

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1907

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4

5

6 AS INTRODUCED

7 An Act relating to the environment; creating the
8 Battery Stewardship Act; defining terms; restricting
9 the sale of certain batteries unless in compliance;
10 making certain exceptions; requiring submittal of
11 certain plan for review; requiring operation under
12 certain plan; limiting term of plan; listing
13 requirements of plan; requiring certain calculation
14 of cost; requiring payment of certain annual fee;
15 requiring deposit of collected fees into certain
16 fund; authorizing adjustment of certain fee;
17 requiring certain annual report; listing certain
18 report content requirements; requiring certain public
19 awareness survey; stating survey requirements;
20 requiring certain audit; stating audit requirements;
21 requiring submission of audit results; requiring
22 certain materials be provided; requiring the
23 collection and recycling of certain batteries;
24 authorizing certain separate collection facilities;
requiring convenient collection points; requiring
certain targets be met; requiring annual reports
contain certain details; listing details; providing
for certain punishments; requiring certain
collections be used; creating penalty for certain
improper disposal; allowing certain requirements to
be met by certain participation; requiring Department
of Environmental Quality to make certain
determination; requiring certain notification;
providing for the submission of revised plan;
allowing certain plans to be deemed approved if no
action taken; prohibiting amendments to plan unless
approved; authorizing Department to require certain
amendments to approved plans; authorizing the
revocation of certain plans; authorizing Department
to make certain determination; requiring Department
maintain certain plans and plan information on its

1 website; requiring Department promote certain public
2 participation; stating certain information shall not
3 be made public; allowing for certain information to
4 be summarized or redacted; making certain exception;
5 requiring each county have certain facility;
6 providing certain alternatives; requiring Department
7 provide certain report; stating report requirements;
8 authorizing the promulgation of rules; authorizing
certain reimbursement; allowing reimbursement after
certain occurrences; allowing request of certain
independent audit; requiring payment of certain costs
and requested reimbursement; authorizing certain
cause of action if certain conditions are met;
establishing fine for violations; providing for
codification; and providing an effective date.

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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2120 of Title 27A, unless there
13 is created a duplication in numbering, reads as follows:

14 This act shall be known and may be cited as the "Battery
15 Stewardship Act".

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2121 of Title 27A, unless there
18 is created a duplication in numbering, reads as follows:

19 As used in the Battery Stewardship Act:

20 1. "Department" means the Oklahoma Department of Environmental
21 Quality or its successor agency;

22 2. "Collection rate" means the total weight of covered
23 batteries collected in this state by a producer in a calendar year

1 divided by the average annual weight of covered batteries estimated
2 to have been sold in this state by that producer during the same
3 calendar year and the previous two (2) calendar years;

4 3. "Covered battery" means a portable battery or a medium
5 format battery, regardless of the end user, sold for:

- 6 a. residential purposes,
- 7 b. commercial, industrial, institutional purposes,
8 hereinafter referred to as "B2B batteries" or
9 "Business-to-Business batteries".

10 4. "Covered battery" does not include any of the following:

- 11 a. a battery, contained in a medical device that is
12 regulated under the federal Food, Drug, and Cosmetic
13 Act, 21 U.S.C., Sections 301 to 394, that is not
14 designed or marketed for sale or resale at retail
15 locations for personal use,
- 16 b. a battery that contains an electrolyte as a free
17 liquid,
- 18 c. a lead acid battery,
- 19 d. a vehicle battery, or
- 20 e. a battery in a battery-containing product that is not
21 intended or designed to be easily removable from the
22 battery-containing product;

23 5. "Covered Entities" means:

- a. producers who are manufacturers, importers, or distributors of covered batteries sold in Oklahoma,
 - b. retailers who are entities selling covered batteries directly to consumers or businesses in Oklahoma, and
 - c. end users who are:
 - (1) residential consumers, or
 - (2) businesses that are organizations purchasing batteries for commercial, industrial, or institutional purposes.

10 6. "Medium-format battery" means the following primary or
11 rechargeable covered batteries:

- a. for rechargeable batteries, a battery weighing more than 11 pounds or having a rating of more than 300 watt-hours, or both, and no more than 25 pounds and having a rating of no more than 2,000 watt-hours, or
 - b. for primary batteries, a battery weighing at least 4.4 pounds, but not more than 25 pounds.

18 7. "Portable battery" means the following primary or
19 rechargeable covered batteries:

- a. for rechargeable batteries, a battery weighing no more than 11 pounds and having a rating of no more than 300 watt-hours, or
 - b. for primary batteries, a battery weighing no more than 4.4 pounds.

1 8. "Primary battery" means a battery that is not capable of
2 being recharged.

3 9. "Producer" means a person that sells, offers for sale, or
4 distributes for sale a covered battery in or into this state and
5 that qualifies as any of the following:

- 6 a. if the covered battery is sold under a brand of the
7 battery's manufacturer, the person that manufactures
8 the battery,
- 9 b. if the covered battery is sold under a retail brand or
10 under a brand owned by a person other than the
11 battery's manufacturer, the person that owns the
12 brand,
- 13 c. if subparagraphs a and b of this paragraph do not
14 apply, the person that is the licensee of a brand or
15 trademark under which the covered battery is sold,
16 offered for sale, or distributed for sale in or into
17 this state, regardless of whether the trademark is
18 registered in this state,
- 19 d. if subparagraphs a, b, or c of this paragraph do not
20 apply to any person within the United States, the
21 person that is the importer of record for the covered
22 battery into the United States for the purpose of
23 selling, offering for sale, or distributing for sale
24 the battery in or into this state, and

1 e. if subparagraphs a, b, c, or d of this paragraph do
2 not apply to any person with a commercial presence in
3 this state, the person who first sells, offers for
4 sale, or distributes for sale the covered battery in
5 or into this state;

6 10. "Rechargeable battery" means a battery that contains one or
7 more voltaic or galvanic cells electrically connected to produce
8 electric energy and that is designed to be recharged;

9 11 "Recycling" means preparing covered batteries for use in
10 manufacturing processes or for recovery of usable materials and
11 delivering the materials for use. Recycling does not include
12 destruction by incineration or other processes or land disposal of
13 recyclable materials and does not include reuse, repair, or any
14 other process through which batteries are returned in their original
15 form; and

16 12. "Retailer" means a person who offers a battery for sale in
17 this state by any means, including via online sales.

18 SECTION 3. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 2122 of Title 27A, unless there
20 is created a duplication in numbering, reads as follows:

21 A. Beginning on January 1, 2027, no producer may sell, offer
22 for sale, or distribute for sale in or into this state any covered
23 battery unless the producer is in compliance with the requirements
24 of Section 4 of this act.

1 B. Beginning on January 1, 2027, no retailer may sell or offer
2 for sale in this state any covered battery unless the producer of
3 the battery is in compliance with the requirements of Section 4 of
4 this act. This paragraph does not apply to covered batteries for
5 which any of the following apply:

6 1. The retailer purchases the covered battery before January 1,
7 2027, and sells the battery on or before January 1, 2028; or

8 2. If the producer's battery stewardship plan under Section 4
9 of this act is expired or has been revoked, the retailer purchased
10 the covered battery before the producer's battery stewardship plan
11 expired or was revoked.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2123 of Title 27A, unless there
14 is created a duplication in numbering, reads as follows:

15 A. No later than June 1, 2026, each producer shall submit a
16 battery stewardship plan to the Department of Environmental Quality
17 for review. No later than January 1, 2027, each producer shall
18 operate under an approved battery stewardship plan. A battery
19 stewardship plan submitted to the Department shall have a term of no
20 more than five (5) years and shall include all of the following:

21 1. If the producer is a member of a battery stewardship
22 organization pursuant to Section 5 of this act, the names and
23 contact information for each of the producers in the battery
24 stewardship organization;

1 2. The brands of all of the covered batteries that the producer
2 sells, offers for sale, or distributes for sale in or into this
3 state. All such brands shall be covered by the battery stewardship
4 plan;

5 3. Provisions for collecting covered batteries at no cost to
6 the end user, regardless of the brand or producer of the covered
7 battery and provisions for collecting damaged, defective, or
8 recalled batteries considering storage container requirements or
9 other safety measures;

10 4. A process for providing packaging, consistent with any state
11 and federal requirements related to transporting hazardous
12 materials, for the safe collection and transportation of covered
13 batteries. Such packaging shall be provided at no cost if the
14 purpose of the packaging will be to collect and transport damaged,
15 defective, or recalled covered batteries;

16 5. A process for allowing retailers, municipalities, and solid
17 waste facilities to opt in to being a collection facility under the
18 plan;

19 6. The name, address, and contact information of at least one
20 (1) collection facility in each county in this state that will
21 provide covered battery collection throughout the calendar year;

22 7. The name, address, and contact information of any
23 transporter or contractor that will collect covered batteries from
24 collection facilities and a statement as to whether such

1 | transporters or contractors have obtained the necessary state and
2 | federal licenses for transporting batteries; and the name, address,
3 | and contact information of any recycling facility that will process
4 | the collected batteries;

5 | 8. A provision that ensures that each collection facility will
6 | accept up to one hundred covered batteries per person per visit. A
7 | collection facility may agree to accept more covered batteries per
8 | person per visit;

9 | 9. A method for responsibly managing collected covered
10 | batteries to ensure that all of the components of collected
11 | batteries are recycled, to the extent economically and technically
12 | feasible, and that any components or batteries that cannot be
13 | recycled are properly disposed of;

14 | 10. A description of an education and outreach program that the
15 | producer will undertake to provide notice of the producer's covered
16 | battery collection program to businesses, municipalities, solid
17 | waste facilities, retailers, and transporters; to provide
18 | information about available safety training for collection
19 | facilities; and to notify the public that there is a free covered
20 | battery collection program and the location of collection
21 | facilities. If more than one producer has an approved battery
22 | stewardship plan, all producers with an approved battery stewardship
23 | plan shall coordinate in carrying out their education and outreach
24 | programs;

1 11. A description of how the producer will develop strategies,
2 in consultation with the Department and other relevant parties, for
3 collecting covered batteries in areas and communities that face
4 environmental justice challenges associated with waste management;

5 12. A procedure for collecting and providing reimbursement
6 pursuant to Section 7 of this act;

7 13. a. each battery stewardship plan shall include
8 performance goals that measure, on an annual basis,
9 the achievements of the program. Performance goals
10 must take into consideration technical feasibility and
11 economic practicality in achieving continuous,
12 meaningful progress in improving:

- 13 (1) the rate of battery collection for recycling in
14 Oklahoma,
15 (2) the recycling efficiency of the program, and
16 (3) public awareness of the program;

17 b. the performance goals established in each battery
18 stewardship plan shall include, but are not limited
19 to:

- 20 (1) target collection rates,
21 (2) target recycling efficiency rates of at least
22 sixty percent (60%) for rechargeable batteries
23 and at least seventy percent (70%) for primary
24 batteries, and

(3) goals for public awareness, convenience, and accessibility that meet or exceed the minimum requirements established in Oklahoma Statute.

15. A description of how the producer and the collection facilities identified in the plan will implement the program described in the plan, including providing products and equipment to collection facilities to set up a collection site and providing for the management and transportation of collected covered batteries; and

16. Methods for safe recycling or disposal that adhere to environmental, transportation, and Occupational Safety and Health Administration (OSHA) standards and regulations.

B. The Department of Environmental Quality shall calculate the total cost of administering and implementing the battery stewardship program on an annual basis. This cost may include, but not be limited to, public education and outreach efforts, administrative expenses incurred by the Department, and compliance monitoring and enforcement activities. A producer operating under an approved battery stewardship plan shall pay an annual fee determined by the Department based on market share of covered batteries sold in the state during the preceding calendar year. Fees paid under this subsection shall be deposited into the Department of Environmental Quality Revolving Fund established pursuant to Section 2-3-401 of Title 27A of the Oklahoma Statutes. The Department may adjust the

1 amount of this fee as necessary to maintain the program under this
2 section.

3 C. No later than March 1, 2028, and annually thereafter, a
4 producer shall submit to the Department a report that contains all
5 of the following:

6 1. The total weight of covered batteries collected by the
7 producer in the previous calendar year;

8 2. The estimated percentage of the total weight under paragraph
9 1 of this subsection that is attributable to rechargeable batteries;

10 3. The estimated percentage of the total weight under paragraph
11 1 of this subsection that is attributable to producers that are not
12 operating under an approved battery stewardship plan under this
13 section;

14 4. The collection rate achieved by the producer in the previous
15 calendar year;

16 5. The estimated total weight of covered batteries sold,
17 offered for sale, or distributed for sale in or into this state by
18 the producer in the previous three (3) calendar years;

19 6. The location and contact information for each collection
20 facility and collection site that collected covered batteries under
21 the producer's approved battery stewardship plan in the previous
22 calendar year;

23 7. Examples and descriptions of educational materials provided
24 and outreach activities conducted by the producer in the previous

1 calendar year to increase covered battery collection, and a
2 description of how the producer coordinated with other producers
3 with approved battery stewardship plans in carrying out its
4 education and outreach program;

5 8. A description of how collected covered batteries were
6 managed in the previous calendar year;

7 9. Any material amendment to the producer's battery stewardship
8 plan approved by the Department under Section 6 of this act in the
9 previous calendar year;

10 10. The producer's cost of implementing its battery stewardship
11 plan in the previous calendar year, including the costs of
12 collection, recycling, education, and outreach; and

13 11. Any information deemed necessary by the Department to
14 measure the program's progress toward environmental and operational
15 goals, identify areas for improvement, and ensure that producers and
16 the battery stewardship organization are fulfilling their
17 obligations under the stewardship plan.

18 D. During the first year of implementing an approved battery
19 stewardship plan, and two (2) years thereafter, a producer shall
20 conduct a statistically significant survey of public awareness of
21 the battery stewardship plan and its implementation. The results of
22 the survey shall identify communities that have disparities in
23 awareness and that need additional education and outreach.

1 E. After five (5) years of implementing an approved battery
2 stewardship plan, a producer shall contract with an independent
3 third party to conduct a one-time audit of the battery stewardship
4 plan and its implementation. The audit shall examine the financial
5 self-sufficiency and effectiveness of the battery stewardship plan
6 in collecting and recycling covered batteries; examine the cost-
7 effectiveness of the battery stewardship plan; and compare the
8 battery stewardship plan to other covered battery collection plans
9 in other jurisdictions. The auditor shall submit the results of the
10 audit directly to the Department and provide a copy to the producer.

11 F. A producer that supplies covered batteries to a retailer
12 shall provide the retailer with educational materials describing
13 collection opportunities for those batteries.

14 G. 1. Producers shall ensure the collection and recycling of
15 all covered batteries sold, including Business-to-Business (B2B)
16 batteries under the stewardship plan. Producers may establish
17 separate collection systems tailored to B2B batteries, provided
18 these systems ensure accessible recycling options for businesses,
19 comply with recycling efficiency and environmental standards as
20 specified by the program, and include options for direct collection
21 or scheduled pickup for large-volume battery users.

22 2. Producers shall provide convenient collection points for
23 residential and B2B batteries, including drop-off locations
24 accessible to businesses and direct collection options for

1 businesses generating large volumes of battery waste. All collected
2 batteries, including B2B batteries, shall meet the program's
3 recycling efficiency targets.

4 3. Producers shall include the following details regarding B2B
5 batteries in their annual reports:

- 6 a. total weight of B2B batteries collected and recycled,
- 7 b. industries or sectors served under the B2B battery
8 program,
- 9 c. performance metrics, including recycling efficiency
10 rates for B2B batteries,
- 11 d. challenges encountered in managing B2B battery waste
12 and steps taken to address them, and
- 13 e. a summary of B2B battery recycling performance to
14 ensure transparency and accountability.

15 4. Failure to include B2B batteries in the program or meet
16 established performance targets may result in financial penalties
17 proportional to the uncollected or unrecycled volume of B2B
18 batteries or suspension of sales privileges within the state until
19 compliance is achieved, or both.

20 5. Businesses shall utilize the designated collection systems
21 for B2B batteries.

22 6. Improper disposal of B2B batteries shall be subject to
23 penalties under existing hazardous waste regulations.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2124 of Title 27A, unless there
3 is created a duplication in numbering, reads as follows:

4 A producer may meet the requirements under Section 4 of this act
5 by participating in a battery stewardship organization, made up of
6 at least five producers, that complies with the requirements of
7 Section 4 of this act on behalf of the producer. A battery
8 stewardship organization may exercise the rights under Sections 7
9 and 8 of this act on behalf of any of the producers participating in
10 the organization.

11 SECTION 6. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2125 of Title 27A, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Within ninety (90) days after receiving a complete proposed
15 battery stewardship plan under subsection A of Section 4 of this
16 act, not including any time required for public comment and hearing
17 under subsection D of this section, the Department of Environmental
18 Quality shall determine whether the proposed plan complies with the
19 requirements under subsection A of Section 4 of this act. If the
20 proposed plan complies with the requirements under subsection A of
21 Section 4 of this act, the Department may approve the plan and shall
22 notify the producer of the approval in writing. If the proposed
23 plan does not comply with the requirements under subsection A of
24 Section 4 of this act, the Department shall deny the plan and notify

1 the producer of the denial in writing; the producer shall have
2 forty-five (45) days after receiving a denial to submit a revised
3 plan to the Department for approval. A proposed plan that is not
4 approved or denied by the Department within ninety (90) days shall
5 be deemed approved.

6 B. A producer may not amend an approved battery stewardship
7 plan unless the proposed amendments are approved by the Department
8 in writing. The Department may require a producer to amend an
9 approved plan.

10 C. The Department may revoke an approved battery stewardship
11 plan if the Department determines that the producer is not complying
12 with the approved plan and the producer fails to comply with or
13 amend the plan within a reasonable time after receiving a request to
14 do so from the Department.

15 D. The Department shall determine whether public comment is
16 necessary for battery stewardship plans.

17 E. Subject to subsection G of this section, the Department
18 shall maintain on its website all of the following:

19 1. A copy of all approved battery stewardship plans;

20 2. The names of producers with approved battery stewardship
21 plans; and

22 3. A list of brands of covered batteries listed in approved
23 battery stewardship plans under subsection A of Section 4 of this
24 act.

1 F. The Department shall promote public participation in the
2 collection and recycling of covered batteries through education and
3 outreach activities which shall include, but shall not be limited
4 to, safe battery recycling practices, handling techniques,
5 collection locations, available services, and the importance and
6 impact of battery recycling.

7 G. Information submitted to the Department under this section
8 that is a protected trade secret shall not be open to public
9 inspection and copying. The Department may publish such information
10 in a summary or aggregated form that does not identify individual
11 producers or retailers. The Department may require a producer, as
12 part of a report submitted under subsection C of Section 4 of this
13 act, to omit or redact trade secret information. The total weight
14 of covered batteries collected under an approved battery stewardship
15 plan is not a protected trade secret.

16 H. Each county shall have at least one year-round collection
17 facility. Additional facilities may be required based upon review
18 of population density, geographic distribution, and estimated waste
19 volume, as determined by the Department of Environmental Quality.
20 For counties with low population density or minimal waste volume,
21 alternative collection methods, such as mobile collection events,
22 partnerships with retailers, or mail-back programs, may fulfill
23 collection facility requirements.

1 I. No later than July 1, 2028, and every two (2) years
2 thereafter, the Department shall provide a report on the program
3 under this section to the Legislature and to the Governor. The
4 Department shall include in the report a summary of annual reports
5 received under subsection C of Section 4 of this act and any
6 recommendations for changes to the program under this section.

7 J. The Department may promulgate rules to implement and
8 administer this section.

9 SECTION 7. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 2126 of Title 27A, unless there
11 is created a duplication in numbering, reads as follows:

12 A. A producer operating under an approved battery stewardship
13 plan that collects covered batteries that are not included under the
14 producer's approved plan is entitled to reimbursement from the
15 producer of the collected batteries for reasonable costs incurred in
16 collecting, handling, recycling, or properly disposing of such
17 batteries. A producer may request reimbursement only after the
18 producer has met the collection rate performance goal included in
19 the producer's approved battery stewardship plan. Reimbursement may
20 be requested only for costs actually incurred in the collection,
21 transport, recycling, and other methods proper of disposal of
22 covered batteries identified in the producer's approved battery
23 stewardship plan, and reasonable administrative costs.

1 B. A producer that receives a request for reimbursement under
2 this subsection may, prior to payment and within thirty (30) days of
3 receiving the request for reimbursement, request an independent
4 audit of the requested reimbursement costs. If the independent
5 audit confirms that the requested reimbursement costs are
6 reasonable, the producer requesting the audit shall pay the cost of
7 the audit and the amount of the reimbursement requested. If the
8 independent audit finds that the reimbursement request, or any
9 portion thereof, was not reasonable, the producer that submitted the
10 reimbursement request shall pay the cost of the audit. The producer
11 requesting the audit shall only be required to pay the portion of
12 the reimbursement costs that the independent audit determines to be
13 reasonable.

14 SECTION 8. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2127 of Title 27A, unless there
16 is created a duplication in numbering, reads as follows:

17 A producer operating under an approved battery stewardship plan
18 that is in compliance with the requirements under Section 4 of this
19 act may bring a civil action against another producer for costs
20 incurred in collecting, handling, recycling, or properly disposing
21 of covered batteries produced by the other producer, if all of the
22 following apply:

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1 1. The producer bringing the action has incurred more than One
2 Thousand Dollars (\$1,000.00) in actual costs that are reimbursable
3 under Section 7 of this act;

4 2. The producer against whom the action is brought can be
5 identified as the producer of the collected covered batteries, from
6 a brand or marking on the collected batteries or from other
7 information available; and

8 3. The producer bringing the action submitted a request for
9 reimbursement under Section 7 of this act and did not receive
10 reimbursement within ninety (90) days if no independent audit was
11 requested or within sixty (60) days after completion of an
12 independent audit if an audit was requested and the independent
13 audit confirmed that the requested reimbursement costs are
14 reasonable.

15 SECTION 9. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2128 of Title 27A, unless there
17 is created a duplication in numbering, reads as follows:

18 Any producer or retailer that violates the provisions of this
19 act may be fined by the Department of Environmental Quality up to
20 Ten Thousand Dollars (\$10,000.00) for each violation.

21 SECTION 10. This act shall become effective November 1, 2025.
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