

By Mr. Straus of Mattapoisett, petition of William M. Straus, John F. Quinn, Michael P. Cahill, Anne M. Paulsen, William G. Greene, Jr., and Michael G. Bellotti relative to the sale of rechargeable appliances in the Commonwealth. Natural Resources and Agriculture.

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**The Commonwealth of Massachusetts**

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In the Year One Thousand Nine Hundred and Ninety-Three.

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AN ACT RELATIVE TO THE SALE OF RECHARGEABLE APPLIANCES IN THE COMMONWEALTH OF MASSACHUSETTS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 21A of the General Laws is amended by adding a new  
2 section 19 thereof as follows:

3 (A) Definition. For the purpose of this section “rechargeable  
4 battery” means a sealed nickle-cadmium battery, a sealed lead acid  
5 battery, or any other rechargeable battery.

6 (B) A manufacturer may not sell, distribute, or offer for sale  
7 in this state a rechargeable consumer product unless:

8 (1) the battery can be easily removed and replaced by the  
9 consumer or is contained in a battery pack that is separate from  
10 the product and can be easily removed and replaced and,

11 (2) the product and the battery are both labeled in a manner  
12 that is clearly visible to the consumer indicating that the battery  
13 must be recycled or disposed of properly and the battery must  
14 be clearly identifiable as to the type of electrode used in the  
15 battery.

16 (C) “Rechargeable consumer product” as used in this section  
17 means any product that contains a rechargeable battery and is  
18 primarily used or purchased to be used for personal, family, or  
19 household purposes.

20 (D) On application by a manufacturer, the Commissioner of  
21 the Department of Environmental Protection may exempt a

22 rechargeable consumer product from the requirements of  
23 Section 2 if:

24 (1) product cannot be reasonably redesigned and manufac-  
25 tured to comply with the requirements prior to the effective date  
26 of this section.

27 (2) the redesign of the product to comply with the requirements  
28 would result in significant danger to public health and safety; or

29 (3) the type of electrode used in the battery poses no  
30 unreasonable hazards when placed in and processed or disposed  
31 of as part of mixed municipal solid waste.

32 (4) an exemption granted by the Department of Environmental  
33 Protection Agency Under Section 4 must be limited to a  
34 maximum of two years and may be renewed.

35 (5) this section shall not apply to automotive products.