

1 of Environmental Quality to make certain
2 determination; requiring certain notification;
3 providing for the submission of revised plan;
4 allowing certain plans to be deemed approved if no
5 action taken; prohibiting amendments to plan unless
6 approved; authorizing Department to require certain
7 amendments to approved plans; authorizing the
8 revocation of certain plans; authorizing Department
9 to make certain determination; requiring Department
10 maintain certain plans and plan information on its
11 website; requiring Department promote certain public
12 participation; stating certain information shall not
13 be made public; allowing for certain information to
14 be summarized or redacted; making certain exception;
15 requiring each county have certain facility;
16 providing certain alternatives; requiring Department
17 provide certain report; stating report requirements;
18 authorizing the promulgation of rules; authorizing
19 certain reimbursement; allowing reimbursement after
20 certain occurrences; allowing request of certain
21 independent audit; requiring payment of certain costs
22 and requested reimbursement; authorizing certain
23 cause of action if certain conditions are met;
24 establishing fine for violations; granting certain
immunities; allowing certain programs; listing
certain requirements; providing for codification; and
providing an effective date.

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

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

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

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

4 As used in the Battery Stewardship Act:

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

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

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

- 14 a. residential purposes, or
- 15 b. commercial, industrial, institutional purposes,
16 hereinafter referred to as "B2B batteries" or
17 "Business-to-Business batteries";

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

- 19 a. a battery, contained within a medical device as
20 defined in the federal Food, Drug, and Cosmetic Act,
21 21 U.S.C., Section 301 et seq.,
- 22 b. a battery that contains an electrolyte as a free
23 liquid,

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- 1 c. a lead acid battery weighing more than eleven (11)
- 2 pounds,
- 3 d. a battery designed to power a vehicle, part of a motor
- 4 vehicle, or a component part of a motor vehicle
- 5 assembled by, or for, a vehicle manufacturer or
- 6 franchised dealer, including replacement parts for use
- 7 in a motor vehicle, or
- 8 e. a battery in a battery-containing product that is not
- 9 intended or designed to be easily removable from the
- 10 battery-containing product;

11 5. "Covered Entities" means:

- 12 a. producers who are manufacturers, importers, or
- 13 distributors of covered batteries sold in Oklahoma,
- 14 b. retailers who are entities selling covered batteries
- 15 directly to consumers or businesses in Oklahoma, and
- 16 c. end users who are:
 - 17 (1) residential consumers, or
 - 18 (2) businesses that are organizations purchasing
 - 19 batteries for commercial, industrial, or
 - 20 institutional purposes;

21 6. "Medium-format battery" means the following primary or

22 rechargeable covered batteries:

- 23 a. for rechargeable batteries, a battery weighing more
- 24 than 11 pounds or having a rating of more than 300

- 1 watt-hours, or both, and no more than 25 pounds and
2 having a rating of no more than 2,000 watt-hours, or
3 b. for primary batteries, a battery weighing at least 4.4
4 pounds, but not more than 25 pounds;

5 7. "Portable battery" means the following primary or
6 rechargeable covered batteries:

- 7 a. for rechargeable batteries, a battery weighing no more
8 than 11 pounds and having a rating of no more than 300
9 watt-hours, or
10 b. for primary batteries, a battery weighing no more than
11 4.4 pounds;

12 8. "Primary battery" means a battery that is not capable of
13 being recharged.

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

- 17 a. if the covered battery is sold under a brand of the
18 battery's manufacturer, the person that manufactures
19 the battery,
20 b. if the covered battery is sold under a retail brand or
21 under a brand owned by a person other than the
22 battery's manufacturer, the person that owns the
23 brand,
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1 c. if subparagraphs a and b of this paragraph do not
2 apply, the person that is the licensee of a brand or
3 trademark under which the covered battery is sold,
4 offered for sale, or distributed for sale in or into
5 this state, regardless of whether the trademark is
6 registered in this state,

7 d. if subparagraphs a, b, or c of this paragraph do not
8 apply to any person within the United States, the
9 person that is the importer of record for the covered
10 battery into the United States for the purpose of
11 selling, offering for sale, or distributing for sale
12 the battery in or into this state, and

13 e. if subparagraphs a, b, c, or d of this paragraph do
14 not apply to any person with a commercial presence in
15 this state, the person who first sells, offers for
16 sale, or distributes for sale the covered battery in
17 or into this state;

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

21 11 "Recycling" means preparing covered batteries for use in
22 manufacturing processes or for recovery of usable materials and
23 delivering the materials for use. Recycling does not include
24 destruction by incineration or other processes or land disposal of

1 recyclable materials and does not include reuse, repair, or any
2 other process through which batteries are returned in their original
3 form; and

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

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

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

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

18 1. The retailer purchases the covered battery before January 1,
19 2028, and sells the battery on or before January 1, 2029; or

20 2. If the producer's battery stewardship plan under Section 4
21 of this act is expired or has been revoked, the retailer purchased
22 the covered battery before the producer's battery stewardship plan
23 expired or was revoked.

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

4 A. No later than June 1, 2027, each producer shall submit a
5 battery stewardship plan to the Department of Environmental Quality
6 for review. No later than January 1, 2028, each producer shall
7 operate under an approved battery stewardship plan. A battery
8 stewardship plan submitted to the Department shall have a term of no
9 more than five (5) years and shall include all of the following:

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

14 2. The brands of all of the covered batteries that the producer
15 sells, offers for sale, or distributes for sale in or into this
16 state. All such brands shall be covered by the battery stewardship
17 plan;

18 3. Provisions for collecting covered batteries at no cost to
19 the end user, regardless of the brand or producer of the covered
20 battery and provisions for collecting damaged, defective, or
21 recalled batteries considering storage container requirements or
22 other safety measures;

23 4. A process for providing packaging, consistent with any state
24 and federal requirements related to transporting hazardous

1 materials, for the safe collection and transportation of covered
2 batteries. Such packaging shall be provided at no cost if the
3 purpose of the packaging will be to collect and transport damaged,
4 defective, or recalled covered batteries;

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

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

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

18 8. A provision that ensures that each collection facility will
19 accept up to one hundred covered batteries per person per visit. A
20 collection facility may agree to accept more covered batteries per
21 person per visit;

22 9. A method for responsibly managing collected covered
23 batteries to ensure that all of the components of collected
24 batteries are recycled, to the extent economically and technically

1 feasible, and that any components or batteries that cannot be
2 recycled are properly disposed of;

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

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

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

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

- 3 (1) the rate of battery collection for recycling in
4 Oklahoma,
- 5 (2) the recycling efficiency of the program, and
- 6 (3) public awareness of the program;

7 b. the performance goals established in each battery
8 stewardship plan shall include, but are not limited
9 to:

- 10 (1) target collection rates,
- 11 (2) target recycling efficiency rates of at least
12 sixty percent (60%) for rechargeable batteries
13 and at least seventy percent (70%) for primary
14 batteries, and
- 15 (3) goals for public awareness, convenience, and
16 accessibility that meet or exceed the minimum
17 requirements established in Oklahoma Statute.

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

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

4 B. The Department of Environmental Quality shall calculate the
5 total cost of administering and implementing the battery stewardship
6 program on an annual basis. This cost may include, but not be
7 limited to, public education and outreach efforts, administrative
8 expenses incurred by the Department, and compliance monitoring and
9 enforcement activities. A producer operating under an approved
10 battery stewardship plan shall pay an annual fee determined by the
11 Department based on market share of covered batteries sold in the
12 state during the preceding calendar year. Fees paid under this
13 subsection shall be deposited into the Department of Environmental
14 Quality Revolving Fund established pursuant to Section 2-3-401 of
15 Title 27A of the Oklahoma Statutes. The Department may adjust the
16 amount of this fee as necessary to maintain the program under this
17 section.

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

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

23 2. The estimated percentage of the total weight under paragraph
24 1 of this subsection that is attributable to rechargeable batteries;

1 3. The estimated percentage of the total weight under paragraph
2 1 of this subsection that is attributable to producers that are not
3 operating under an approved battery stewardship plan under this
4 section;

5 4. The collection rate achieved by the producer in the previous
6 calendar year;

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

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

14 7. Examples and descriptions of educational materials provided
15 and outreach activities conducted by the producer in the previous
16 calendar year to increase covered battery collection, and a
17 description of how the producer coordinated with other producers
18 with approved battery stewardship plans in carrying out its
19 education and outreach program;

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

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

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

4 11. Any information deemed necessary by the Department to
5 measure the program's progress toward environmental and operational
6 goals, identify areas for improvement, and ensure that producers and
7 the battery stewardship organization are fulfilling their
8 obligations under the stewardship plan.

9 D. During the first year of implementing an approved battery
10 stewardship plan, and two (2) years thereafter, a producer shall
11 conduct a statistically significant survey of public awareness of
12 the battery stewardship plan and its implementation. The results of
13 the survey shall identify communities that have disparities in
14 awareness and that need additional education and outreach.

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

1 F. A producer that supplies covered batteries to a retailer
2 shall provide the retailer with educational materials describing
3 collection opportunities for those batteries.

4 G. 1. Producers shall ensure the collection and recycling of
5 all covered batteries sold, including Business-to-Business (B2B)
6 batteries under the stewardship plan. Producers may establish
7 separate collection systems tailored to B2B batteries, provided
8 these systems ensure accessible recycling options for businesses,
9 comply with recycling efficiency and environmental standards as
10 specified by the program, and include options for direct collection
11 or scheduled pickup for large-volume battery users.

12 2. Producers shall provide convenient collection points for
13 residential and B2B batteries, including drop-off locations
14 accessible to businesses and direct collection options for
15 businesses generating large volumes of battery waste. All collected
16 batteries, including B2B batteries, shall meet the program's
17 recycling efficiency targets.

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

- 20 a. total weight of B2B batteries collected and recycled,
- 21 b. industries or sectors served under the B2B battery
22 program,
- 23 c. performance metrics, including recycling efficiency
24 rates for B2B batteries,

- 1 d. challenges encountered in managing B2B battery waste
2 and steps taken to address them, and
3 e. a summary of B2B battery recycling performance to
4 ensure transparency and accountability.

5 4. Failure to include B2B batteries in the program or meet
6 established performance targets may result in financial penalties
7 proportional to the uncollected or unrecycled volume of B2B
8 batteries or suspension of sales privileges within the state until
9 compliance is achieved, or both.

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

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

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

17 A producer may meet the requirements under Section 4 of this act
18 by participating in a battery stewardship organization, made up of
19 at least five producers, that complies with the requirements of
20 Section 4 of this act on behalf of the producer. A battery
21 stewardship organization may exercise the rights under Sections 7
22 and 8 of this act on behalf of any of the producers participating in
23 the organization.

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

4 A. Within ninety (90) days after receiving a complete proposed
5 battery stewardship plan under subsection A of Section 4 of this
6 act, not including any time required for public comment and hearing
7 under subsection D of this section, the Department of Environmental
8 Quality shall determine whether the proposed plan complies with the
9 requirements under subsection A of Section 4 of this act. If the
10 proposed plan complies with the requirements under subsection A of
11 Section 4 of this act, the Department may approve the plan and shall
12 notify the producer of the approval in writing. If the proposed
13 plan does not comply with the requirements under subsection A of
14 Section 4 of this act, the Department shall deny the plan and notify
15 the producer of the denial in writing; the producer shall have
16 forty-five (45) days after receiving a denial to submit a revised
17 plan to the Department for approval. A proposed plan that is not
18 approved or denied by the Department within ninety (90) days shall
19 be deemed approved.

20 B. A producer may not amend an approved battery stewardship
21 plan unless the proposed amendments are approved by the Department
22 in writing. The Department may require a producer to amend an
23 approved plan.

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1 C. The Department may revoke an approved battery stewardship
2 plan if the Department determines that the producer is not complying
3 with the approved plan and the producer fails to comply with or
4 amend the plan within a reasonable time after receiving a request to
5 do so from the Department.

6 D. The Department shall determine whether public comment is
7 necessary for battery stewardship plans.

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

10 1. A copy of all approved battery stewardship plans;

11 2. The names of producers with approved battery stewardship
12 plans; and

13 3. A list of brands of covered batteries listed in approved
14 battery stewardship plans under subsection A of Section 4 of this
15 act.

16 F. The Department shall promote public participation in the
17 collection and recycling of covered batteries through education and
18 outreach activities which shall include, but shall not be limited
19 to, safe battery recycling practices, handling techniques,
20 collection locations, available services, and the importance and
21 impact of battery recycling.

22 G. Information submitted to the Department under this section
23 that is a protected trade secret shall not be open to public
24 inspection and copying. The Department may publish such information

1 in a summary or aggregated form that does not identify individual
2 producers or retailers. The Department may require a producer, as
3 part of a report submitted under subsection C of Section 4 of this
4 act, to omit or redact trade secret information. The total weight
5 of covered batteries collected under an approved battery stewardship
6 plan is not a protected trade secret.

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

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

21 J. The Department may promulgate rules to implement and
22 administer this section.

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

4 A. A producer operating under an approved battery stewardship
5 plan that collects covered batteries that are not included under the
6 producer's approved plan is entitled to reimbursement from the
7 producer of the collected batteries for reasonable costs incurred in
8 collecting, handling, recycling, or properly disposing of such
9 batteries. A producer may request reimbursement only after the
10 producer has met the collection rate performance goal included in
11 the producer's approved battery stewardship plan. Reimbursement may
12 be requested only for costs actually incurred in the collection,
13 transport, recycling, and other methods proper of disposal of
14 covered batteries identified in the producer's approved battery
15 stewardship plan, and reasonable administrative costs.

16 B. A producer that receives a request for reimbursement under
17 this subsection may, prior to payment and within thirty (30) days of
18 receiving the request for reimbursement, request an independent
19 audit of the requested reimbursement costs. If the independent
20 audit confirms that the requested reimbursement costs are
21 reasonable, the producer requesting the audit shall pay the cost of
22 the audit and the amount of the reimbursement requested. If the
23 independent audit finds that the reimbursement request, or any
24 portion thereof, was not reasonable, the producer that submitted the

1 reimbursement request shall pay the cost of the audit. The producer
2 requesting the audit shall only be required to pay the portion of
3 the reimbursement costs that the independent audit determines to be
4 reasonable.

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

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

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

17 2. The producer against whom the action is brought can be
18 identified as the producer of the collected covered batteries, from
19 a brand or marking on the collected batteries or from other
20 information available; and

21 3. The producer bringing the action submitted a request for
22 reimbursement under Section 7 of this act and did not receive
23 reimbursement within ninety (90) days if no independent audit was
24 requested or within sixty (60) days after completion of an

1 independent audit if an audit was requested and the independent
2 audit confirmed that the requested reimbursement costs are
3 reasonable.

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

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

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

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

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

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

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

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

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

13 1. Such person's services shall be performed, and such person's
14 facilities shall be operated in compliance with all applicable
15 federal, state, and local laws and requirements, including, but not
16 limited to, all applicable U.S. Department of Transportation
17 regulations, and all applicable provisions of the Department of
18 Environmental Quality;

19 2. Such person shall make available all batteries collected by
20 such person from its Oklahoma customers to a battery stewardship
21 organization; and

22 3. After consolidation of portable or medium format batteries
23 at the person's facilities, the costs for transporting such
24 batteries to a battery stewardship organization's designated sorters

1 or processors shall be at a battery stewardship organization's
2 expense.

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

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5 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES
6 OVERSIGHT, dated 02/25/2026 - DO PASS, As Amended and Coauthored.

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