

1993 Senate Bill 342

Date of enactment: **November 18, 1993**

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1993 WISCONSIN ACT 74

AN ACT to create 100.27 and 159.185 of the statutes, relating to: regulation of batteries containing mercury and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 100.27 of the statutes is created to read:
100.27 Dry cell batteries containing mercury. (1)

DEFINITIONS. In this section:

(a) "Alkaline manganese battery" means a battery with a manganese dioxide electrode and an alkaline electrolyte.

(b) "Alkaline manganese button cell battery" means an alkaline manganese battery that resembles a button in size and shape.

(c) "Mercuric oxide battery" means a battery with a mercuric oxide electrode.

(d) "Mercuric oxide button cell battery" means a mercuric oxide battery that resembles a button in size and shape.

(e) "Zinc carbon battery" means a battery with a manganese dioxide electrode, a zinc electrode and an electrolyte that is not alkaline.

(2) ALKALINE MANGANESE BATTERIES. (a) No person may sell or offer for sale an alkaline manganese battery that is manufactured after January 1, 1996, except for an alkaline manganese button cell battery, unless the manufacturer has certified to the department that the alkaline manganese battery contains no mercury that was intentionally introduced.

(b) No person may sell or offer for sale an alkaline manganese button cell battery that is manufactured after January 1, 1996, unless the manufacturer has certified to the department that the alkaline manganese button cell battery contains no more than 25 milligrams of mercury.

(3) ZINC CARBON BATTERIES. No person may sell or offer for sale a zinc carbon battery that is manufactured after July 1, 1994, unless the manufacturer has certified to the department that the zinc carbon battery contains no mercury that was intentionally introduced.

(5) MERCURIC OXIDE BATTERIES. Beginning on July 1, 1994, no person may sell or offer for sale a mercuric oxide battery that is not a mercuric oxide button cell battery unless the manufacturer does all of the following:

(a) Identifies a collection site, that has all required governmental approvals, to which persons may send used mercuric oxide batteries for recycling or proper disposal.

(b) Informs each purchaser of one of its mercuric oxide batteries of the collection site identified under par. (a) and of the prohibition in s. 159.185 (2).

(c) Informs each purchaser of one of its mercuric oxide batteries of a telephone number that the purchaser may call to get information about returning mercuric oxide batteries for recycling or proper disposal.

(d) Informs the department and the department of natural resources of the collection site identified under par. (a) and the telephone number under par. (c).

(6) LIST OF CERTIFIED BATTERIES. The department shall compile and make available to the public a list of all batteries for which it has received certification under subs. (2) and (3).

(7) PENALTIES. (a) Any person who violates subs. (2) to (5) shall forfeit not less than \$50 nor more than \$200.

(b) Any manufacturer that submits a fraudulent certification under sub. (2) or (3) shall forfeit not less than \$1,000 nor more than \$10,000 for each violation.

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SECTION 2. 159.185 of the statutes is created to read:

159.185 Disposal of mercuric oxide batteries. (1)

In this section:

(a) “Mercuric oxide battery” has the meaning given in s. 100.27 (1) (c).

(b) “Mercuric oxide button cell battery” has the meaning given in s. 100.27 (1) (d).

(c) “Waste mercuric oxide battery” means a mercuric oxide battery that is no longer suitable for its original purpose due to use, wear, damage or defect.

(2) Beginning on July 1, 1994, no person, except for a person operating a collection site identified under s. 100.27 (5) (a), may treat, store or dispose of a waste mercuric oxide battery, other than a mercuric oxide button cell battery, except by sending it to a collection site identified under s. 100.27 (5) (a).

(3) A person operating a collection site identified under s. 100.27 (5) (a) shall recycle or have recycled all collected waste mercuric oxide batteries unless no reasonable alternative exists.
