

(B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A CELL MANUFACTURER SHALL ACCEPT CELLS AND RECHARGEABLE BATTERIES RETURNED TO IT OF THE SAME GENERAL TYPE WHICH IT MANUFACTURES, INCLUDING CELLS OF OTHER BRANDS.

(2) A CELL MANUFACTURER MAY NOT BE REQUIRED TO ACCEPT OTHER BRANDS IN MORE THAN A REASONABLE AMOUNT AS DETERMINED BY THE DEPARTMENT.

(C) EACH CELL MANUFACTURER HAS THE SOLE RESPONSIBILITY FOR RECYCLING OR DISPOSAL OF CELLS AND RECHARGEABLE BATTERIES RETURNED TO IT.

(D) A CELL MANUFACTURER THAT DOES NOT PRODUCE RECHARGEABLE PRODUCTS MAY NOT BE REQUIRED TO ACCEPT A RECHARGEABLE PRODUCT.

6-1010.

(A) EACH INSTITUTIONAL USER SHALL COLLECT AND RETURN SPENT UNITS USED IN ITS OPERATIONS TO THE APPROPRIATE RESPONSIBLE ENTITY IN ACCORDANCE WITH THE UNIT MANAGEMENT PROGRAM, OR, AT ITS DISCRETION, TO A FACILITY PERMITTED TO STORE OR PROCESS HAZARDOUS WASTE.

(B) A RECHARGEABLE PRODUCT DESIGNED FOR USE BY AN INSTITUTIONAL USER SHALL BEAR A NOTICE THAT WHEN NO LONGER USABLE, THE PRODUCT SHALL BE RECYCLED OR DISPOSED OF PROPERLY.

6-1011.

EACH RESPONSIBLE ENTITY SHALL ENSURE THAT ITS UNIT MANAGEMENT PROGRAM IS CARRIED OUT AND THAT UNITS COLLECTED UNDER THE SUBMITTED UNIT MANAGEMENT PROGRAM ARE RETURNED TO THE CELL MANUFACTURER OR, AT THE DISCRETION OF THE RESPONSIBLE ENTITY, TO PROPER DISPOSAL OR RECYCLING FACILITIES. DUTIES OF THE RESPONSIBLE ENTITY END WITH DELIVERY OF COLLECTED UNITS TO THE CELL MANUFACTURER, OR TO PROPER DISPOSAL OR RECYCLING FACILITIES.

6-1012.

(A) ANY PERSON BEARING RESPONSIBILITY UNDER THIS SUBTITLE MAY CONTRACT WITH A PRIVATE OR PUBLIC ENTITY OR MAY FORM AN ASSOCIATION FOR PREPARATION AND MAINTENANCE OF A UNIT MANAGEMENT PROGRAM OR FOR PERFORMANCE OF ITS RESPONSIBILITIES REQUIRED UNDER A UNIT MANAGEMENT PROGRAM, INCLUDING APPOINTMENT OF AN AGENT, ALLOCATION OF COSTS, AND INDEMNIFICATION.

(B) NOTHING IN THIS SECTION MAY BE INTERPRETED TO RELIEVE OR TO PROTECT ANY PERSON BEARING RESPONSIBILITY UNDER THIS SUBTITLE FROM LIABILITY FOR VIOLATION OF THIS SUBTITLE DUE TO NONPERFORMANCE BY A RESPONSIBLE ENTITY OR AGENT.