

38 §2165. REGULATION OF CERTAIN DRY CELL BATTERIES

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1. Definitions. As used in this section and section 2166, the following terms have the following meanings.

A. "Industrial, communications or medical facility" means a structure or site where 15 or more people are employed and:

- (1) Where articles are assembled, manufactured or fabricated;
- (2) Are included in major group 48 of the federal Office of Management and Budget, Standard Industrial Codes; or
- (3) Where medical services are provided. [1991, c. 808, §2 (NEW).]

B. "Rechargeable battery" means any nickel-cadmium or sealed lead-acid battery that is designed for reuse and is capable of being recharged after repeated use. [1991, c. 808, §2 (NEW).]

[1991, c. 808, §2 (NEW) .]

2. Disposal ban. A person employed directly or indirectly by a government agency, or an industrial, communications or medical facility may not knowingly dispose of a dry cell mercuric oxide battery or a rechargeable battery in a manner that is not part of a collection system established under subsection 4.

[1991, c. 808, §2 (NEW) .]

3. User responsibility. A government agency or industrial, communications or medical facility shall collect and segregate, by chemical type, the batteries that are subject to the disposal prohibition under subsection 2 and return each segregated collection either to the supplier that provided the facility with that type of battery or to a collection facility designated by the manufacturer of that battery or battery-powered product.

[1991, c. 808, §2 (NEW) .]

4. Manufacturer responsibility. A manufacturer of dry cell mercuric oxide or rechargeable batteries that are subject to subsection 1 shall:

A. Establish and maintain a system for the proper collection, transportation and processing of waste dry cell mercuric oxide and rechargeable batteries for purchasers in this State; [1991, c. 808, §2 (NEW) .]

B. Clearly inform each purchaser that intends to use these batteries of the prohibition on disposal of dry cell mercuric oxide and rechargeable batteries and of the available systems for proper collection, transportation and processing of these batteries; [1991, c. 808, §2 (NEW) .]

C. Identify a collection system through which mercuric oxide and rechargeable batteries must be returned to the manufacturer or to a manufacturer-designated collection site; and [1991, c. 808, §2 (NEW) .]

D. Include the cost of proper collection, transportation and processing of the waste batteries in the sales transaction or agreement between the manufacturer and any purchaser. [1991, c. 808, §2 (NEW) .]

[1991, c. 808, §2 (NEW) .]

5. Supplier responsibility. A final supplier of mercuric oxide and rechargeable batteries or battery-operated products is responsible for informing the purchasers that intend to use these batteries of the purchaser's responsibilities under this section.

[1991, c. 808, §2 (NEW) .]

6. Mercury content. A person may not sell, distribute or offer for sale in this State the following batteries:

A. An alkaline manganese battery that contains more than .025% mercury except that any alkaline manganese battery resembling a button or coin in size and shape may contain no more than 25 milligrams of mercury; [1991, c. 808, §2 (NEW) .]

B. Effective January 1, 1993, a consumer mercuric oxide button cell; [1991, c. 808, §2 (NEW) .]

C. A zinc carbon battery manufactured on or after January 1, 1993 that contains any added mercury; or [1991, c. 808, §2 (NEW) .]

D. An alkaline manganese battery manufactured on or after January 1, 1996 that contains any added mercury except that, until June 30, 2011, any alkaline manganese battery resembling a button or coin in size and shape that contains no more than 25 milligrams of mercury may be sold. [2009, c. 86, §2 (AMD) .]

[2009, c. 86, §2 (AMD) .]

7. Effective date. Except as otherwise indicated, this section takes effect January 1, 1994.

[1991, c. 808, §2 (NEW) .]

8. Penalty. A violation of subsection 2 is a civil violation for which a forfeiture of not more than \$100 per battery disposed of improperly may be adjudged. A violation of subsection 4 is a civil violation for which a forfeiture of not more than \$100 may be adjudged. A violation of subsection 6 is a civil violation for which a forfeiture of not more than \$100 per battery sold, distributed or offered for sale may be adjudged. Each day that a violation continues or exists constitutes a separate offense.

[1991, c. 2, §150 (COR) .]

9. Battery management plan.

[1995, c. 656, Pt. A, §49 (RP) .]

SECTION HISTORY

1991, c. 808, §2 (NEW). RR 1991, c. 2, §150 (COR). 1995, c. 656, §A49 (AMD). 2009, c. 86, §2 (AMD).

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