

~~(2). "MERCURIC OXIDE BATTERY" DOES NOT INCLUDE A CONSUMER MERCURIC OXIDE BATTERY.~~

~~6-902.~~

(a) On or after July 1, 1994, a person may not dispose of a mercuric oxide battery except in a manner that the Department approves under regulations adopted by the Department.

(b) Any 2 or more manufacturers may develop a joint plan for recycling or disposal of any specified mercuric oxide battery that they manufacture.

(c) (1) A manufacturer shall be responsible for the environmentally sound collection, transportation, and recycling or proper disposal, including the cost of these activities, of every used mercuric oxide battery produced by the manufacturer and sold or offered for promotional purposes in the State.

(2) Notwithstanding paragraph (1) of this subsection, a retailer or seller may provide for the collection, recycling, or proper disposal of used mercuric oxide batteries through the sale to a refiner or a refiner's agent if the retailer or seller complies with any requirement established by the Department to implement this section.

(d) Manufacturers may establish or utilize a trade association or a consortium comprised of members of the dry cell battery industry in order to facilitate compliance with the requirements of this section.

(e) A manufacturer shall consult with the Office of Recycling in developing its plan.

(f) Each battery management plan submitted by a manufacturer shall include:

(1) The designation of the collector, transporter, processor, or collection system to be utilized by the manufacturer, or by the county or municipal corporation, institutional generator, retailer or small quantity generator on behalf of the manufacturer, for the collection, transportation, and recycling or proper disposal of used mercuric oxide batteries in each county;

(2) The designation of the funding source or mechanism to be used by the manufacturer to defray the costs of implementing the battery management plan; and

(3) A strategy for informing consumers, on any store display promoting the sale or use of the batteries the manufacturer manufactures, that these types of used dry cell batteries may not enter the solid waste stream, and that a convenient mechanism for the collection, transportation, and recycling or proper disposal of these types of used batteries is available to the consumer.

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A PERSON MAY NOT SELL, DISTRIBUTE, OR OFFER FOR SALE IN THIS STATE A ~~CONSUMER~~ MERCURIC OXIDE BATTERY UNLESS:

(1) THE PERSON IS A PARTY TO A PLAN APPROVED BY THE DEPARTMENT UNDER § 6-901 OF THIS SUBTITLE; OR