

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1907

6 By: Alonso-Sandoval

7 COMMITTEE SUBSTITUTE

8 An Act relating to the environment; creating the  
9 Battery Stewardship Act; defining terms; restricting  
10 the sale of certain batteries unless in compliance;  
11 making certain exceptions; requiring submittal of  
12 certain plan for review; requiring operation under  
13 certain plan; limiting term of plan; listing  
14 requirements of plan; requiring certain calculation  
15 of cost; requiring payment of certain annual fee;  
16 requiring deposit of collected fees into certain  
17 fund; authorizing adjustment of certain fee;  
18 requiring certain annual report; listing certain  
19 report content requirements; requiring certain public  
20 awareness survey; stating survey requirements;  
21 requiring certain audit; stating audit requirements;  
22 requiring submission of audit results; requiring  
23 certain materials be provided; requiring the  
24 collection and recycling of certain batteries;  
authorizing certain separate collection facilities;  
requiring convenient collection points; requiring  
certain targets be met; requiring annual reports  
contain certain details; listing details; providing  
for certain punishments; requiring certain  
collections be used; creating penalty for certain  
improper disposal; allowing certain requirements to  
be met by certain participation; requiring Department  
of Environmental Quality to make certain  
determination; requiring certain notification;  
providing for the submission of revised plan;  
allowing certain plans to be deemed approved if no  
action taken; prohibiting amendments to plan unless  
approved; authorizing Department to require certain  
amendments to approved plans; authorizing the  
revocation of certain plans; authorizing Department

1 to make certain determination; requiring Department  
2 maintain certain plans and plan information on its  
3 website; requiring Department promote certain public  
4 participation; stating certain information shall not  
5 be made public; allowing for certain information to  
6 be summarized or redacted; making certain exception;  
7 requiring each county have certain facility;  
8 providing certain alternatives; requiring Department  
9 provide certain report; stating report requirements;  
10 authorizing the promulgation of rules; authorizing  
11 certain reimbursement; allowing reimbursement after  
12 certain occurrences; allowing request of certain  
13 independent audit; requiring payment of certain costs  
14 and requested reimbursement; authorizing certain  
15 cause of action if certain conditions are met;  
16 establishing fine for violations; granting certain  
17 immunities; allowing certain programs; listing  
18 certain requirements; providing for codification; and  
19 providing an effective date.

20 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

21 SECTION 1. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 2120 of Title 27A, unless there  
23 is created a duplication in numbering, reads as follows:

24 This act shall be known and may be cited as the "Battery  
Stewardship Act".

SECTION 2. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 2121 of Title 27A, unless there  
is created a duplication in numbering, reads as follows:

As used in the Battery Stewardship Act:

1. "Department" means the Oklahoma Department of Environmental  
Quality or its successor agency;

1        2. "Collection rate" means the total weight of covered  
2 batteries collected in this state by a producer in a calendar year  
3 divided by the average annual weight of covered batteries estimated  
4 to have been sold in this state by that producer during the same  
5 calendar year and the previous two (2) calendar years;

6        3. "Covered battery" means a portable battery or a medium  
7 format battery, regardless of the end user, sold for:

- 8            a. residential purposes, or
- 9            b. commercial, industrial, institutional purposes,  
10            hereinafter referred to as "B2B batteries" or  
11            "Business-to-Business batteries";

12        4. "Covered battery" does not include any of the following:

- 13            a. a battery, contained within a medical device as  
14            defined in the federal Food, Drug, and Cosmetic Act,  
15            21 U.S.C., Section 301 et seq.,
- 16            b. a battery that contains an electrolyte as a free  
17            liquid,
- 18            c. a lead acid battery weighing more than eleven (11)  
19            pounds,
- 20            d. a battery designed to power a vehicle, part of a motor  
21            vehicle, or a component part of a motor vehicle  
22            assembled by, or for, a vehicle manufacturer or  
23            franchised dealer, including replacement parts for use  
24            in a motor vehicle, or

1 e. a battery in a battery-containing product that is not  
2 intended or designed to be easily removable from the  
3 battery-containing product;

4 5. "Covered Entities" means:

- 5 a. producers who are manufacturers, importers, or  
6 distributors of covered batteries sold in Oklahoma,  
7 b. retailers who are entities selling covered batteries  
8 directly to consumers or businesses in Oklahoma, and  
9 c. end users who are:

10 (1) residential consumers, or

11 (2) businesses that are organizations purchasing  
12 batteries for commercial, industrial, or  
13 institutional purposes;

14 6. "Medium-format battery" means the following primary or  
15 rechargeable covered batteries:

- 16 a. for rechargeable batteries, a battery weighing more  
17 than 11 pounds or having a rating of more than 300  
18 watt-hours, or both, and no more than 25 pounds and  
19 having a rating of no more than 2,000 watt-hours, or  
20 b. for primary batteries, a battery weighing at least 4.4  
21 pounds, but not more than 25 pounds;

22 7. "Portable battery" means the following primary or  
23 rechargeable covered batteries:  
24

1 a. for rechargeable batteries, a battery weighing no more  
2 than 11 pounds and having a rating of no more than 300  
3 watt-hours, or

4 b. for primary batteries, a battery weighing no more than  
5 4.4 pounds;

6 8. "Primary battery" means a battery that is not capable of  
7 being recharged.

8 9. "Producer" means a person that sells, offers for sale, or  
9 distributes for sale a covered battery in or into this state and  
10 that qualifies as any of the following:

11 a. if the covered battery is sold under a brand of the  
12 battery's manufacturer, the person that manufactures  
13 the battery,

14 b. if the covered battery is sold under a retail brand or  
15 under a brand owned by a person other than the  
16 battery's manufacturer, the person that owns the  
17 brand,

18 c. if subparagraphs a and b of this paragraph do not  
19 apply, the person that is the licensee of a brand or  
20 trademark under which the covered battery is sold,  
21 offered for sale, or distributed for sale in or into  
22 this state, regardless of whether the trademark is  
23 registered in this state,

1           d.    if subparagraphs a, b, or c of this paragraph do not  
2                    apply to any person within the United States, the  
3                    person that is the importer of record for the covered  
4                    battery into the United States for the purpose of  
5                    selling, offering for sale, or distributing for sale  
6                    the battery in or into this state, and

7           e.    if subparagraphs a, b, c, or d of this paragraph do  
8                    not apply to any person with a commercial presence in  
9                    this state, the person who first sells, offers for  
10                    sale, or distributes for sale the covered battery in  
11                    or into this state;

12           10.  "Rechargeable battery" means a battery that contains one or  
13 more voltaic or galvanic cells electrically connected to produce  
14 electric energy and that is designed to be recharged;

15           11  "Recycling" means preparing covered batteries for use in  
16 manufacturing processes or for recovery of usable materials and  
17 delivering the materials for use. Recycling does not include  
18 destruction by incineration or other processes or land disposal of  
19 recyclable materials and does not include reuse, repair, or any  
20 other process through which batteries are returned in their original  
21 form; and

22           12.  "Retailer" means a person who offers a battery for sale in  
23 this state by any means, including via online sales.

1 SECTION 3. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2122 of Title 27A, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. Beginning on January 1, 2028, no producer may sell, offer  
5 for sale, or distribute for sale in or into this state any covered  
6 battery unless the producer is in compliance with the requirements  
7 of Section 4 of this act.

8 B. Beginning on January 1, 2028, no retailer may sell or offer  
9 for sale in this state any covered battery unless the producer of  
10 the battery is in compliance with the requirements of Section 4 of  
11 this act. This paragraph does not apply to covered batteries for  
12 which any of the following apply:

13 1. The retailer purchases the covered battery before January 1,  
14 2028, and sells the battery on or before January 1, 2029; or

15 2. If the producer's battery stewardship plan under Section 4  
16 of this act is expired or has been revoked, the retailer purchased  
17 the covered battery before the producer's battery stewardship plan  
18 expired or was revoked.

19 SECTION 4. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 2123 of Title 27A, unless there  
21 is created a duplication in numbering, reads as follows:

22 A. No later than June 1, 2027, each producer shall submit a  
23 battery stewardship plan to the Department of Environmental Quality  
24 for review. No later than January 1, 2028, each producer shall

1 operate under an approved battery stewardship plan. A battery  
2 stewardship plan submitted to the Department shall have a term of no  
3 more than five (5) years and shall include all of the following:

4 1. If the producer is a member of a battery stewardship  
5 organization pursuant to Section 5 of this act, the names and  
6 contact information for each of the producers in the battery  
7 stewardship organization;

8 2. The brands of all of the covered batteries that the producer  
9 sells, offers for sale, or distributes for sale in or into this  
10 state. All such brands shall be covered by the battery stewardship  
11 plan;

12 3. Provisions for collecting covered batteries at no cost to  
13 the end user, regardless of the brand or producer of the covered  
14 battery and provisions for collecting damaged, defective, or  
15 recalled batteries considering storage container requirements or  
16 other safety measures;

17 4. A process for providing packaging, consistent with any state  
18 and federal requirements related to transporting hazardous  
19 materials, for the safe collection and transportation of covered  
20 batteries. Such packaging shall be provided at no cost if the  
21 purpose of the packaging will be to collect and transport damaged,  
22 defective, or recalled covered batteries;

23  
24

1           5. A process for allowing retailers, municipalities, and solid  
2 waste facilities to opt in to being a collection facility under the  
3 plan;

4           6. The name, address, and contact information of at least one  
5 (1) collection facility in each county in this state that will  
6 provide covered battery collection throughout the calendar year;

7           7. The name, address, and contact information of any  
8 transporter or contractor that will collect covered batteries from  
9 collection facilities and a statement as to whether such  
10 transporters or contractors have obtained the necessary state and  
11 federal licenses for transporting batteries; and the name, address,  
12 and contact information of any recycling facility that will process  
13 the collected batteries;

14           8. A provision that ensures that each collection facility will  
15 accept up to one hundred covered batteries per person per visit. A  
16 collection facility may agree to accept more covered batteries per  
17 person per visit;

18           9. A method for responsibly managing collected covered  
19 batteries to ensure that all of the components of collected  
20 batteries are recycled, to the extent economically and technically  
21 feasible, and that any components or batteries that cannot be  
22 recycled are properly disposed of;

23           10. A description of an education and outreach program that the  
24 producer will undertake to provide notice of the producer's covered

1 battery collection program to businesses, municipalities, solid  
2 waste facilities, retailers, and transporters; to provide  
3 information about available safety training for collection  
4 facilities; and to notify the public that there is a free covered  
5 battery collection program and the location of collection  
6 facilities. If more than one producer has an approved battery  
7 stewardship plan, all producers with an approved battery stewardship  
8 plan shall coordinate in carrying out their education and outreach  
9 programs;

10 11. A description of how the producer will develop strategies,  
11 in consultation with the Department and other relevant parties, for  
12 collecting covered batteries in areas and communities that face  
13 environmental challenges associated with waste management;

14 12. A procedure for collecting and providing reimbursement  
15 pursuant to Section 7 of this act;

16 13. a. each battery stewardship plan shall include  
17 performance goals that measure, on an annual basis,  
18 the achievements of the program. Performance goals  
19 must take into consideration technical feasibility and  
20 economic practicality in achieving continuous,  
21 meaningful progress in improving:

22 (1) the rate of battery collection for recycling in  
23 Oklahoma,

24 (2) the recycling efficiency of the program, and

1 (3) public awareness of the program;

2 b. the performance goals established in each battery  
3 stewardship plan shall include, but are not limited  
4 to:

5 (1) target collection rates,

6 (2) target recycling efficiency rates of at least  
7 sixty percent (60%) for rechargeable batteries  
8 and at least seventy percent (70%) for primary  
9 batteries, and

10 (3) goals for public awareness, convenience, and  
11 accessibility that meet or exceed the minimum  
12 requirements established in Oklahoma Statute.

13 14. A description of how the producer and the collection  
14 facilities identified in the plan will implement the program  
15 described in the plan, including providing products and equipment to  
16 collection facilities to set up a collection site and providing for  
17 the management and transportation of collected covered batteries;  
18 and

19 15. Methods for safe recycling or disposal that adhere to  
20 environmental, transportation, and Occupational Safety and Health  
21 Administration (OSHA) standards and regulations.

22 B. The Department of Environmental Quality shall calculate the  
23 total cost of administering and implementing the battery stewardship  
24 program on an annual basis. This cost may include, but not be

1 limited to, public education and outreach efforts, administrative  
2 expenses incurred by the Department, and compliance monitoring and  
3 enforcement activities. A producer operating under an approved  
4 battery stewardship plan shall pay an annual fee determined by the  
5 Department based on market share of covered batteries sold in the  
6 state during the preceding calendar year. Fees paid under this  
7 subsection shall be deposited into the Department of Environmental  
8 Quality Revolving Fund established pursuant to Section 2-3-401 of  
9 Title 27A of the Oklahoma Statutes. The Department may adjust the  
10 amount of this fee as necessary to maintain the program under this  
11 section.

12 C. No later than March 1, 2029, and annually thereafter, a  
13 producer shall submit to the Department a report that contains all  
14 of the following:

15 1. The total weight of covered batteries collected by the  
16 producer in the previous calendar year;

17 2. The estimated percentage of the total weight under paragraph  
18 1 of this subsection that is attributable to rechargeable batteries;

19 3. The estimated percentage of the total weight under paragraph  
20 1 of this subsection that is attributable to producers that are not  
21 operating under an approved battery stewardship plan under this  
22 section;

23 4. The collection rate achieved by the producer in the previous  
24 calendar year;

1           5. The estimated total weight of covered batteries sold,  
2 offered for sale, or distributed for sale in or into this state by  
3 the producer in the previous three (3) calendar years;

4           6. The location and contact information for each collection  
5 facility and collection site that collected covered batteries under  
6 the producer's approved battery stewardship plan in the previous  
7 calendar year;

8           7. Examples and descriptions of educational materials provided  
9 and outreach activities conducted by the producer in the previous  
10 calendar year to increase covered battery collection, and a  
11 description of how the producer coordinated with other producers  
12 with approved battery stewardship plans in carrying out its  
13 education and outreach program;

14           8. A description of how collected covered batteries were  
15 managed in the previous calendar year;

16           9. Any material amendment to the producer's battery stewardship  
17 plan approved by the Department under Section 6 of this act in the  
18 previous calendar year;

19           10. The producer's cost of implementing its battery stewardship  
20 plan in the previous calendar year, including the costs of  
21 collection, recycling, education, and outreach; and

22           11. Any information deemed necessary by the Department to  
23 measure the program's progress toward environmental and operational  
24 goals, identify areas for improvement, and ensure that producers and

1 the battery stewardship organization are fulfilling their  
2 obligations under the stewardship plan.

3 D. During the first year of implementing an approved battery  
4 stewardship plan, and two (2) years thereafter, a producer shall  
5 conduct a statistically significant survey of public awareness of  
6 the battery stewardship plan and its implementation. The results of  
7 the survey shall identify communities that have disparities in  
8 awareness and that need additional education and outreach.

9 E. After five (5) years of implementing an approved battery  
10 stewardship plan, a producer shall contract with an independent  
11 third party to conduct a one-time audit of the battery stewardship  
12 plan and its implementation. The audit shall examine the financial  
13 self-sufficiency and effectiveness of the battery stewardship plan  
14 in collecting and recycling covered batteries; examine the cost-  
15 effectiveness of the battery stewardship plan; and compare the  
16 battery stewardship plan to other covered battery collection plans  
17 in other jurisdictions. The auditor shall submit the results of the  
18 audit directly to the Department and provide a copy to the producer.

19 F. A producer that supplies covered batteries to a retailer  
20 shall provide the retailer with educational materials describing  
21 collection opportunities for those batteries.

22 G. 1. Producers shall ensure the collection and recycling of  
23 all covered batteries sold, including Business-to-Business (B2B)  
24 batteries under the stewardship plan. Producers may establish

1 separate collection systems tailored to B2B batteries, provided  
2 these systems ensure accessible recycling options for businesses,  
3 comply with recycling efficiency and environmental standards as  
4 specified by the program, and include options for direct collection  
5 or scheduled pickup for large-volume battery users.

6 2. Producers shall provide convenient collection points for  
7 residential and B2B batteries, including drop-off locations  
8 accessible to businesses and direct collection options for  
9 businesses generating large volumes of battery waste. All collected  
10 batteries, including B2B batteries, shall meet the program's  
11 recycling efficiency targets.

12 3. Producers shall include the following details regarding B2B  
13 batteries in their annual reports:

- 14 a. total weight of B2B batteries collected and recycled,
- 15 b. industries or sectors served under the B2B battery  
16 program,
- 17 c. performance metrics, including recycling efficiency  
18 rates for B2B batteries,
- 19 d. challenges encountered in managing B2B battery waste  
20 and steps taken to address them, and
- 21 e. a summary of B2B battery recycling performance to  
22 ensure transparency and accountability.

23 4. Failure to include B2B batteries in the program or meet  
24 established performance targets may result in financial penalties

1 proportional to the uncollected or unrecycled volume of B2B  
2 batteries or suspension of sales privileges within the state until  
3 compliance is achieved, or both.

4 5. Businesses shall utilize the designated collection systems  
5 for B2B batteries.

6 6. Improper disposal of B2B batteries shall be subject to  
7 penalties under existing hazardous waste regulations.

8 SECTION 5. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 2124 of Title 27A, unless there  
10 is created a duplication in numbering, reads as follows:

11 A producer may meet the requirements under Section 4 of this act  
12 by participating in a battery stewardship organization, made up of  
13 at least five producers, that complies with the requirements of  
14 Section 4 of this act on behalf of the producer. A battery  
15 stewardship organization may exercise the rights under Sections 7  
16 and 8 of this act on behalf of any of the producers participating in  
17 the organization.

18 SECTION 6. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 2125 of Title 27A, unless there  
20 is created a duplication in numbering, reads as follows:

21 A. Within ninety (90) days after receiving a complete proposed  
22 battery stewardship plan under subsection A of Section 4 of this  
23 act, not including any time required for public comment and hearing  
24 under subsection D of this section, the Department of Environmental

1 Quality shall determine whether the proposed plan complies with the  
2 requirements under subsection A of Section 4 of this act. If the  
3 proposed plan complies with the requirements under subsection A of  
4 Section 4 of this act, the Department may approve the plan and shall  
5 notify the producer of the approval in writing. If the proposed  
6 plan does not comply with the requirements under subsection A of  
7 Section 4 of this act, the Department shall deny the plan and notify  
8 the producer of the denial in writing; the producer shall have  
9 forty-five (45) days after receiving a denial to submit a revised  
10 plan to the Department for approval. A proposed plan that is not  
11 approved or denied by the Department within ninety (90) days shall  
12 be deemed approved.

13 B. A producer may not amend an approved battery stewardship  
14 plan unless the proposed amendments are approved by the Department  
15 in writing. The Department may require a producer to amend an  
16 approved plan.

17 C. The Department may revoke an approved battery stewardship  
18 plan if the Department determines that the producer is not complying  
19 with the approved plan and the producer fails to comply with or  
20 amend the plan within a reasonable time after receiving a request to  
21 do so from the Department.

22 D. The Department shall determine whether public comment is  
23 necessary for battery stewardship plans.

24

1 E. Subject to subsection G of this section, the Department  
2 shall maintain on its website all of the following:

- 3 1. A copy of all approved battery stewardship plans;
- 4 2. The names of producers with approved battery stewardship  
5 plans; and
- 6 3. A list of brands of covered batteries listed in approved  
7 battery stewardship plans under subsection A of Section 4 of this  
8 act.

9 F. The Department shall promote public participation in the  
10 collection and recycling of covered batteries through education and  
11 outreach activities which shall include, but shall not be limited  
12 to, safe battery recycling practices, handling techniques,  
13 collection locations, available services, and the importance and  
14 impact of battery recycling.

15 G. Information submitted to the Department under this section  
16 that is a protected trade secret shall not be open to public  
17 inspection and copying. The Department may publish such information  
18 in a summary or aggregated form that does not identify individual  
19 producers or retailers. The Department may require a producer, as  
20 part of a report submitted under subsection C of Section 4 of this  
21 act, to omit or redact trade secret information. The total weight  
22 of covered batteries collected under an approved battery stewardship  
23 plan is not a protected trade secret.

24

1 H. Each county shall have at least one year-round collection  
2 facility. Additional facilities may be required based upon review  
3 of population density, geographic distribution, and estimated waste  
4 volume, as determined by the Department of Environmental Quality.  
5 For counties with low population density or minimal waste volume,  
6 alternative collection methods, such as mobile collection events,  
7 partnerships with retailers, or mail-back programs, may fulfill  
8 collection facility requirements.

9 I. No later than July 1, 2029, and every two (2) years  
10 thereafter, the Department shall provide a report on the program  
11 under this section to the Legislature and to the Governor. The  
12 Department shall include in the report a summary of annual reports  
13 received under subsection C of Section 4 of this act and any  
14 recommendations for changes to the program under this section.

15 J. The Department may promulgate rules to implement and  
16 administer this section.

17 SECTION 7. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 2126 of Title 27A, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. A producer operating under an approved battery stewardship  
21 plan that collects covered batteries that are not included under the  
22 producer's approved plan is entitled to reimbursement from the  
23 producer of the collected batteries for reasonable costs incurred in  
24 collecting, handling, recycling, or properly disposing of such

1 batteries. A producer may request reimbursement only after the  
2 producer has met the collection rate performance goal included in  
3 the producer's approved battery stewardship plan. Reimbursement may  
4 be requested only for costs actually incurred in the collection,  
5 transport, recycling, and other methods proper of disposal of  
6 covered batteries identified in the producer's approved battery  
7 stewardship plan, and reasonable administrative costs.

8 B. A producer that receives a request for reimbursement under  
9 this subsection may, prior to payment and within thirty (30) days of  
10 receiving the request for reimbursement, request an independent  
11 audit of the requested reimbursement costs. If the independent  
12 audit confirms that the requested reimbursement costs are  
13 reasonable, the producer requesting the audit shall pay the cost of  
14 the audit and the amount of the reimbursement requested. If the  
15 independent audit finds that the reimbursement request, or any  
16 portion thereof, was not reasonable, the producer that submitted the  
17 reimbursement request shall pay the cost of the audit. The producer  
18 requesting the audit shall only be required to pay the portion of  
19 the reimbursement costs that the independent audit determines to be  
20 reasonable.

21 SECTION 8. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 2127 of Title 27A, unless there  
23 is created a duplication in numbering, reads as follows:

24

1 A producer operating under an approved battery stewardship plan  
2 that is in compliance with the requirements under Section 4 of this  
3 act may bring a civil action against another producer for costs  
4 incurred in collecting, handling, recycling, or properly disposing  
5 of covered batteries produced by the other producer, if all of the  
6 following apply:

7 1. The producer bringing the action has incurred more than One  
8 Thousand Dollars (\$1,000.00) in actual costs that are reimbursable  
9 under Section 7 of this act;

10 2. The producer against whom the action is brought can be  
11 identified as the producer of the collected covered batteries, from  
12 a brand or marking on the collected batteries or from other  
13 information available; and

14 3. The producer bringing the action submitted a request for  
15 reimbursement under Section 7 of this act and did not receive  
16 reimbursement within ninety (90) days if no independent audit was  
17 requested or within sixty (60) days after completion of an  
18 independent audit if an audit was requested and the independent  
19 audit confirmed that the requested reimbursement costs are  
20 reasonable.

21 SECTION 9. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 2128 of Title 27A, unless there  
23 is created a duplication in numbering, reads as follows:

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1 Any producer or retailer that violates the provisions of this  
2 act may be fined by the Department of Environmental Quality up to  
3 Ten Thousand Dollars (\$10,000.00) for each violation.

4 SECTION 10. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 2129 of Title 27A, unless there  
6 is created a duplication in numbering, reads as follows:

7 Producers and battery stewardship organizations acting on behalf  
8 of producers that prepare, submit, and implement a battery  
9 stewardship program plan pursuant to this act and who are thereby  
10 subject to regulation by the Department of Environmental Quality are  
11 granted immunity from state laws relating to antitrust, restraint of  
12 trade, unfair trade practices, and other regulation of trade and  
13 commerce, for the limited purpose of planning, reporting, and  
14 operating their battery stewardship program, including:

15 1. The creation, implementation, or management of a battery  
16 stewardship organization and any battery stewardship plan regardless  
17 of whether it is submitted, denied, or approved;

18 2. The determination of the cost and structure of a battery  
19 stewardship plan; and

20 3. The types or quantities of batteries being recycled or  
21 otherwise managed pursuant to this chapter.

22 SECTION 11. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 2130 of Title 27A, unless there  
24 is created a duplication in numbering, reads as follows:

1 Nothing in this act shall prevent or prohibit a person from  
2 offering or performing a fee-based, household collection, or a mail-  
3 back program for end-of-life portable batteries or medium format  
4 batteries independently of a battery stewardship program, provided  
5 that such person meets the following requirements:

6 1. Such person's services shall be performed, and such person's  
7 facilities shall be operated in compliance with all applicable  
8 federal, state, and local laws and requirements, including, but not  
9 limited to, all applicable U.S. Department of Transportation  
10 regulations, and all applicable provisions of the Department of  
11 Environmental Quality;

12 2. Such person shall make available all batteries collected by  
13 such person from its Oklahoma customers to a battery stewardship  
14 organization; and

15 3. After consolidation of portable or medium format batteries  
16 at the person's facilities, the costs for transporting such  
17 batteries to a battery stewardship organization's designated sorters  
18 or processors shall be at a battery stewardship organization's  
19 expense.

20 SECTION 12. This act shall become effective November 1, 2026.

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22 60-2-16738 JBH 02/25/26

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