

Act No. 124
Public Acts of 1995
Approved by the Governor
June 29, 1995
Filed with the Secretary of State
June 30, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Senators Bennett and Shugars

ENROLLED SENATE BILL No. 516

AN ACT to amend sections 17101, 17103, and 17107 of Act No. 451 of the Public Acts of 1994, entitled "An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, and assessments; to prescribe penalties and provide remedies; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts," being sections 324.17101, 324.17103, and 324.17107 of the Michigan Compiled Laws; to add sections 11105a, 17105a, 17105b, and 17105c; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Section 1. Sections 17101, 17103, and 17107 of Act No. 451 of the Public Acts of 1994, being sections 324.17101, 324.17103, and 324.17107 of the Michigan Compiled Laws, are amended and sections 11105a, 17105a, 17105b, and 17105c are added to read as follows:

Sec. 11105a. This state hereby adopts by reference the standards for universal waste management as those standards pertain to batteries, 40 C.F.R. 273.1 to 273.81, part 273 (May 11, 1995).

Sec. 17101. As used in this part:

(a) "Alkaline manganese battery" means a dry cell battery containing manganese dioxide and zinc electrodes and an alkaline electrolyte.

(b) "Distributor" means a person who sells batteries to retailers in this state.

(c) "Lead acid battery" means a storage battery, that is used to start an internal combustion engine or as the principal electrical power source for a vehicle, in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid.

(d) "Manufacturer" means a person who produces batteries for sale in this state.

(e) "Mercuric oxide battery" means a dry cell battery that delivers an essentially constant output voltage throughout its useful life by means of a chemical reaction between zinc and mercuric oxide.

(f) "Nickel cadmium battery" means a sealed storage battery that has a nickel anode, a cadmium cathode, and an alkaline electrolyte, that is widely used in cordless appliances.

(g) "Retailer" means a person who sells or offers to sell batteries to consumers within this state.

(h) "Solid waste disposal area" means a disposal area as defined in part 115.

(i) "Zinc carbon battery" means a dry cell battery containing manganese dioxide and zinc electrodes and an electrolyte consisting of ammonium chloride or a zinc chloride solution, or both.

Sec. 17103. A retailer of lead acid batteries shall do all of the following:

(a) Accept, at or near the point at which lead acid batteries are offered for sale, in a quantity at least equal to the number of new lead acid batteries sold by the retailer, used lead acid batteries from customers, if offered by the customers.

(b) Post a written notice in a location that is readily visible to customers within the retail establishment that is at least 8-1/2 inches by 11 inches in size and contains the universal recycling symbol and contains essentially all of the following:

(i) Recycle your used lead acid batteries.

(ii) It is illegal to discard a lead acid battery except by delivery to a retailer, a distributor, a manufacturer, or a collection, recycling, or smelting facility approved by the department.

(iii) State law requires retailers to accept used lead acid batteries upon the purchase or within 30 calendar days of the purchase of a lead acid battery.

(c) The format, design, and wording of the notice described in this section shall be provided to retailers of lead acid batteries by the department.

Sec. 17105a. (1) Except for alkaline manganese button cell batteries that have a mercury content of 25 milligrams or less, a person shall not sell, offer for sale, or offer for promotional purposes an alkaline manganese battery manufactured on or after January 1, 1996 that contains intentionally introduced mercury.

(2) A person shall not sell, offer for sale, or offer for promotional purposes a zinc carbon battery manufactured on or after January 1, 1996 that contains intentionally introduced mercury.

Sec. 17105b. (1) Beginning on January 1, 1996, a person shall not sell, offer for sale, or offer for promotional purposes a button cell mercuric oxide battery for use in this state.

(2) Beginning on January 1, 1996, a person shall not sell, offer for sale, or offer for promotional purposes a mercuric oxide battery for use in this state unless the manufacturer does all of the following:

(a) Identifies a collection site that has all required government approvals, to which a person may send used mercuric oxide batteries for recycling or proper disposal after mercury is recovered from the battery.

(b) Informs each of its purchasers of mercuric oxide batteries of the collection site identified under subdivision (a).

(c) Informs each of its purchasers of mercuric oxide batteries of a telephone number that the purchaser may call to get information about returning mercuric oxide batteries for recycling or proper disposal.

(3) Subsection (2) does not apply to mercuric oxide button cell batteries.

Sec. 17105c. A manufacturer that participates in a voluntary collection program for nickel cadmium batteries in this state shall provide to retailers of nickel cadmium batteries that participate in the voluntary collection program a written notice to be displayed on a voluntary basis informing consumers that nickel cadmium batteries, whether sold separately or in rechargeable products, must be recycled or disposed of properly.

Sec. 17107. (1) The department shall enforce this part.

(2) A person other than a retailer, distributor, or manufacturer who knowingly disposes of lead acid batteries or mercuric oxide batteries in violation of this part is guilty of a misdemeanor punishable by a fine of not more than \$25.00, plus the costs of prosecution. Each battery that is unlawfully disposed of is a separate violation.

(3) Except as otherwise provided in this part, a retailer, manufacturer, or distributor who violates this part is guilty of a misdemeanor punishable by imprisonment for not more than 60 days or a fine of not more than \$1,000.00, or both, plus the costs of prosecution.

Section 2. Sections 17106 and 17106a of Act No. 451 of the Public Acts of 1994, being sections 324.17106 and 324.17106a of the Michigan Compiled Laws, are repealed.

This act is ordered to take immediate effect.

Secretary of the Senate.

Clerk of the House of Representatives.

Approved -----

Governor.