5, means a person that sells, rents, or leases, through sales  
13 outlets, catalogs, or the Internet, a video display device to a covered  
14 entity and not for resale in any form.

- (1) sells;
- (2) offers for sale; or
- (3) distributes;

**a covered battery.**

21 (d) (e) "Retailer", for purposes of section 0.4 of this chapter and  
22 IC 13-23, means a person who purchases motor fuel for sale to the  
23 general public for ultimate consumption.

24 SECTION 1~~↔~~[2]. IC 13-20.7 IS ADDED TO THE INDIANA  
25 CODE AS A NEW ARTICLE TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2026]:

## ARTICLE 20.7. RECYCLING OF BATTERIES

## Chapter 1. Applicability

29 Sec. 1. Except as provided in IC 13-20.7-5-2, this article does  
30 not apply to:

(1)] a covered battery ↵

**(1) 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) ~~sold or packaged with a product;~~

~~(3) that is:~~

**➤ 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:**

1 (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; ~~or~~

(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)].

## Chapter 2. Requirements

Sec. 1. Beginning January 1, 2030, a retailer may not sell, offer for sale, or distribute for sale a covered battery or battery containing product unless:

(1) the producer has joined a battery stewardship organization; and

**(2) the battery is approved under a battery stewardship plan described in this article.**

**Sec. 2. (a) This section applies to a covered battery that:**  
**(1) is greater than or equal to one-half (1/2) inch in diam-**

(1) is greater than or equal to one-half (1/2) inch in diameter; or

(2) contains a surface with a length that exceeds one-half (1/2) inch.

(b) Except as provided in subsection (c), beginning January 1, 2030, a covered battery or battery in a battery containing product must include the following on the battery:

### **(1) The identity of the producer.**

## **(2) The chemistry of the battery.**

**(3) A disclaimer that the battery should not be disposed of as ordinary waste.**

(c) If a covered battery can fit entirely, in any orientation, into the small parts cylinder described in 16 CFR 1501.4, the marks described in subsection (b)(1) and (b)(3) must be placed on the packaging of the covered battery.

## Chapter 3. Battery Stewardship Plans

**Sec. 1. A battery stewardship organization shall submit to the department a battery stewardship plan focused on improving the quantity and effectiveness of recycling.**

## **Sec. 2. A battery stewardship plan must include the following:**

(1) A list of each:



- (A) producer; and
- (B) brand of covered battery;

ended to be covered by the battery stewardship plan.

A list of each collection site ~~and producer~~ intended to be used as part of the battery stewardship plan.

A performance plan that includes:

- (A) collection rate goals;
- (B) recycling efficiency rate goals; and
- (C) education and safety standards [, including collection site safety training procedures related to covered battery collection activities at collection sites, such as appropriate protocols to reduce risks of spills or fires and response protocols in the event of a spill or fire, and a protocol for safe management of damaged batteries that are returned to collection sites];

**with respect to covered batteries intended to be covered by the battery stewardship plan.**

(4) A financial plan that fully funds compliance with this article without shifting costs to consumers and that reimburses units of local government for collecting covered batteries.

**(5) Any other information required by the department.**

Sec. 3. The department shall approve or deny a battery stewardship plan not later than one hundred twenty (120) days after a plan is submitted.

Sec. 4. The department shall notify a battery stewardship organization in writing of a denial, including the reason for the denial.

**Sec. 5. If a battery stewardship organization intends to materially change an approved plan, the battery stewardship organization shall submit an amendment to the department for approval. An amendment is subject to the same procedures described in sections 3 and 4 of this chapter.**

Sec. 6. An updated battery stewardship plan must be submitted to the department every five (5) years after an initial plan is approved by the department unless the battery stewardship organization files a notice with the department of the organization's intent to disband.

**Sec. 7. The department shall impose ~~an annual~~ the following fees:**

(1) A review fee of ~~one hundred~~[ten] thousand dollars (\$10~~00~~,000) ~~on each~~[the first time a] battery stewardship



1 organization ~~that has:~~  
 2 ~~(1) submitted an~~ [submits its plan to the department for  
 3 approval.  
 4 ~~(2) An annual fee sufficient to cover the costs of the~~  
 5 ~~department in administering this article, as determined by~~  
 6 ~~the department, for each]~~ approved battery stewardship  
 7 ~~plan; and~~  
 8 ~~(2) not filed a notice described in section 6 of this~~  
 9 ~~chapter~~ [organization].

10 Sec. 8. A person may not charge a fee to a consumer to defray  
 11 the costs of implementing a battery stewardship plan under this  
 12 chapter.

13 Sec. 9. (a) A battery stewardship organization that has:  
 14 (1) submitted an approved battery stewardship plan; and  
 15 (2) not filed a notice described in section 6 of this chapter;  
 16 shall submit an annual progress report to the department.

17 (b) The department shall provide standards for the contents of  
 18 progress reports described in subsection (a).

19 **Chapter 4. Battery Stewardship Fund**

20 Sec. 1. (a) The battery stewardship fund is established.  
 21 (b) The expenses of administering the fund shall be paid from  
 22 the money in the fund.

23 (c) The treasurer of state shall invest the money in the fund not  
 24 currently needed to meet the obligations of the fund in the same  
 25 manner as other public money may be invested. Interest that  
 26 accrues from these investments shall be deposited in the fund.

27 (d) Money in the fund at the end of a state fiscal year does not  
 28 revert to the state general fund.

29 (e) The sources of money for the fund are the following:  
 30 (1) Annual fees paid under IC 13-20.7-3-7.  
 31 (2) Appropriations made by the general assembly, gifts, and  
 32 donations intended for deposit in the fund.

33 (f) The commissioner shall use money in the fund to pay the  
 34 expenses of administering this article.

35 **Chapter 5. Miscellaneous Provisions**

36 Sec. 1. The department shall publish the following on the  
 37 department's website:

38 (1) A copy of each active battery stewardship plan approved  
 39 by the department under this article, including any  
 40 amendments.

41 (2) The name of each producer covered by a battery  
 42 stewardship plan approved by the department under this



## article.

**(3) The name of each brand of covered batteries covered by a battery stewardship plan approved by the department under this article.**

**(4) A copy of each annual progress report submitted to the department under IC 13-20.7-3-9.**

## Sec. 2. (a) A battery stewardship organization[:]

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

**(2) may, but** is not required to ~~collect a covered battery~~  
that is:

~~(1) sold or packaged with a product; or~~

→ (2) → [, provide for the collection of: ]

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

**(B) covered batteries or battery containing products]**

**recalled for safety reasons.◀**

**(b) If:**

## **(1) a battery stewardship c**

~~battery described in subsection (a)(1), and~~

**(2) the producer is not covered by the organization's battery stewardship plan approved by the department under this article;**

~~the battery stewardship organization may recover all costs associated with collecting the covered battery from the producer, including legal fees.~~

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

← Sec. 3. Nothing in this article prohibits a person from collecting and sending a covered battery to →

Sec. 3. (a) A person may operate a fee based collection and recycling program that collects covered batteries independently of a battery stewardship organization <for recycling pursuant to> [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 ~~plan approved~~ organization with respect to**



1                   the covered batteries, unless the battery stewardship  
 2                   organization has an agreement with the person.

3                   (3) The person provides the following information to the  
 4                   department on an annual basis, as established] by the  
 5                   department←under this article:

6                   >I, with respect to each covered battery collected by the person:

7                   (A) The weight, by chemistry, of covered batteries  
 8                   collected.

9                   (B) The weight of materials recovered from covered  
 10                   batteries collected, in total and by method of battery  
 11                   recycling.

12                   (C) The percentage calculated by dividing:

13                   (i) the weight of components and materials recycled  
 14                   by the person; by

15                   (ii) the weight of covered batteries collected by the  
 16                   person;

17                   for each recycling process.

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

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

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

28                   (1) consider the information when calculating the recycling  
 29                   efficiency rate for the battery stewardship organization; and  
 30                   (2) provide the information to the battery stewardship  
 31                   organization.

32                   1 Sec. 4. Beginning January 1, 2029, a person may not knowingly  
 33                   cause or allow:

34                   (1) the placing of a covered battery into a container intended  
 35                   for collection and disposal at a facility that is not authorized  
 36                   under IC 13-22 or federal law for operation as a hazardous  
 37                   waste facility; or

38                   (2) the disposal of a covered battery in a facility that is not  
 39                   authorized under IC 13-22 or federal law for operation as a  
 40                   hazardous waste facility.

41                   Sec. 5. (a) A person that violates section 4 of this chapter is not  
 42                   subject to:



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