

State of Wisconsin



2025 Assembly Bill 713

Date of enactment:
Date of publication*:

2025 WISCONSIN ACT

AN ACT to create 25.46 (1) (eL), 287.07 (6) and 287.175 of the statutes; **relating to:** requiring battery stewardship organizations to administer battery collection and recycling programs and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1m. 25.46 (1) (eL) of the statutes is created to read:

25.46 (1) (eL) The fees imposed under s. 287.175 (3) (b).

SECTION 1r. 287.07 (6) of the statutes is created to read:

287.07 (6) **BATTERIES.** Beginning on January 1, 2028, no person may dispose of or burn a covered battery, as defined in s. 287.175 (1) (d), in a solid waste disposal facility. Such a battery may be disposed of only by delivery to a collection site or collection event operated under a battery stewardship plan under s. 287.175.

SECTION 2. 287.175 of the statutes is created to read:

287.175 Battery collection and recycling. (1) DEFINITIONS. In this section:

(a) "Battery containing product" means a product that contains or is packaged with a covered battery. "Battery containing product" does not include a product that is an eligible electronic device, as defined in s. 287.17 (1) (gs).

(b) "Battery stewardship organization" means an entity that has been designated by one or more producers to implement a battery stewardship plan under this section.

"Battery stewardship organization" does not include a state agency, as defined in s. 16.004 (12) (a).

(c) "Collection rate" means the percentage calculated by dividing the total weight of covered batteries collected in this state by a battery stewardship organization in a calendar year by the average annual weight of covered batteries estimated to have been sold in this state by all producers during that same calendar year and the previous 2 calendar years.

(d) "Covered battery" means a portable battery or a medium format battery that is intended or designed to be easily removed, or is capable of being easily removed, using common household tools. "Covered battery" does not include any of the following:

1. A battery, contained in a medical device that is regulated under the federal food, drug and cosmetic act, 21 USC 301 to 394, that is not designed or marketed for sale or resale at retail locations for personal use.

2. A battery that contains an electrolyte as a free liquid or a product that contains such a battery.

3. A lead acid battery subject to the requirements of s. 287.18 or a product that contains such a battery.

(e) "Medium format battery" means any of the following:

1. For primary batteries, a battery that weighs more than 4.4 pounds but not more than 25 pounds.

2. For rechargeable batteries, a battery that weighs

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

more than 11 pounds, or that has a rating of more than 300 watt-hours, or both, but that does not weigh more than 25 pounds or have a rating of more than 2,000 watt-hours.

(f) “Portable battery” means any of the following:

1. For primary batteries, a battery that weighs no more than 4.4 pounds.

2. For rechargeable batteries, a battery that weighs no more than 11 pounds and that has a rating of no more than 300 watt-hours.

(g) “Primary battery” means a battery that is not capable of being recharged.

(h) 1. “Producer” means a person that sells, offers for sale, or distributes for sale a covered battery or battery containing product in or into this state and that is any of the following:

a. If the covered battery or battery containing product is sold under a brand of the battery’s or product’s manufacturer, the person that manufactures the battery or product.

b. If the covered battery or battery containing product is sold under a retail brand or under a brand owned by a person other than the battery’s or product’s manufacturer, the person that owns the brand.

c. If subd. 1. a. and b. do not apply, the person that is the licensee of a brand or trademark under which the covered battery or battery containing product is sold, offered for sale, or distributed for sale in or into this state, regardless of whether the trademark is registered in this state.

d. If subd. 1. a. to c. do not apply to any person within the United States, the person that is the importer of record for the covered battery or battery containing product into the United States for the purpose of selling, offering for sale, or distributing for sale the battery or product in or into this state.

2. “Producer” does not include a retailer unless the retailer owns the brand under which a covered battery or battery containing product is sold.

(i) “Rechargeable battery” means a battery that contains one or more voltaic or galvanic cells electrically connected to produce electric energy and that is designed to be recharged.

(j) “Recycling” means the process by which covered batteries or battery containing products are returned to productive use as material or energy, including the collection and transport of batteries for recycling. “Recycling” does not include destruction by incineration or other processes or land disposal of recyclable materials and does not include reuse, repair, or any other process by which batteries or battery containing products are returned in their original form or in a form for secondary use.

(k) “Recycling efficiency rate” means the percentage calculated by dividing the weight of components and

materials recycled by a battery stewardship organization by the weight of covered batteries collected by the battery stewardship organization.

(L) “Retailer” means a person that only sells or offers for sale a covered battery or battery containing product in this state. “Retailer” does not include a producer.

(2) PROHIBITIONS. (a) Beginning on January 1, 2027, or one year after the effective date of this paragraph [LRB inserts date], whichever occurs first, no producer may sell, offer for sale, or distribute for sale in or into this state any covered battery or battery containing product unless the producer has designated a battery stewardship organization to implement a battery stewardship plan approved by the department under this section and listed by the department on its website under sub. (8) (f) 3. A producer may contract their obligations under this paragraph to another producer if the producer being contracted is a member of a battery stewardship organization in this state.

(b) Beginning on January 1, 2027, or one year after the effective date of this paragraph [LRB inserts date], whichever occurs first, no producer may sell, offer for sale, or distribute for sale in or into this state any covered battery or battery containing product unless the covered battery or battery in the battery containing product is marked with an identification of the producer of the battery. This paragraph does not apply if the battery is less than one-half inch in diameter or does not contain a surface with a length that exceeds one-half inch.

(c) Beginning on January 1, 2029, no producer may sell, offer for sale, or distribute for sale in or into this state any covered battery or battery containing product unless the covered battery or battery in the battery containing product is marked to ensure proper collection and recycling, by identifying the chemistry of the battery and including an indication that the battery should not be disposed of as household waste.

(d) A producer, retailer, or battery stewardship organization may not charge a point-of-sale fee to consumers to cover the costs of implementing a battery stewardship plan approved under this section.

(3) BATTERY STEWARDSHIP PLAN. (a) *Plan submittal*. No later than January 1, 2027, or one year after the effective date of this paragraph [LRB inserts date], whichever occurs first, each battery stewardship organization shall submit a battery stewardship plan to the department for approval. A battery stewardship plan approved by the department shall have a term of no more than 5 years and shall include all of the following:

1. The names and contact information for each producer that has designated the battery stewardship organization to implement the battery stewardship plan.

2. The brands of all of the covered batteries that

each producer under subd. 1. sells, offers for sale, or distributes for sale in or into this state. All such brands shall be covered by the battery stewardship plan.

3. Performance goals under the plan, and a process for achieving these goals. Performance goals shall include target collection rates for rechargeable batteries and for primary batteries; target recycling efficiency rates of at least 60 percent for rechargeable batteries and 70 percent for primary batteries; and goals for public awareness, convenience, and accessibility. The collection rate goals for each of the first 3 years of implementation of the battery stewardship organization's approved plan shall be based on the estimated total weight of covered batteries that have been sold in this state in the previous 3 calendar years by the producers participating in the plan.

4. A process for making retailers aware of the requirement under sub. (2) (b).

5. Consumer awareness goals and a description of the education and outreach strategy that the battery stewardship organization will implement to promote participation in the organization's approved plan and to provide information necessary for the effective participation of consumers, retailers, and others.

6. A process for making available to collection sites, for voluntary use, signage, written materials, and other promotional materials to inform consumers of the available end-of-life management options for covered batteries collected under the battery stewardship organization's approved plan.

7. Collection site safety training procedures related to covered battery collection activities at collection sites, including a description of operating protocols to reduce risks of spills or fires, response protocols in the event of a spill or fire, and protocols for safe management of damaged batteries that are returned to collection sites.

8. A method for fully funding the battery stewardship organization's approved plan in a manner that equitably distributes the plan's costs among the producers under subd. 1. on the basis of each producer's actual share of covered batteries collected under the plan.

9. Provisions for collecting covered batteries at no cost, regardless of the brand or producer of the covered battery, on a continuous, convenient, visible, and accessible basis.

10. The addresses of collection sites that will accept covered batteries under the plan, and the criteria used to determine whether an entity may serve as a collection site.

11. The names of proposed service providers, including sorters, transporters, and processors, to be used for the final disposition of batteries.

12. Provisions for recordkeeping, tracking, and documenting the management and disposition of collected covered batteries.

13. An explanation for any delay anticipated by the battery stewardship organization in managing medium-format batteries.

(b) *Annual fee.* A battery stewardship organization shall pay a fee of \$75,000 to the department upon approval of a plan under this section and a fee of \$75,000 annually thereafter. Fees paid under this paragraph shall be deposited in the environmental fund.

(c) *Plan expiration and resubmittal.* A battery stewardship organization shall submit a new plan to the department for approval no less than every 5 years. If the performance goals under the previously approved plan have not been met, the new plan shall include corrective measures to be implemented by the battery stewardship organization to meet those performance goals, which may include improvements to the collection site network or increased expenditures dedicated to education and outreach.

(d) *Plan amendments.* A battery stewardship organization shall provide plan amendments to the department for approval when proposing material changes to the approved plan.

(e) *Notification of certain changes.* A battery stewardship organization implementing a plan approved under this section shall notify the department within 90 days of a producer beginning or ceasing participation in the battery stewardship organization, or within 90 days of adding or removing a processor or transporter under the approved plan.

(f) *More than one battery stewardship organization; cost sharing.* 1. The department may approve plans under this section from more than one battery stewardship organization.

2. The department may approve plans that equitably share the costs, among other battery stewardship organizations, of implementing the parts of those plans that benefit such organizations.

(4) COSTS AND REIMBURSEMENT. (a) *Costs of implementation.* A battery stewardship organization implementing a plan approved under sub. (3) is responsible for all costs associated with implementing the plan, unless the approved plan allows for cost sharing among other battery stewardship organizations with approved plans, as provided under sub. (3) (f).

(b) *Reimbursement of local governments.* A battery stewardship organization implementing a plan approved under this section shall reimburse local governmental units for actual costs incurred as a result of a local government facility or solid waste facility serving as a collection site under the plan.

(c) *Collecting fees from producers.* A battery stewardship organization implementing a plan approved under this section shall collect fees from participating producers sufficient to cover the costs of implementation,

including battery collection, transportation, and processing; education and outreach; and program evaluation. Fees for processing a battery may be assessed only to the producers of batteries of the same chemistry, and only in direct proportion to that producer's share of batteries reported for that chemistry. Fees shall not be assessed in a manner that results in a producer subsidizing the processing of batteries of a chemistry different from the chemistry of the batteries the producer produces. Any fees charged to a producer by a battery stewardship organization shall be reasonable and represent, to the greatest extent possible, actual costs of administering the battery stewardship plan.

(5) COLLECTION AND MANAGEMENT OF COVERED BATTERIES. (a) A battery stewardship organization implementing a plan approved under this section shall do all of the following:

1. Provide for the collection of all covered batteries from any person, regardless of the chemistry or brand of the battery, on a free, continuous, convenient, visible, and accessible basis.

2. Provide to collection sites under the plan, at no cost to the sites, suitable collection containers for covered batteries that are segregated from other solid waste, or make alternative arrangements for the collection of such batteries at the site, with the agreement of the collection site.

3. Ensure that medium format batteries are collected only at household hazardous waste collection sites or other staffed collection sites that meet applicable federal, state, and local requirements for managing medium format batteries.

4. Provide for the collection of damaged and defective batteries, by persons trained to handle and ship such batteries, at collection sites and at each permanent household hazardous waste facility and each household hazardous waste collection event provided by the department. In this paragraph, "damaged and defective batteries" means batteries that are damaged or that have been identified by the manufacturer as being defective for safety reasons, and that have the potential to produce a dangerous evolution of heat, fire, or short circuit.

5. Ensure statewide collection opportunities for all covered batteries.

6. Coordinate activities with others, such as electronic waste recyclers and other battery stewardship plan operators, to provide efficient delivery of services and avoid unnecessary duplication of effort and expense. A battery stewardship organization shall use existing public and private waste collection services and facilities, transporters, consolidators, processors, and retailers if cost-effective, mutually agreeable, and otherwise practical. Participation by public and private waste collection

services and facilities, transporters, consolidators, processors, and retailers shall be voluntary.

7. No later than December 31, 2028, provide at least one permanent collection site for portable batteries within a 15-mile radius for at least 95 percent of state residents and at least one permanent collection site, collection service, or collection event for portable batteries for every 30,000 residents of each county.

8. For medium format batteries, provide all of the following no later than December 31, 2028:

a. At least 10 permanent collection sites in this state.

b. Collection sites that are reasonably dispersed throughout this state.

c. A collection event at least once every 3 years in each county that does not have a permanent collection site, which must provide for the collection of all medium format batteries, including damaged and defective medium format batteries.

9. Use as a collection site or the site of a collection event any entity that meets the criteria for a collection site or collection event under an approved battery stewardship plan and that requests to serve as a collection site or collection event, up to the number of collection sites required to comply with subsds. 7. and 8.

(b) A battery stewardship organization implementing a plan approved under this section may issue a warning to, suspend, or terminate a collection site or service that does not comply with the criteria under the approved plan or that poses an immediate concern to health and safety.

(c) A battery stewardship organization implementing a plan approved under this section is not required to provide for the collection of recalled batteries, battery containing products, or covered batteries that remain contained in a battery containing product at the time of delivery to a collection site or collection event. A battery stewardship organization may seek reimbursement from the producer of a recalled battery for the costs incurred in collecting, transporting, or processing such batteries. Nothing in this section shall be construed to prohibit a manufacturer of a covered battery or battery containing product from conducting a recall or assisting a battery stewardship organization in conducting a recall.

(6) EDUCATION AND OUTREACH. (a) A battery stewardship organization implementing a plan approved under this section shall do all of the following to promote the implementation of the plan:

1. Develop and maintain a website.

2. Develop and distribute collection site safety training procedures to collection sites to help ensure proper management of covered batteries at collection sites.

3. Provide consumer-focused educational materials, to each collection site used under the plan, that are ac-

cessible by customers of retailers that sell covered batteries or battery containing products.

4. Provide safety information related to covered battery collection activities to the operator of each collection site used under the plan, including appropriate protocols to reduce risks of spills or fires, to respond to a spill or fire, and to manage a collected damaged or defective battery.

5. Provide educational materials to the operator of each collection site used under the plan for the management of recalled batteries.

6. Upon request by a retailer or other potential collection site, provide educational materials describing collection opportunities for covered batteries.

7. Coordinate with other battery stewardship organizations implementing a plan approved under this section, if applicable, in providing education and outreach under this subsection.

(b) A battery stewardship organization implementing a plan approved under this section may do all of the following to promote the implementation of the plan:

1. Develop and distribute periodic press releases and articles.

2. Develop and place advertisements for use on social media or other relevant media platforms.

3. Develop promotional materials about the program and about the restriction on disposing covered batteries under sub. (11).

4. Conduct a survey, during the first year of implementing an approved plan and every 5 years thereafter, of public awareness of the provisions of this section. The battery stewardship organization shall share the results of the surveys with the department.

(7) ANNUAL AUDIT AND REPORTING. (a) No later than June 1, 2029, and each June 1 thereafter, a battery stewardship organization implementing a plan approved under this section shall hire an independent 3rd party to conduct a full audit of the battery stewardship plan and the plan's operation. The audit shall disclose the battery stewardship organization's revenue, expenditures, and liabilities relating to its activities in this state. The auditor shall examine the effectiveness of the battery stewardship plan in collecting and recycling covered batteries that are primary batteries. The auditor shall also examine the cost-effectiveness of the plan and compare it to that of other approved plans in this state or to battery stewardship plans in other states. The battery stewardship organization shall submit the results of the annual audit to the department along with an annual report for the same year that contains all of the following:

1. An independent financial assessment of implementing the plan, including a breakdown of the plan's expenses, such as collection expenses, recycling expenses, education expenses, and overhead expenses.

2. The weight, by chemistry, of covered batteries collected under the plan.

3. The weight of materials recycled from covered batteries collected under the plan, in total, and by method of battery recycling.

4. A calculation of the recycling efficiency rate under the plan.

5. A list of all facilities used in the processing or disposition of covered batteries under the plan and, for domestic facilities, a summary of any violations of environmental laws and regulations during the previous 3 years at each facility.

6. For each facility used for the final disposition of covered batteries under the plan, a description of how the facility recycled or otherwise managed batteries and battery components.

7. The weight and chemistry of covered batteries sent to each facility that is used for the final disposition of batteries. This information may be approximated on the basis of extrapolations of national or regional data for programs in operation in multiple states.

8. The collection rate achieved under the plan, including a description of how this collection rate was calculated and how it compares to the collection rate goals under the plan.

9. The estimated aggregate sales, by weight and chemistry, of covered batteries, including covered batteries contained in or packaged with battery containing products, sold in this state by the battery stewardship organization's participating producers for each of the previous 3 calendar years.

10. A description of how collected batteries were managed and recycled, including a discussion of best available technologies and the recycling efficiency rate.

11. A description of education and outreach efforts supporting plan implementation, including a summary of education and outreach provided to consumers, collection sites, manufacturers, distributors, and retailers to promote the collection and recycling of covered batteries; a description of how that education and outreach met the requirements of sub. (6); samples of education and outreach materials; a summary of coordinated education and outreach efforts with any other battery stewardship organizations implementing a plan approved under this section; and a summary of any changes made during the previous calendar year to education and outreach activities.

12. A list of all collection sites and an address for each listed site, and an up-to-date map indicating the location of all collection sites used to implement the plan, with links to websites when available.

13. A description of methods used to collect, transport, and recycle covered batteries under the plan.

14. A summary of progress made toward the perfor-

mance goals under the plan, and an explanation of why performance goals were not met, if applicable.

15. An evaluation of the effectiveness of education and outreach activities.

16. If a battery stewardship organization has disposed of covered batteries through energy recovery, incineration, or landfilling during the preceding calendar year of plan implementation, the steps that the battery stewardship organization will take to make the recycling of covered batteries cost-effective, when possible, or to otherwise increase battery recycling efficiency rates achieved by the battery stewardship organization.

(b) A battery stewardship organization implementing a plan approved under this section shall make each annual audit and report under par. (a) available on its website and provide printed or electronic copies upon request.

(8) DEPARTMENT DUTIES AND AUTHORITY. (a) *Plan approvals.* Within 120 days after receiving a proposed battery stewardship plan or proposed amendment under sub. (3) (a) or (d), the department shall approve, conditionally approve, or deny the plan or amendment. The department shall approve any plan or amendment that meets the requirements under sub. (3). If the department denies or conditionally approves a plan or amendment, the department shall notify the battery stewardship organization of the denial or conditional approval in writing and explain how the proposed plan or amendment does not comply with this section; the producer shall submit a revised plan or amendment or notice of plan withdrawal within 60 days of the denial or conditional approval; and the department shall approve or deny the revised plan or amendment within 90 days of resubmittal.

(b) *Public notice.* The department shall publish notice on its website and shall provide notice, upon request, to interested persons, announcing any proposed plan or amendment under sub. (3) (a) or (d).

(c) *Enforcement.* The department may, in addition to any penalties authorized under sub. (12), enforce violations of this section and violations of any battery stewardship plan approved under this section. For purposes of this paragraph, a failure to meet the requirements of this section despite a good faith effort is not a violation.

(d) *Reports.* The department shall review reports submitted under sub. (7) within 90 days after submission.

(e) *Assistance.* The department shall provide technical assistance to producers and retailers related to the requirements under this section.

(f) *Website.* Subject to par. (g), the department shall maintain on its website all of the following:

1. A copy of all approved battery stewardship plans and any amendments to such plans.

2. The names of producers with approved battery stewardship plans.

3. A list of brands of covered batteries covered under an approved battery stewardship plan. The department shall update this list only twice annually.

4. Reports submitted to the department under sub. (7).

(g) *Confidentiality.* Proprietary information submitted to the department under this section may not be open to public inspection and copying under s. 19.35 (1). The department and any other agency may not release, publish, or otherwise make available any proprietary information received under this section. In this paragraph, "proprietary information" means information owned or held by a producer and includes trade secrets, intellectual property, production methods, marketing strategies, business plans, financial data of a business, customer lists, data from research and development, and any other sensitive information about a business or a business's practices.

(10) INDEPENDENT BATTERY COLLECTION. Nothing in this section prevents or prohibits a person from offering or performing a fee-based household collection program or a mail-back program for covered batteries independently of a battery stewardship plan under this section if the services are performed and any facilities are operated in compliance with all applicable federal, state, and local laws and requirements.

(11) INDIVIDUAL BATTERY DISPOSAL. (a) Beginning on January 1, 2028, all of the following apply:

1. A person may dispose of a covered battery only by delivery to a collection site or collection event operated under a battery stewardship plan approved under this section, unless the battery is regulated as hazardous waste.

2. No person may knowingly cause or allow the mixing of a covered battery with recyclable materials that are intended for processing and sorting at a material recovery facility.

3. No person may knowingly cause or allow the mixing of a covered battery with municipal waste that is intended for disposal at a landfill.

4. No person may knowingly cause or allow the disposal of a covered battery in a landfill.

5. No person may knowingly cause or allow the mixing of a covered battery with waste that is intended for burning or incineration.

6. No person may knowingly cause or allow the burning or incineration of a covered battery.

(b) An owner or operator of a solid waste facility may not be found in violation of this section if the facility has posted in a conspicuous location a sign stating that covered batteries must be managed through collection sites established by a battery stewardship organization and are not accepted for disposal.

(c) A solid waste collector may not be found in violation of this section for a covered battery placed in a disposal container by a 3rd party.

(12) PENALTIES. (a) Any person that intentionally and substantially violates this section, other than sub. (11), may be required to forfeit not more than \$7,000 for each violation. For purposes of this paragraph, a failure to meet the requirements of this section despite a good faith effort is not a violation.

(c) The attorney general or the district attorney of any county in which a violation of this section occurs may, in addition to any other penalty, bring an action to enjoin any person from violating this section, other than sub. (11).

(d) A retailer is not subject to any penalty under this section.

(13) RULE MAKING. Notwithstanding s. 227.11 (2), nothing in this section shall be construed to confer rule-making authority on the department.

SECTION 3. Nonstatutory provisions.

(1) ASSESSMENT OF BATTERY CONTAINING PRODUCTS. No later than July 1, 2027, a battery stewardship or-

ganization, as defined in s. 287.175 (1) (b), implementing a battery stewardship plan approved under s. 287.175 shall submit a report to the department of natural resources on any assessments prepared in other states, if available, of the opportunities and challenges associated with the end-of-life management of portable batteries, as defined in s. 287.175 (1) (f), and medium format batteries, as defined in s. 287.175 (1) (e), that are not intended or designed to be easily removed by a customer and that are contained either in battery containing products, as defined in s. 287.175 (1) (a), medical devices, or electronic products that are not eligible electronic devices, as defined in s. 287.17 (1) (gs). The department of natural resources shall submit this report, to the chief clerk of each house of the legislature, for distribution to the appropriate standing committees of the legislature in the manner required under s. 13.172 (3), with recommendations as to whether s. 287.175 could be applied to batteries that are not intended or designed to be easily removed by a customer in a manner that is identical or analogous to the provisions of s. 287.175 applicable to covered batteries, as defined in s. 287.175 (1) (d).