



HOUSE BILL No. 4187

January 30, 1995, Introduced by Rep. Schroer and referred to the Committee on Conservation, Environment and Great Lakes.

A bill to amend section 8 of Act No. 20 of the Public Acts of 1990, entitled as amended

"An act to regulate the disposal of certain batteries; to prescribe the powers and duties of certain state agencies and officials; to provide for the preparation of certain reports; and to prescribe penalties and provide remedies,"

being section 299.868 of the Michigan Compiled Laws; and to add sections 6b, 6c, 6d, 6e, 6f, and 6g.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Section 8 of Act No. 20 of the Public Acts of
2 1990, being section 299.868 of the Michigan Compiled Laws, is
3 amended, and sections 6b, 6c, 6d, 6e, 6f, and 6g are added to
4 read as follows:

5 SEC. 6B. (1) EXCEPT AS AUTHORIZED UNDER SUBSECTION (2),
6 BEGINNING ON JULY 1, 1996, A DISTRIBUTOR OR MANUFACTURER SHALL
7 NOT SELL OR DISTRIBUTE THE FOLLOWING BATTERIES IN THIS STATE:

1 (A) ALKALINE MANGANESE BATTERIES THAT CONTAIN ANY
2 INTENTIONALLY INTRODUCED MERCURY.

3 (B) ZINC CARBON BATTERIES THAT CONTAIN ANY INTENTIONALLY
4 INTRODUCED MERCURY.

5 (C) CONSUMER MERCURIC OXIDE BUTTON BATTERIES.

6 (2) THE DIRECTOR OF THE DEPARTMENT OR HIS OR HER DESIGNEE
7 MAY GRANT AN EXTENSION OF ANY TIME REQUIREMENT IN SUBSECTION (1)
8 OR IN SECTION 6C OR 6D OF NOT MORE THAN 1 YEAR IF ALL OF THE FOL-
9 LOWING OCCUR:

10 (A) STATEWIDE PUBLIC NOTICE OF PUBLIC HEARINGS ON THE PRO-
11 POSED EXTENSION AND THE PURPOSE OF THOSE HEARINGS.

12 (B) STATEWIDE PUBLIC HEARINGS AND OPPORTUNITY FOR COMMENT
13 REGARDING A PROPOSED EXTENSION.

14 (C) CONSIDERATION OF ALL PUBLIC COMMENTS RECEIVED AT A
15 PUBLIC HEARING AND OTHERWISE.

16 SEC. 6C. BEGINNING ON THE EFFECTIVE DATE OF THIS SECTION, A
17 PERSON SHALL NOT DISPOSE OF ANY OF THE BATTERIES LISTED IN SEC-
18 TION 6B(1) IN A MUNICIPAL SOLID WASTE INCINERATOR OR A SOLID
19 WASTE LANDFILL.

20 SEC. 6D. (1) EXCEPT AS OTHERWISE AUTHORIZED IN SECTION
21 6B(2), BEGINNING ON JULY 1, 1995, ALL MERCURY OXIDE BATTERIES
22 DESIGNED FOR AND USED IN MEDICAL INSTRUMENTS SHALL NOT BE DIS-
23 POSED OF IN MUNICIPAL SOLID WASTE INCINERATORS OR IN SOLID WASTE
24 LANDFILLS AND ARE REQUIRED TO BE RECYCLED OR DISPOSED OF IN A
25 HAZARDOUS WASTE DISPOSAL FACILITY.

26 (2) THE MANUFACTURERS OF MERCURIC OXIDE BATTERIES DESCRIBED
27 IN SUBSECTION (1) SHALL DO BOTH OF THE FOLLOWING:

1 (A) DEVELOP A COLLECTION SYSTEM THAT PROVIDES FOR COLLECTION
2 SITES OR CLEARING HOUSES AT WHICH THE BATTERIES ARE COLLECTED FOR
3 PROPER DISPOSAL AT A HAZARDOUS WASTE DISPOSAL FACILITY OR FOR
4 RECYCLING.

5 (B) INFORM PURCHASERS OF MEDICAL-USE MERCURIC OXIDE BATTE-
6 RIES DESCRIBED IN SUBSECTION (1), AT THE TIME OF PURCHASE, OF THE
7 DISPOSAL PROHIBITION AND THE LOCATION OF THE PROPER COLLECTION
8 SITES AND PROVIDE A TELEPHONE NUMBER AT WHICH PURCHASERS CAN
9 OBTAIN INFORMATION REGARDING APPROPRIATE DISPOSAL AND COLLECTION
10 PROCEDURES FOR THESE BATTERIES.

11 (3) MANUFACTURERS OF MEDICAL-USE MERCURIC OXIDE BATTERIES
12 DESCRIBED IN SUBSECTION (1) SHALL ANNUALLY CERTIFY TO THE DEPART-
13 MENT THAT THEY ARE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS
14 SECTION.

15 SEC. 6E. EXCEPT AS OTHERWISE PROVIDED IN SECTION 6B(2),
16 WITHIN 6 MONTHS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE
17 MANUFACTURERS OF ALKALINE MANGANESE, ZINC CARBON, AND RECHARGE-
18 ABLE BATTERIES SHALL ESTABLISH COLLECTION AND RECYCLING PLANS FOR
19 THESE BATTERIES. THE PLANS SHALL BE SUBMITTED TO THE DIRECTOR OF
20 THE DEPARTMENT OR HIS OR HER DESIGNEE. THE DEPARTMENT SHALL HAVE
21 120 DAYS AFTER RECEIPT OF A PROPOSED PLAN TO REVIEW AND APPROVE
22 OR DISAPPROVE A PLAN. A PLAN THAT IS NOT DISAPPROVED WITHIN 120
23 DAYS SHALL BE CONSIDERED APPROVED. MANUFACTURERS MAY JOIN
24 TOGETHER TO SUBMIT JOINT PLANS. ALL PLANS APPROVED UNDER THIS
25 SECTION SHALL PROVIDE THAT MANUFACTURERS OF BATTERIES PROVIDE AT
26 THEIR OWN EXPENSE FOR THE ENVIRONMENTALLY SOUND COLLECTION,

1 TRANSPORTATION, AND RECYCLING OR PROPER DISPOSAL OF BATTERIES BY
2 JANUARY 1, 1998.

3 SEC. 6F. (1) THE DEPARTMENT MAY ENTER PREMISES IN THIS
4 STATE WHERE ANY OF THE BATTERIES LISTED IN SECTION 6B(1) OR 6D(1)
5 ARE MANUFACTURED OR SOLD TO ENFORCE THIS ACT OR AN ORDER ENTERED
6 UNDER THIS ACT. THE DEPARTMENT MAY UPON REASONABLE NOTICE
7 REQUIRE A PERSON TO GRANT THE DEPARTMENT ACCESS AT ALL REASONABLE
8 TIMES TO ANY PLACE, PROPERTY, OR LOCATION TO INSPECT AND COPY
9 RELATED INFORMATION.

10 (2) A PERSON WHO ENTERS PUBLIC OR PRIVATE PROPERTY PURSUANT
11 TO THIS SECTION SHALL PRESENT CREDENTIALS; MAKE A REASONABLE
12 EFFORT TO CONTACT THE PERSON IN CHARGE OF THE FACILITY OR THAT
13 PERSON'S DESIGNEE; AND DESCRIBE THE NATURE OF THE ACTIVITIES
14 AUTHORIZED UNDER THIS SECTION TO BE UNDERTAKEN. THE ABSENCE OR
15 UNAVAILABILITY OF THE PERSON IN CHARGE OR THAT PERSON'S AGENT
16 SHALL NOT DELAY OR LIMIT THE AUTHORITY OF THE DEPARTMENT TO ENTER
17 THE PROPERTY OR PROCEED WITH THE ACTIVITIES AUTHORIZED UNDER THIS
18 SECTION.

19 (3) IF THE DEPARTMENT OBTAINS ANY SAMPLES, BEFORE LEAVING
20 THE PROPERTY THEY SHALL GIVE TO THE PERSON IN CHARGE OF THE PROP-
21 ERTY FROM WHICH THE SAMPLES WERE OBTAINED A RECEIPT DESCRIBING
22 THE SAMPLE. A COPY OF THE RESULTS OF ANY ANALYSIS OF THE SAMPLES
23 SHALL UPON REQUEST BE FURNISHED PROMPTLY TO THE PERSON IN
24 CHARGE.

25 (4) ALL INSPECTIONS AND INVESTIGATIONS UNDERTAKEN UNDER THIS
26 SECTION SHALL BE COMPLETED WITH REASONABLE PROMPTNESS.

1 SEC. 6G. THE DEPARTMENT MAY ISSUE ADMINISTRATIVE ORDERS TO
2 ENFORCE THIS ACT.

3 Sec. 8. (1) The department shall enforce this act.

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

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