

§ 6-1101.

- (a) In this subtitle the following words have the meanings indicated.
- (b) "Cell" means a galvanic or voltaic device weighing 25 pounds or less consisting of an enclosed or sealed container which contains a positive and a negative electrode consisting primarily of cadmium or lead, and which contains a gel or liquid starved electrolyte.
- (c) "Cell manufacturer" means a person who:
- (1) Manufactures cells in the United States; or
 - (2) Imports into the United States cells or units for which no unit management program has been put into effect by the actual manufacturer of the cell or unit.
- (d) "Easily removed", with respect to a rechargeable battery which powers a rechargeable product, means removable by hand or by using common household tools.
- (e) "Institutional user" means a person conducting medical, commercial, industrial, governmental, or similar operations.
- (f) (1) "Marketer" means a person who manufactures, assembles, sells, distributes, affixes a brand name or private label to, or licenses the use of a brand name on a unit or product with an easily removable rechargeable battery.
- (2) Except for a person who affixes a brand name or private label to a unit or to a product with an easily removable rechargeable battery, "marketer" does not include a person engaged in the retail sale of a unit or of a rechargeable product.
- (g) "Nonremovable", with respect to a rechargeable battery which powers a rechargeable product, means not easily removed.
- (h) (1) "Rechargeable battery" means any type of enclosed device or sealed container which consists of one or more cells and which weighs 25 pounds or less.
- (2) "Rechargeable battery" does not include a battery used as a power source for starting a motor vehicle.
- (i) "Rechargeable product" means a device for which the primary power source is a nonremovable rechargeable battery.

(j) "Responsible entity" means a person designated in a unit management program, or in the absence of a unit management program, the marketer whose name appears on a unit.

(k) "Sell" means to sell, offer for sale, or offer for promotional purposes a unit or a product with an easily removable rechargeable battery.

(l) "Unit" means a cell, a rechargeable battery, or a rechargeable product.

(m) "Unit management program" means a program or system for the collection, recycling, or disposal of units put in place by a marketer under § 6-1107 of this subtitle.

§ 6-1102.

After December 31, 1994, each unit sold by a marketer to an end user in this State shall be covered by one or more unit management programs.

§ 6-1103.

(a) Unless granted an exemption by the Department, rechargeable batteries contained in products designed for use by consumers and manufactured after December 31, 1993 shall be easily removed.

(b) Upon application, the Department may exempt from the requirements of this section a rechargeable battery contained in a product designed for use by consumers upon a finding that:

- (1) For reasons such as health or safety cannot be redesigned; and
- (2) The product is covered by a unit management program.

§ 6-1104.

(a) Each unit manufactured after December 31, 1993 and sold to an end user in this State after December 31, 1994 shall bear the following information on the unit, the package, the product containing the unit, or in associated instructional material:

- (1) A statement that the unit must be disposed of properly;
- (2) The "three chasing arrows" recycling symbol;
- (3) A description of the battery electrode chemistry; and
- (4) Sufficient information to enable the user properly to dispose of spent units.

(b) A local government or agency of local government in this State may not enact additional labeling requirements for a unit, package, product containing a unit, or associated instructional material.

(c) Nothing in this section may be interpreted to prohibit the display of any other symbol or information designed to promote recycling.

§ 6-1105.

(a) Marketers shall develop and provide or cause to be provided a generic notice placard to each retailer of a unit or product with an easily removable rechargeable battery.

(b) The notice placard shall contain substantially the following information:

(1) After December 31, 1994, disposal of rechargeable batteries or products powered by nonremovable rechargeable batteries may only be in accordance with a State-approved collection system;

(2) Under State law, marketers of rechargeable batteries and products powered by nonremovable rechargeable batteries shall provide a special collection system for these items by January 1, 1995; and

(3) Rechargeable batteries and rechargeable products shall contain specific information on proper methods of collection and disposal.

(c) (1) After December 31, 1994, a retailer who sells a unit or a product with an easily removable rechargeable battery shall display the generic notice placard provided by a marketer at or near the sales display of the unit or product.

(2) A single generic notice placard may be utilized to provide notice for more than one marketer of a unit or product with an easily removable rechargeable battery.

(3) A single generic notice placard may be displayed in one or more areas where units or products with easily removable rechargeable batteries are sold.

§ 6-1106.

After December 31, 1994 a person may not dispose of a unit except in accordance with a unit management program approved by the Department or in another manner approved under regulations adopted by the Department.

§ 6-1107.

(a) Except as provided in subsection (d) of this section, by January 1, 1995 each unit, and each easily removable rechargeable battery contained in a product, sold in the State shall be covered by a unit

management program approved by the Department. A unit management program may be submitted by or on behalf of any person having responsibilities under this subtitle.

(b) A unit management program shall:

(1) Provide the name, address and telephone number of each responsible entity;

(2) Describe the units and products which each responsible entity shall ensure will be collected and transported under the program; and

(3) Generally describe the unit management program including methods of unit collection, transportation, and recycling or proper disposal.

(c) A unit management program shall be submitted to the Department prior to the sale of any unit, or of any product with an easily removable rechargeable battery, by a marketer in this State which takes place after December 31, 1994. Any change in a responsible entity, address or telephone number, covered units or products, or disposition of units under a unit management program shall be reported to the Department within 90 days after the change takes place.

(d) Notwithstanding subsection (a) of this section, nothing in this subtitle may be construed to prohibit the sale to an original equipment manufacturer by a cell manufacturer of a cell not covered under a unit management program.

§ 6-1108.

(a) Each marketer shall ensure that its direct customers have a convenient mechanism for returning units to the marketer or to the responsible entity or to a destination specified in the unit management program covering those units.

(b) Except for direct sales to private consumers, each marketer shall provide written notice to its direct customers that each unit sold by the marketer is covered by a unit management program.

(c) Each marketer is responsible for units sold by it.

(d) The retailer location where units are collected under a unit management program may not constitute a facility as defined in § 7-101 of this article.

§ 6-1109.

(a) In addition to any requirement which a cell manufacturer may have as a marketer under this subtitle, each cell manufacturer shall accept cells and rechargeable batteries collected in the State, including cells collected by the State, local governments, and their agencies.

(b) (1) Except as provided in paragraph (2) of this subsection, a cell manufacturer shall accept cells and rechargeable batteries returned to it of the same general type which it manufactures, including cells of other brands.

(2) A cell manufacturer may not be required to accept other brands in more than a reasonable amount as determined by the Department.

(c) Each cell manufacturer has the sole responsibility for recycling or disposal of cells and rechargeable batteries returned to it.

(d) A cell manufacturer that does not produce rechargeable products may not be required to accept a rechargeable product.

§ 6-1110.

(a) Each institutional user shall collect and return spent units used in its operations to the appropriate responsible entity in accordance with the unit management program, or, at its discretion, to a facility permitted to store or process hazardous waste.

(b) A rechargeable product designed for use by an institutional user shall bear a notice that when no longer usable, the product shall be recycled or disposed of properly.

§ 6-1111.

Each responsible entity shall ensure that its unit management program is carried out and that units collected under the submitted unit management program are returned to the cell manufacturer or, at the discretion of the responsible entity, to proper disposal or recycling facilities. Duties of the responsible entity end with delivery of collected units to the cell manufacturer, or to proper disposal or recycling facilities.

§ 6-1112.

(a) Any person bearing responsibility under this subtitle may contract with a private or public entity or may form an association for preparation and maintenance of a unit management program or for performance of its responsibilities required under a unit management program, including appointment of an agent, allocation of costs, and indemnification.

(b) Nothing in this section may be interpreted to relieve or to protect any person bearing responsibility under this subtitle from liability for violation of this subtitle due to nonperformance by a responsible entity or agent.