

AN ACT concerning safety.

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

Section 5. The Environmental Protection Act is amended by changing Section 22.23 and by adding Section 22.23d as follows:

(415 ILCS 5/22.23) (from Ch. 111 1/2, par. 1022.23)

Sec. 22.23. Batteries.

(a) Beginning September 1, 1990, any person selling lead-acid batteries at retail or offering lead-acid batteries for retail sale in this State shall:

(1) accept for recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased; and

(2) post in a conspicuous place a written notice at least 8.5 by 11 inches in size that includes the universal recycling symbol and the following statements: "DO NOT put motor vehicle batteries in the trash."; "Recycle your used batteries."; and "State law requires us to accept motor vehicle batteries for recycling, in exchange for new batteries purchased.".

(b) Any person selling lead-acid batteries at retail in this State may either charge a recycling fee on each new lead-acid battery sold for which the customer does not return a

used battery to the retailer, or provide a recycling credit to each customer who returns a used battery for recycling at the time of purchasing a new one.

(c) Beginning September 1, 1990, no lead-acid battery retailer may dispose of a used lead-acid battery except by delivering it (1) to a battery wholesaler or its agent, (2) to a battery manufacturer, (3) to a collection or recycling facility that accepts lead-acid batteries, or (4) to a secondary lead smelter permitted by either a state or federal environmental agency.

(d) Any person selling lead-acid batteries at wholesale or offering lead-acid batteries for sale at wholesale shall accept for recycling used lead-acid batteries from customers, at the point of transfer, in a quantity equal to the number of new batteries purchased. Such used batteries shall be disposed of as provided in subsection (c).

(e) A person who accepts used lead-acid batteries for recycling pursuant to subsection (a) or (d) shall not allow such batteries to accumulate for periods of more than 90 days.

(f) Beginning September 1, 1990, no person may knowingly cause or allow:

(1) the placing of a lead-acid battery into any container intended for collection and disposal at a municipal waste sanitary landfill; or

(2) the disposal of any lead-acid battery in any municipal waste sanitary landfill or incinerator.

(f-5) Beginning January 1, 2020, no person shall knowingly mix a lead-acid battery with any other material intended for collection as a recyclable material by a hauler.

Beginning January 1, 2020, no person shall knowingly place a lead-acid battery into a container intended for collection by a hauler for processing at a recycling center.

(g) (Blank).

(h) For the purpose of this Section:

"Lead-acid battery" means a battery containing lead and sulfuric acid that has a nominal voltage of at least 6 volts and is intended for use in motor vehicles.

"Motor vehicle" includes automobiles, vans, trucks, tractors, motorcycles and motorboats.

(i) (Blank).

(j) Knowing violation of this Section shall be a petty offense punishable by a fine of \$100.

(Source: P.A. 100-621, eff. 7-20-18.)

(415 ILCS 5/22.23d new)

Sec. 22.23d. Rechargeable batteries.

(a) "Rechargeable battery" means one or more voltaic or galvanic cells, electrically connected to produce electric energy, that is designed to be recharged for repeated uses. "Rechargeable battery" includes, but is not limited to, a battery containing lithium ion, lithium metal, or lithium polymer or that uses lithium as an anode or cathode, that is

designed to be recharged for repeated uses. "Rechargeable battery" does not mean either of the following:

(1) Any dry cell battery that is used as the principal power source for transportation, including, but not limited to, automobiles, motorcycles, or boats.

(2) Any battery that is used only as a backup power source for memory or program instruction storage, timekeeping, or any similar purpose that requires uninterrupted electrical power in order to function if the primary energy supply fails or fluctuates momentarily.

(b) Unless expressly authorized by a recycling collection program, beginning January 1, 2020 no person shall knowingly mix a rechargeable battery or any appliance, device, or other item that contains a rechargeable battery with any other material intended for collection by a hauler as a recyclable material.

Unless expressly authorized by a recycling collection program, beginning January 1, 2020, no person shall knowingly place a rechargeable battery or any appliance, device, or other item that contains a rechargeable battery into a container intended for collection by a hauler for processing at a recycling center.

(c) The Agency shall include on its website information regarding the recycling of rechargeable batteries.

Section 99. Effective date. This Act takes effect upon becoming law.