

AMENDED IN SENATE JANUARY 5, 2026

AMENDED IN SENATE APRIL 7, 2025

AMENDED IN SENATE MARCH 24, 2025

SENATE BILL

No. 501

Introduced by Senator Allen

February 19, 2025

An act to ~~add Article 10.8.5 (commencing with Section 25218.50) to Chapter 6.5 of Division 20 of the Health and Safety amend Section 42420.1 of the Public Resources Code, relating to hazardous materials. solid waste.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 501, as amended, ~~Allen. Household Hazardous Waste Producer Responsibility Act.~~ *Responsible Battery Recycling Act of 2022: covered batteries.*

Existing law, the Responsible Battery Recycling Act of 2022 (battery recycling act), establishes a stewardship program, administered by the Department of Resources Recycling and Recovery, with the Department of Toxic Substances Control, as provided, for the collection, transportation, and recycling, and the safe and proper management, of covered batteries in the state in an economically efficient and practical manner. The battery recycling act defines a "covered battery" to mean a device consisting of one or more electrically connected electrochemical cells designed to receive, store, and deliver electric energy. Existing law defines a "covered battery" to include a loose battery that is designed to be easily removed from a product by the user of the product with no more than common household tools. Existing law excludes from the definition of a covered battery a primary battery

weighing over 2 kilograms. Existing law defines a “primary battery” for this purpose to mean a nonrechargeable battery, including, but not limited to, alkaline, carbon-zinc, and lithium metal batteries. Existing law also excludes from the definition of a “covered battery” a rechargeable battery weighing over 5 kilograms and having a watt-hour rating of more than 300 watt-hours.

This bill would revise the description of a loose battery, for purposes of the definition of a covered battery, by providing that a key, application, or other locking device provided to the consumer by the producer of the product or battery that is warranted by the producer of the product or battery to serve solely to prevent theft of the battery or tampering by persons other than the consumer and not to inhibit the consumer’s ability to remove, replace, or recycle the battery would not prevent a battery from being considered designed to be easily removed from a product by the user of the product with no more than common household tools. The bill would instead exclude from the definition of a covered battery a primary battery weighing over 25 pounds and any rechargeable battery weighing over 25 pounds, regardless of the watt-hour rating.

The battery recycling act requires all reports and records provided to the department to be provided under penalty of perjury.

By expanding the scope of the act, the bill would expand the scope of the crime of perjury, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~(1) Under existing law, as part of the hazardous waste control laws, the Department of Toxic Substances Control (DTSC) generally regulates the management and handling of hazardous waste and hazardous materials. Existing law authorizes a public agency, as defined, to operate a household hazardous waste collection facility under permit from DTSC.~~

~~Existing law, the Plastic Pollution Prevention and Packaging Producer Responsibility Act, establishes a producer responsibility program designed to ensure that producers of single-use packaging and food service ware covered by that program take responsibility for the costs~~

associated with the end-of-life management of that material and ensure that the material is recyclable or compostable.

This bill would create a producer responsibility program for products containing household hazardous waste and would require a producer responsibility organization (PRO) to ensure the safe and convenient collection and management of covered products at no cost to consumers or local governments. The bill would define “covered product” to mean a consumer product that is ignitable, toxic, corrosive, or reactive, or that meets other specified criteria, except as specified. The bill would require a producer of a covered product to register with the PRO, which would be required to develop and implement a producer responsibility plan for the collection, transportation, and the safe and proper management of covered products. The bill would require DTSC to adopt regulations to implement the program with an effective date no earlier than July 1, 2028.

This bill would require the PRO, within 12 months of the effective date of the regulations, to submit a producer responsibility plan to DTSC. The bill would require the plan to include specified elements, including a funding mechanism to fully fund the PRO and the program. The bill would require, within 6 months of receipt of the plan, DTSC to approve, approve in part, or disapprove the plan, as specified. The bill would require DTSC to notify the PRO of its decision. If DTSC does not approve the plan in full, then the bill would require DTSC to specify the reasons for disapproval or identify the portions of the partially approved plan that do not comply with the program, as applicable. The bill would require the PRO to submit a revised plan if its plan is not fully approved. The bill would conditionally approve a plan if DTSC does not approve, approve in part, or disapprove a plan within one year of receipt of the plan.

This bill would require the PRO to implement its plan within 90 days of approval. The bill would require the plan to be fully funded in a manner that equitably distributes the plan’s costs among participant producers, as specified. The bill would require the PRO to reimburse local jurisdictions for costs associated with collecting illegally dumped covered products and for providing a convenient collection system for covered products if the PRO’s plan relies on local jurisdictions to collect or manage covered products.

This bill would require the PRO to prepare and submit to DTSC an annual report describing the activities carried out pursuant to the plan. The bill would require the PRO to retain specified documents, annually

audit its accounting books, and make documents available to DTSC for review, as specified. The bill would require all reports and records provided to DTSC pursuant to the program to be provided under penalty of perjury. By expanding the scope of a crime, the bill would impose a state-mandated local program.

This bill would require a participant producer, through the PRO, to pay DTSC, on an unspecified schedule, an annual administrative charge, as determined by DTSC. The bill would require the charge be set at an amount that is adequate to cover DTSC's full costs of administering and enforcing the program. The bill would provide for the imposition of administrative civil penalties on producers and other specified persons who violate the program. The bill would establish the Household Hazardous Waste Producer Responsibility Fund in the State Treasury and would require the administrative charges collected by DTSC to be deposited into that fund for expenditure by DTSC, upon appropriation by the Legislature, to cover DTSC's cost to implement the program. The bill would also establish the Household Hazardous Waste Products Penalty Account in the Household Hazardous Waste Producer Responsibility Fund and would require that the civil penalties collected by DTSC pursuant to the program be deposited into that account, for expenditure by DTSC, upon appropriation by the Legislature, for activities related to the collection, reuse, and recycling of covered products, grants for related purposes, and the administration and enforcement of the program.

This bill would require the PRO to prepare an initial statewide needs assessment designed to determine the necessary steps and investments needed for covered products to achieve the requirements and purposes of the program, as specified. The bill would provide that certain actions of the PRO or a producer are not violations of the Cartwright Act or certain provisions regulating unfair business practices or unfair competition.

(2) Existing law established the Department of Resources Recycling and Recovery (CalRecycle) to, among other things, promote waste management in the order of source reduction, then recycling and composting, and then environmentally safe transformation and environmentally safe land disposal, as provided. Pursuant to that authority, CalRecycle publishes various waste characterization studies.

This bill would require CalRecycle, in support of the program, to include in updates to the applicable waste characterization study the

amount of covered products that were properly and improperly disposed of, as specified:

~~(3) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.~~

~~This bill would make legislative findings to that effect.~~

~~(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.~~

~~This bill would provide that no reimbursement is required by this act for a specified reason.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 42420.1 of the Public Resources Code is
2 amended to read:

3 42420.1. For purposes of this chapter, the following terms have
4 the following meanings:

5 (a) “Brand” means a trademark, including both a registered
6 trademark and an unregistered trademark, a logo, a name, a symbol,
7 a word, an identifier, or a traceable mark that identifies a covered
8 battery and identifies the owner or licensee of the brand.

9 (b) “Collection site” means a permanent or temporary location
10 at which covered batteries are collected and prepared for transport
11 in accordance with the requirements of this chapter.

12 (c) “Consumer” means an owner of a covered battery, including
13 a person, business, corporation, limited partnership, nonprofit
14 organization, or governmental entity, and includes the ultimate
15 purchaser, owner, or lessee of a covered battery, who is not, as to
16 that covered battery, the distributor, importer, producer, recycler,
17 retailer, or stewardship organization.

18 (d) (1) “Covered battery” means a device consisting of one or
19 more electrically connected electrochemical cells designed to
20 receive, store, and deliver electric energy. A covered battery
21 includes a battery that is any of the following:

1 (A) A loose battery that is either sold separately from a product
2 or that is designed to be easily removed from a product by the user
3 of the ~~product~~, *product* with no more than common household
4 tools. *A key, application, or other locking device provided to the*
5 *consumer by the producer of the product or battery that is*
6 *warranted by the producer of the product or battery to serve solely*
7 *to prevent theft of the battery or tampering by persons other than*
8 *the consumer and not to inhibit the consumer's ability to remove,*
9 *replace, or recycle the battery shall not prevent a battery from*
10 *being considered designed to be easily removed from a product*
11 *by the user of the product with no more than common household*
12 *tools.*

13 (B) A battery that is packed with, but not installed in, the product
14 that the battery is intended to power, when the product is offered
15 for sale by the producer.

16 (2) "Covered battery" does not include any of the following:

17 (A) A primary battery weighing over ~~two kilograms~~. *25 pounds.*
18 For purposes of this subparagraph, "primary battery" means a
19 nonrechargeable battery, including, but not limited to, alkaline,
20 carbon-zinc, and lithium metal batteries.

21 (B) A rechargeable battery weighing over ~~five kilograms~~ and
22 ~~having a Watt-hour rating of more than 300 Watt-hours~~. *25 pounds.*

23 (C) A lead-acid battery, as defined in subdivisions (a) and (b)
24 of Section 42440.

25 (D) (i) A battery contained in a motor vehicle. For purposes of
26 this subparagraph, "motor vehicle" has the same meaning as set
27 forth in Section 415 of the Vehicle Code.

28 (ii) Notwithstanding any other law, the exclusion in clause (i)
29 does not apply to a battery contained in any of the following:

30 (I) A motorized scooter.

31 (II) A motorized skateboard.

32 (III) A motorized hoverboard.

33 (IV) A device intended to propel or move upon a highway only
34 one individual person or property.

35 (E) A fuel cell electrical generating facility. For purposes of
36 this subparagraph, "fuel cell electrical generating facility" has the
37 same meaning as "eligible fuel cell electrical generating facility,"
38 as defined in Section 2827.10 of the Public Utilities Code.

39 (F) (i) A Class I device as defined in Section 360c of Title 21
40 of the United States Code, and either of the following applies:

- 1 (I) It is a device described in Section 414.202 of Title 42 of the
2 Code of Federal Regulations.
- 3 (II) Either of the following applies:
- 4 (ia) The device is predominantly used in a health care setting
5 by a provider.
- 6 (ib) The device is predominantly prescribed by a health care
7 provider.
- 8 (ii) A Class II or Class III device as defined in Section 360c of
9 Title 21 of the United States Code.
- 10 (G) A battery that has been recalled.
- 11 (e) “Department” means the Department of Resources Recycling
12 and Recovery or a successor agency.
- 13 (f) “Distributor” means a company that has a contractual
14 relationship with one or more producers to market and sell covered
15 batteries to retailers.
- 16 (g) “Electrochemical cell” means a system consisting of an
17 anode, a cathode, and an electrolyte, plus electrical or mechanical
18 connections needed to allow the cell to deliver or receive electric
19 energy.
- 20 (h) “Importer” means either of the following:
- 21 (1) A person qualifying as an importer of record for purposes
22 of Section 1484(a)(2)(B) of Title 19 of the United States Code
23 with regard to the import of a covered battery that is sold,
24 distributed for sale, or offered for sale in or into the state that was
25 manufactured or assembled by a company outside of the United
26 States.
- 27 (2) A person importing into the state for sale, distributing for
28 sale, or offering for sale in the state a covered battery that was
29 manufactured or assembled by a company physically located
30 outside of the state.
- 31 (i) “Person” has the same meaning as set forth in Section 40170.
- 32 (j) (1) “Producer” means a person who manufactures a covered
33 battery and who owns or is the licensee of the brand or trademark
34 under which that covered battery is sold, offered for sale, or
35 distributed for sale in or into the state.
- 36 (2) If there is no person in the state who is the producer for
37 purposes of paragraph (1), the producer of the covered battery is
38 the owner of a brand or trademark or, if the owner is not in the
39 state, the exclusive licensee of a brand or trademark under which
40 the covered battery is sold, imported for sale, offered for sale, or

1 distributed for sale in or into the state. For purposes of this
2 subdivision, an exclusive licensee is a person holding the exclusive
3 right to use a trademark or brand in the state in connection with
4 the manufacture, sale, or distribution for sale in or into the state
5 of the covered battery.

6 (3) If there is no person in the state who is the producer for
7 purposes of paragraph (1) or (2), the producer of the covered
8 battery is the person who sells, offers for sale, or is the importer
9 or distributor of the covered battery in or into the state for sale in
10 or into the state.

11 (4) For purposes of this chapter, the sale of a covered battery
12 shall be deemed to occur in the state if the covered battery is
13 delivered to the purchaser in the state.

14 (5) “Producer” does not include an admitted insurer possessing
15 a certificate of authority from the Insurance Commissioner pursuant
16 to Section 700 of the Insurance Code, nor does it apply to a
17 placement of insurance that was made in full compliance with
18 Section 1765.1 or 1765.2 of the Insurance Code.

19 (k) “Program operator” means a producer, or a stewardship
20 organization on behalf of a group of producers, that is responsible
21 for implementing a stewardship program in accordance with the
22 requirements of this chapter.

23 (l) (1) “Rechargeable battery” means a battery that contains
24 one or more voltaic or galvanic cells, electrically connected to
25 produce electric energy, and that is designed to be recharged.

26 (2) “Rechargeable battery” does not include either of the
27 following:

28 (A) A battery that contains electrolytes as a free liquid.

29 (B) A battery that employs lead-acid technology, unless that
30 battery is sealed and contains no free liquid electrolytes.

31 (m) “Recycler” means a person who changes the physical or
32 chemical composition of covered batteries.

33 (n) “Recycling” has the same meaning as set forth in subdivision
34 (a) of Section 25121.1 of the Health and Safety Code. “Recycling”
35 does not include any of the following:

36 (1) Combustion.

37 (2) Incineration.

38 (3) Energy generation.

39 (4) Fuel production.

1 (5) Beneficial reuse in the construction and operation of a solid
2 waste landfill, including use of alternative daily cover.

3 (6) Other forms of disposal, as defined in subdivision (b) of
4 Section 40192.

5 (o) “Recycling efficiency rate” means the ratio of the weight of
6 covered battery components recycled by a program operator from
7 covered batteries to the weight of those covered batteries collected
8 by the program operator.

9 (p) “Retailer” means a person who sells or offers for sale
10 covered batteries in or into the state to a person through any means,
11 including, but not limited to, sales outlets, catalogs, the telephone,
12 the internet, or any electronic means.

13 (q) “Stewardship organization” means an organization exempt
14 from taxation under Section 501(c)(3) of the federal Internal
15 Revenue Code of 1986 (26 U.S.C. Sec. 501(c)(3)) that is
16 established by a group of producers in accordance with this chapter
17 to develop and implement a stewardship program.

18 (r) “Stewardship plan” or “plan” means a plan developed by a
19 program operator pursuant to this chapter for the collection,
20 transportation, and recycling, and the safe and proper management,
21 of covered batteries.

22 (s) “Stewardship program” means a program established by a
23 program operator pursuant to this chapter for the free at drop off,
24 convenient, and safe collection, transportation, recycling, and
25 otherwise proper management of covered batteries.

26 *SEC. 2. No reimbursement is required by this act pursuant to*
27 *Section 6 of Article XIII B of the California Constitution because*
28 *the only costs that may be incurred by a local agency or school*
29 *district will be incurred because this act creates a new crime or*
30 *infraction, eliminates a crime or infraction, or changes the penalty*
31 *for a crime or infraction, within the meaning of Section 17556 of*
32 *the Government Code, or changes the definition of a crime within*
33 *the meaning of Section 6 of Article XIII B of the California*
34 *Constitution.*

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All matter omitted in this version of the bill appears in the bill as amended in the Senate, April 7, 2025. (JR11)

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