

JAN 15 2025

A BILL FOR AN ACT

RELATING TO RECYCLING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the improper
2 disposal of batteries and battery-embedded products creates
3 significant safety and environmental dangers. For example, in
4 2016, a four-alarm fire at a material recovery facility in San
5 Mateo County, California, caused millions of dollars in damage.
6 The fire was likely caused by a rechargeable battery.

7 In particular, lithium-ion batteries pose significant fire
8 risks, with well-publicized incidents having occurred in homes
9 and airliners. Despite laws regulating the disposal of
10 lithium-ion batteries, many are improperly discarded and end up
11 in landfills or other inappropriate parts of the solid waste
12 system. The improper disposal of rechargeable lithium-ion
13 batteries in the State's landfills creates unnecessary safety
14 hazards for workers and surrounding residents, while also posing
15 environmental threats to the State's land and water resources,
16 including the aquifer.



1 The legislature finds that the lack of accessible recycling
2 options causes many batteries to be improperly disposed of in
3 landfills. The legislature further finds that requiring
4 lithium-ion battery producers to play a more active role in the
5 recovery and recycling of their products will help to ensure
6 that lithium-ion batteries stay out of the State's landfills.

7 Accordingly, the purpose of this Act is to expand the
8 Electronic Device Recycling and Recovery Act to include the
9 collection and recycling of certain lithium-ion batteries.

10 SECTION 2. Section 339D-1, Hawaii Revised Statutes, is
11 amended by adding four new definitions to be appropriately
12 inserted and to read as follows:

13 "Covered battery":

14 (1) Means a lithium-ion battery device consisting of one
15 or more electrically connected electrochemical cells
16 designed to receive, store, and deliver electric
17 energy;

18 (2) Includes a lithium-ion battery that is:

19 (A) A loose battery that is either sold separately
20 from a product or that is designed to be easily



- 1 removed from a product by the user of the product
2 with no more than common household tools; and
3 (B) A battery that is packed with, but not installed
4 in, the product that the battery is intended to
5 power, when the product is offered for sale by a
6 manufacturer; and
7 (3) Does not include:
8 (A) A non-rechargeable battery;
9 (B) A rechargeable battery weighing more than five
10 kilograms and having a watt-hour rating of more
11 than three hundred watt-hours;
12 (C) A battery contained in a motor vehicle.
13 (D) A class I device as defined in title 21 United
14 States Code section 360c that is either:
15 (i) A device described in title 42 Code of
16 Federal Regulations section 414.202; or
17 (ii) Predominantly used in a health care setting
18 by a health care provider or predominantly
19 prescribed by a health care provider;
20 (E) A class II or class III device as defined in
21 title 21 United States Code section 360c; and



1 (F) A battery that has been recalled.

2 "Electrochemical cell" means a system consisting of an
3 anode, a cathode, and an electrolyte, plus electrical or
4 mechanical connections needed to allow the cell to deliver or
5 receive electric energy.

6 "Lithium-ion battery" means a rechargeable battery that
7 uses lithium ions as the primary component of its electrolyte.

8 "Motor vehicle" has the same meaning as in section 291C-1;
9 provided that, for purposes of this chapter, "motor vehicle"
10 does not include a motorized scooter, motorized skateboard,
11 motorized hoverboard, or a vehicle intended to propel or move
12 upon a highway only one individual person or property."

13 SECTION 3. Section 339D-1, Hawaii Revised Statutes, is
14 amended by amending the definition of "electronic device" to
15 read as follows:

16 ""Electronic device":

17 (1) Means:

18 (A) A computer, computer printer, computer monitor,
19 or portable computer with a screen size greater
20 than four inches measured diagonally; [~~and~~]



1 (B) Any device that is capable of receiving
2 broadcast, cable, or satellite signals and
3 displaying television or video programing,
4 including any direct view or projection
5 television with a viewable screen of nine inches
6 or larger with display technology based on
7 cathode ray tube, plasma, liquid crystal, digital
8 light processing, liquid crystal on silicon,
9 silicon crystal reflective display, light
10 emitting diode, or similar technology; and

11 (C) A covered battery; and

12 (2) Shall not include:

13 (A) An electronic device that is a part of a motor
14 vehicle or any component part of a motor vehicle
15 assembled by or for a motor vehicle manufacturer
16 or franchised dealer, including replacement parts
17 for use in a motor vehicle;

18 (B) An electronic device that is functionally or
19 physically required as a part of a larger piece
20 of equipment designed and intended for use in an
21 industrial, commercial, or medical setting,



1 including diagnostic, monitoring, or control
2 equipment;

3 (C) An electronic device that is contained within a
4 clothes washer, clothes dryer, refrigerator,
5 refrigerator and freezer, microwave oven,
6 conventional oven or range, dishwasher, room air
7 conditioner, dehumidifier, or air purifier;

8 (D) A telephone of any type including a mobile
9 telephone; or

10 (E) A global positioning system."

11 SECTION 4. Section 339D-7.5, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§339D-7.5 Manufacturer and agent responsibilities;**
14 **regulatory compliance.** Each manufacturer shall be responsible
15 for ensuring that the manufacturer and its agents follow all
16 federal, state, and local regulations when collecting,
17 transporting, and recycling electronic devices, and adopt
18 environmentally sound recycling practices for the electronic
19 devices. The manufacturer shall ensure that the manufacturer
20 and its agents collect, store, transport, and recycle covered
21 batteries in a safe manner."



1 SECTION 5. Section 339D-23, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) By September 1, 2022, and annually thereafter, each
4 manufacturer shall submit a plan to the department to establish,
5 conduct, and manage a program for the recycling of electronic
6 devices sold in the State, which shall be subject to the
7 following conditions:

8 (1) The plan shall not permit the charging of a fee at the
9 point of collection if the electronic device is
10 brought by the electronic device owner to a central
11 location for recycling; provided that the plan may
12 include a reasonable transportation fee if the
13 manufacturer or manufacturer's agent removes the
14 electronic device from the owner's premises at the
15 owner's request and if the removal is not in
16 conjunction with delivery of a new electronic device
17 to the owner;

18 (2) The plan shall include a description of the methods
19 for the convenient collection of electronic devices at
20 no cost to the owner, except as provided in paragraph
21 (1). The recycling plan shall provide for collection



1 services of electronic devices in each county and zip
2 code tabulation area, as defined by the United States
3 Census Bureau, with a population greater than
4 twenty-five thousand. The recycling plan shall
5 include at least one of the following:

6 (A) Staffed drop-off sites;

7 (B) Alternative collection services, including
8 on-site pick-up services; or

9 (C) Collection events held at an easily accessible,
10 central location;

11 (3) The plan shall provide collection services at a
12 minimum of once per month;

13 (4) The plan shall not contain only a mail-back option;

14 (5) For the recycling of covered batteries, the plan shall
15 specify the manner in which collection sites,
16 services, and events will be operated to ensure that
17 covered batteries are collected safely and handled in
18 accordance with all applicable federal, state, and
19 county laws and ordinances;



S.B. NO. 391

Report Title:

Lithium-ion Batteries; Recycling; Electronic Device Recycling and Recovery Act; DOH; Extended Producer Responsibility; E-Waste

Description:

Expands the Electronic Device Recycling and Recovery Act to include the collection and recycling of certain lithium-ion batteries. Requires manufacturers of lithium-ion batteries to recycle or arrange for the recycling of lithium-ion batteries sold in the State, and ensure the safe collection, storage, transportation, and recycling of batteries.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

