



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

SB1398

Introduced 2/6/2023, by Sen. Sue Rezin

#### SYNOPSIS AS INTRODUCED:

415 ILCS 151/1-83.5 new

430 ILCS 50/2.09 new

430 ILCS 50/3

from Ch. 127, par. 1253

430 ILCS 50/5.11

430 ILCS 50/6

from Ch. 127, par. 1256

Amends the Consumer Electronics Recycling Act. Provides that, notwithstanding any provision of law to the contrary, a lithium-ion battery may not be disposed of in a mixed recycling waste bin. Requires the Environmental Protection Agency to encourage local authorities to use separate curbside recycling collection bins for the disposal of lithium-ion batteries. Amends the Hazardous Materials Emergency Act. Provides that hazardous materials include lithium-ion batteries for purposes of specified provisions of the Act.

LRB103 24874 CPF 51207 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Consumer Electronics Recycling Act is  
5 amended by adding Section 1-83.5 as follows:

6 (415 ILCS 151/1-83.5 new)

7 Sec. 1-83.5. Lithium batteries; disposal; local  
8 authorities.

9 (a) Notwithstanding any provision of law to the contrary,  
10 a lithium-ion battery may not be disposed of in a mixed  
11 recycling waste bin.

12 (b) The Agency shall encourage local authorities to use  
13 separate curbside recycling collection bins for the disposal  
14 of lithium-ion batteries.

15 (c) In this Section, "lithium-ion battery" has the same  
16 meaning as defined in Section 2.09 of the Hazardous Materials  
17 Emergency Act.

18 Section 10. The Hazardous Materials Emergency Act is  
19 amended by adding Section 2.09 and by changing Sections 3,  
20 5.11, and 6 as follows:

21 (430 ILCS 50/2.09 new)

1       Sec. 2.09. "Lithium-ion battery" means a type of  
2 rechargeable battery that contains lithium ions as the primary  
3 component of its electrolyte and that is most commonly found  
4 in cell phones, power tools, digital cameras, laptops,  
5 children's toys, electronic cigarettes, small and large  
6 appliances, tablets, and e-readers.

7           (430 ILCS 50/3) (from Ch. 127, par. 1253)

8       Sec. 3. It is the purpose of this Act to require the  
9 Illinois Department of Transportation to adopt by regulation  
10 the federal hazardous materials placarding regulations  
11 promulgated under the Hazardous Materials Transportation Act  
12 (PL 93-633) for interstate and intrastate transportation of  
13 hazardous materials as they are applicable in the State of  
14 Illinois, and to recommend that units of local government  
15 adopt regulations for hazard signage systems applicable to the  
16 use, storage, and manufacture of hazardous materials,  
17 including, but not limited to, lithium-ion batteries, with the  
18 following exceptions:

19       (a) No hazard signage system or State placarding  
20 requirements shall apply to the use, storage, or  
21 transportation of a hazardous material that is located on a  
22 farm and that is used solely for agricultural purposes. It is  
23 not the purpose of this Section to exempt the owner of an  
24 agricultural hazardous material from reporting an accident  
25 involving the material as required in Sections 7 and 7.01 of

1 this Act, nor is it the purpose of this Section to exempt from  
2 the placarding requirements the storage, transportation or  
3 manufacture of a hazardous material that is an agricultural  
4 material when the material is in the possession of the  
5 manufacturer, distributor, dealer, retailer or any other  
6 person who handles the material in larger quantities than  
7 those designed for consumer use or for any purpose other than  
8 its intended agricultural usage.

9 (b) (Blank).

10 (c) No placarding requirements or hazard signage  
11 requirements adopted pursuant to this Act shall apply to  
12 pipelines or meters involved in the transmission of natural or  
13 flammable gas by a public utility as defined in the Public  
14 Utilities Act.

15 (d) This Act does not authorize the Department to require  
16 any placarding system for transportation of hazardous  
17 materials that is inconsistent with any placarding system  
18 required by Federal law or regulation, nor does it authorize  
19 the Department to require any placarding system or other  
20 standards for transportation of hazardous materials that is  
21 more stringent than any placarding system or standard required  
22 by the federal law or regulations in situations where a  
23 federal placarding system exists.

24 (Source: P.A. 90-449, eff. 8-16-97.)

25 (430 ILCS 50/5.11)

1           Sec. 5.11. Units of local government; hazard signage  
2 systems.

3           (a) A unit of local government may adopt ordinances or  
4 regulations requiring a hazard signage system applicable to  
5 equipment, facilities, structures, or locations involved in  
6 the use, storage, or manufacture of hazardous materials,  
7 including, but not limited to, lithium-ion batteries. The  
8 hazard signage system (such as, but not limited to, the  
9 National Fire Protection Association standard "NFPA 704"  
10 system as specified in its Standard System for the  
11 Identification of the Fire Hazards of Materials for Emergency  
12 Response) shall be consistent with any such signage required  
13 by federal law or regulation.

14           (b) An ordinance or regulation adopted by a unit of local  
15 government under this Section requiring a hazard signage  
16 system may not take effect sooner than 90 days after its  
17 adoption by the unit of local government.

18           (c) A home rule unit may not regulate hazard signage  
19 systems in a manner inconsistent with the regulation of those  
20 systems by the State under this Act or by the federal  
21 government. This Section is a limitation under subsection (i)  
22 of Section 6 of Article VII of the Illinois Constitution on the  
23 concurrent exercise by home rule units of powers and functions  
24 exercised by the State.

25           (Source: P.A. 90-449, eff. 8-16-97.)

1 (430 ILCS 50/6) (from Ch. 127, par. 1256)

2 Sec. 6. It is the responsibility of any person who leases,  
3 operates or controls any facilities, equipment, structures, or  
4 locations for the use, storage, or manufacture of hazardous  
5 materials, including, but not limited to, lithium-ion  
6 batteries, to display on such facility, equipment, structure,  
7 or location appropriate hazard signage as described and in  
8 such manner as provided by regulation promulgated pursuant to  
9 Section 5 of this Act or as provided by ordinance or regulation  
10 adopted by a unit of local government pursuant to Section  
11 5.11.

12 (Source: P.A. 90-449, eff. 8-16-97.)