



SENATE BILL No. 516

May 10, 1995, Introduced by Senators BENNETT and SHUGARS
and referred to the Committee on Natural Resources and
Environmental Affairs.

A bill to amend sections 17101, 17103, and 17107 of Act
No. 451 of the Public Acts of 1994, entitled
"Natural resources and environmental protection act,"
being sections 324.17101, 324.17103, and 324.17107 of the
Michigan Compiled Laws; to add sections 17105a and 17105b; and to
repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

5 Sec. 17101. As used in this part:

6 (A) "ALKALINE MANGANESE BATTERY" MEANS A CELL BATTERY
7 CONTAINING MANGANESE DIOXIDE AND ZINC ELECTRODES AND AN ALKALINE
8 ELECTROLYTE.

1 (B) ~~(a)~~ "Distributor" means a person who sells batteries
2 to retailers in this state.

3 (C) ~~(b)~~ "Lead acid battery" means a storage battery, THAT
4 IS USED TO START AN INTERNAL COMBUSTION ENGINE OR AS THE PRINCI-
5 PAL ELECTRICAL POWER SOURCE FOR A VEHICLE, in which the elec-
6 trodes are grids of lead containing lead oxides that change in
7 composition during charging and discharging, and the electrolyte
8 is dilute sulfuric acid.

9 (D) ~~(c)~~ "Manufacturer" means a person who produces batte-
10 ries for sale in this state.

11 (E) ~~(d)~~ ~~"Mercury"~~ "MERCURIC battery" means a dry cell stor-
12 age battery that delivers an essentially constant output voltage
13 throughout its useful life by means of a chemical reaction
14 between zinc and mercuric oxide.

15 (F) ~~(e)~~ "Nickel cadmium battery" means a sealed storage
16 battery that has a nickel anode, a cadmium cathode, and an alka-
17 line electrolyte, that is widely used in cordless appliances. ~~→~~
18 ~~and that may serve as a primary battery.~~

19 (G) ~~(f)~~ "Retailer" means a person who sells or offers to
20 sell batteries to consumers within this state.

21 (H) ~~(g)~~ "Solid waste disposal area" means a disposal area
22 as defined in part 115.

23 (I) "ZINC CARBON BATTERY" MEANS A DRY CELL BATTERY CONTAIN-
24 ING MANGANESE DIOXIDE AND ZINC ELECTRODES AND AN ELECTROLYTE CON-
25 SISTING OF AMMONIUM CHLORIDE OR A ZINC CHLORIDE SOLUTION, OR
26 BOTH.

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

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

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

12 (i) Recycle your used lead acid batteries.

13 (ii) It is illegal to discard a lead acid battery except by
14 delivery to a retailer, a distributor, a manufacturer, or a col-
15 lection, recycling, or smelting facility approved by the
16 department.

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

20 ~~(c) After January 1, 1993, the notice described in~~
21 ~~subdivision (b) shall also include information pertaining to the~~
22 ~~required deposit for lead acid batteries and the availability of~~
23 ~~refunds under this part.~~

24 (C) ~~(d)~~ The format, design, and wording of the notice
25 described in this section shall be provided to retailers of lead
26 acid batteries by the department.

1 SEC. 17105A. (1) EXCEPT FOR ALKALINE MANGANESE BUTTON CELL
2 BATTERIES THAT HAVE A MERCURY CONTENT OF 25 MILLIGRAMS OR LESS, A
3 PERSON SHALL NOT SELL, OFFER FOR SALE, OR OFFER FOR PROMOTIONAL
4 PURPOSES AN ALKALINE MANGANESE BATTERY MANUFACTURED ON OR AFTER
5 JANUARY 1, 1996 THAT CONTAINS INTENTIONALLY INTRODUCED MERCURY.

6 (2) A PERSON SHALL NOT SELL, OFFER FOR SALE, OR OFFER FOR
7 PROMOTIONAL PURPOSES A ZINC CARBON BATTERY MANUFACTURED ON OR
8 AFTER JANUARY 1, 1996 THAT CONTAINS INTENTIONALLY INTRODUCED
9 MERCURY.

10 SEC. 17105B. (1) BEGINNING ON JANUARY 1, 1996, A PERSON
11 SHALL NOT SELL, OFFER FOR SALE, OR OFFER FOR PROMOTIONAL PURPOSES
12 A BUTTON CELL MERCURIC OXIDE BATTERY FOR USE IN THIS STATE.

13 (2) BEGINNING ON JANUARY 1, 1996, A PERSON SHALL NOT SELL,
14 OFFER FOR SALE, OR OFFER FOR PROMOTIONAL PURPOSES A MERCURIC
15 OXIDE BATTERY FOR USE IN THIS STATE UNLESS THE MANUFACTURER DOES
16 ALL OF THE FOLLOWING:

17 (A) IDENTIFIES A COLLECTION SITE THAT HAS ALL REQUIRED GOV-
18 ERNMENT APPROVALS, TO WHICH A PERSON MAY SEND USED MERCURIC OXIDE
19 BATTERIES FOR RECYCLING OR PROPER DISPOSAL.

20 (B) INFORMS EACH OF ITS PURCHASERS OF MERCURIC OXIDE BATTE-
21 RIES OF THE COLLECTION SITE IDENTIFIED UNDER SUBDIVISION (A).

22 (C) INFORMS EACH OF ITS PURCHASERS OF MERCURIC OXIDE BATTE-
23 RIES OF A TELEPHONE NUMBER THAT THE PURCHASER MAY CALL TO GET
24 INFORMATION ABOUT RETURNING MERCURIC OXIDE BATTERIES FOR RECYCL-
25 ING OR PROPER DISPOSAL.

26 (3) SUBSECTION (2) DOES NOT APPLY TO MERCURIC OXIDE BUTTON
27 CELL BATTERIES.

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

2 (2) A person other than a retailer, distributor, or manufac-
3 turer who violates section ~~2~~ 17102 by improperly disposing of
4 lead acid batteries is guilty of a misdemeanor punishable by a
5 fine of not more than \$25.00, plus the costs of prosecution.
6 Each battery that is unlawfully disposed of is a separate
7 violation.

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

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