

As Engrossed: 3/2/93 4/5/93

1 **State of Arkansas**
2 **79th General Assembly**
3 **Regular Session, 1993**
4 **By: Senators Malone and Wilson**

A Bill

ACT 952 OF 1993
SENATE BILL 428

For An Act To Be Entitled

8 *"AN ACT TO AMEND ARKANSAS CODE ANNOTATED TITLE 8 TO*
9 *PROHIBIT THE SALE OF CERTAIN BATTERIES CONTAINING MERCURY;*
10 *TO PROHIBIT SPECIFIC DISPOSAL OF MERCURIC OXIDE BATTERIES;*
11 *TO PROVIDE FOR ENFORCEMENT; AND FOR OTHER REASONS."*

Subtitle

14 *"AN ACT CONCERNING BATTERIES."*

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

18 *SECTION 1. Arkansas Code Title 8 is amended by adding a new Chapter 10*
19 *to read as follows:*

21 *"CHAPTER 10*

23 *POLLUTION PREVENTION*

25 *SUBCHAPTER 1 - GENERAL PROVISIONS*

27 *[RESERVED]*

29 *SUBCHAPTER 2 - POLLUTION PREVENTION ACT*

31 *[RESERVED]*

33 *SUBCHAPTER 3 - SPECIFIC POLLUTION PREVENTION MEASURES*

35 *8-10-301. Batteries.*

36 *(a) An alkaline manganese battery manufactured on or after January 1,*

1 1996 shall not be sold in this state if the battery contains any intentionally
2 introduced mercury (as distinguished from mercury which may be incidentally
3 present in other materials); except, however, that the limitation on mercury
4 content in alkaline manganese button cells shall be 25 milligrams of mercury
5 per button cell.

6 (b) A zinc carbon battery manufactured on or after January 1, 1994 shall
7 not be sold in this State if the battery contains any intentionally introduced
8 mercury.

9 (c) (i) It shall be illegal to sell consumer mercuric oxide button cell
10 batteries in this state on or after January 1, 1994.

11 (ii) As used in this Section, the term `consumer mercuric oxide button
12 cell batteries' refers to batteries which contain mercuric oxide electrodes,
13 resemble buttons in size and shape, and are used in consumer products such as
14 hearing aids.

15 (d) (i) As used in this Section, the term `mercuric oxide' batteries
16 refers to batteries containing mercuric oxide electrodes, except that consumer
17 mercuric oxide button cells are excluded from the definition.

18 (ii) On or after January 1, 1994, no person shall dispose of mercuric
19 oxide batteries in municipal solid waste or in medical waste. Mercuric oxide
20 batteries are subject to disposal or recycling under the provisions of, or
21 pursuant to, the provisions of the Arkansas Hazardous Waste Management Act,
22 Arkansas Code Annotated, Section 8-7-201 et seq. 8-201 through 8-226.

23 (e) The commission may promulgate, modify, or repeal rules or
24 regulations as necessary or appropriate to implement or effectuate the purpose
25 and intent of 8-10-301.

26 (f) Any person violating any provision of this subchapter, or of any
27 rule, regulation or order issued pursuant to this subchapter, shall be subject
28 to the same penalty and enforcement provisions as are contained in the
29 Arkansas Solid Waste Management Act, 8-6-204 as amended."

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31 SECTION 2. All provisions of this Act of a general and permanent nature
32 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
33 Revision Commission shall incorporate the same in the Code.

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35 SECTION 3. If any provision of this Act or the application thereof to

1 any person or circumstance is held invalid, such invalidity shall not affect
2 other provisions or applications of the Act which can be given effect without
3 the invalid provision or application, and to this end the provisions of this
4 Act are declared to be severable.

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6 SECTION 4. All laws or parts of laws in conflict with this Act are
7 hereby repealed.

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/s/ Senators Malone and Wilson

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APPROVED: 4/8/93

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