

1 **DISPOSAL OF ELECTRONIC WASTE**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Stephen H. Urquhart**

5 House Sponsor: Michael E. Noel

7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions related to consumer electronic device collection and
10 recycling programs and consumer electronic device manufacturers.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ defines terms;
- 14 ▶ prohibits a manufacturer from offering a consumer electronic device for sale in the
15 state unless the manufacturer meets certain reporting requirements to the
16 Department of Environmental Quality;
- 17 ▶ requires the Department of Environmental Quality to report on the manufacturer's
18 reporting to the Natural Resources, Agriculture, and Environment Interim
19 Committee and the Public Utilities and Technology Interim Committee;
- 20 ▶ prohibits a manufacturer from offering a consumer electronic device for sale in the
21 state unless the manufacturer establishes and implements a public education
22 program on collection and recycling programs; and
- 23 ▶ authorizes a local government to enter into an arrangement with a manufacturer to
24 facilitate consumer electronics recycling.

25 **Money Appropriated in this Bill:**

26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **19-6-1201**, Utah Code Annotated 1953

32 **19-6-1202**, Utah Code Annotated 1953

33 **19-6-1203**, Utah Code Annotated 1953

34 **19-6-1204**, Utah Code Annotated 1953

35 **19-6-1205**, Utah Code Annotated 1953



37 *Be it enacted by the Legislature of the state of Utah:*

38 Section 1. Section **19-6-1201** is enacted to read:

39 **Part 12. Disposal of Electronic Waste Program**

40 **19-6-1201. Title.**

41 This part is known as the "Disposal of Electronic Waste Program."

42 Section 2. Section **19-6-1202** is enacted to read:

43 **19-6-1202. Definitions.**

44 As used in this part:

45 (1) "Collection":

46 (a) means the aggregation of consumer electronic devices from consumers; and

47 (b) includes all the activities up to the time a consumer electronic device is delivered to
48 a recycler.

49 (2) (a) "Computer" means an electronic, magnetic, optical, electrochemical, or other
50 high-speed data processing device performing a logical, arithmetic, or storage function,

51 including:

52 (i) a laptop computer;

53 (ii) a desktop computer; or

54 (iii) a tablet computer.

55 (b) "Computer" includes the following permanently affixed to or incorporated into a
56 device described in Subsection (2)(a):

57 (i) a cable cord;

- 58 (ii) permanent wiring;
- 59 (iii) a central processing unit; or
- 60 (iv) a monitor.
- 61 (c) "Computer" does not include an automated typewriter or typesetter, a portable
- 62 hand-held calculator, a portable digital assistant, a server, or similar device.
- 63 (3) "Consumer" means a person who owns or uses a covered electronic device that is
- 64 purchased primarily for personal or home business use.
- 65 (4) "Consumer electronic device" means the following products sold to a consumer:
- 66 (a) a computer;
- 67 (b) a computer peripheral;
- 68 (c) a television; or
- 69 (d) a television peripheral.
- 70 (5) "Eligible program" means a collection, reuse, or recycling system for a consumer
- 71 electronic device, including:
- 72 (a) a system by which a manufacturer, manufacturer's designee, or other private entity
- 73 offers a consumer an option to return a consumer electronic device by mail;
- 74 (b) a system using a physical collection site that a manufacturer, manufacturer's
- 75 designee, or other private or public entity provides for a consumer to return a covered
- 76 consumer electronic device; or
- 77 (c) a system that uses a collection event held by a manufacturer, manufacturer's
- 78 designee, or other private or public entity at which a consumer may return a consumer
- 79 electronic device.
- 80 (6) "Manufacturer" means a person who:
- 81 (a) manufactures a consumer electronic device under a brand the person owns or is
- 82 licensed to use; or
- 83 (b) assumes the responsibilities and obligations of a person described in Subsection
- 84 (6)(a).
- 85 (7) "Peripheral" means a keyboard, printer, or other device that:

86 (a) is sold exclusively for external use with a television or computer; and

87 (b) provides input into or output from a television or computer.

88 (8) (a) "Recycling" means the process of collecting and preparing electronic products

89 for:

90 (i) use in a manufacturing process; or

91 (ii) recovery of reusable materials followed by delivery of reusable materials for use.

92 (b) "Recycling" does not include destruction by incineration, waste-to-energy

93 incineration, or other similar processes or land disposal.

94 (9) "Reuse" means electronic waste:

95 (a) that is tested and determined to be in good working order; and

96 (b) that is removed from the waste stream to use for the same purpose for which it was

97 manufactured, including the continued use of the whole system or components.

98 (10) (a) "Sell" or "sale" means any transfer for consideration of title or of the right to

99 use by lease or sales contract of a consumer electronic device to a consumer.

100 (b) "Sell" or "sale" does not include:

101 (i) the sale, resale, lease, or transfer of used consumer electronic devices; or

102 (ii) a manufacturer's or a distributor's wholesale transaction with a distributor or retailer

103 involving a consumer electronic device.

104 (11) "Television" means a display system primarily intended to receive video

105 programming via broadcast, cable, or satellite transmission.

106 Section 3. Section **19-6-1203** is enacted to read:

107 **19-6-1203. Reporting requirements.**

108 (1) On or after July 1, 2011, a manufacturer may not offer a consumer electronic device

109 for sale in the state unless the manufacturer, either individually, through a group manufacturer

110 organization, or through the manufacturer's industry trade group, prepares and submits, subject

111 to Subsection (2), a report on or before August 1 of each year to the department.

112 (2) The report required under Subsection (1):

113 (a) shall include a list of eligible programs, subject to Subsection (3); and

114 (b) may include:
115 (i) an existing collection, transportation, or recycling system for a consumer electronic
116 device; and
117 (ii) an eligible program offered by:
118 (A) a consumer electronic device recycler;
119 (B) a consumer electronic device repair shop;
120 (C) a recycler of other commodities;
121 (D) a reuse organization;
122 (E) a not-for-profit corporation;
123 (F) a retailer; or
124 (G) another similar operation, including a local government collection event.
125 (3) The list required in Subsection (2)(a) may be in the form of a geographic map
126 identifying the type and location of an eligible program.
127 (4) The department shall:
128 (a) compile the report required under Subsection (1); and
129 (b) beginning on October 31, 2012, submit annually on or before October 31 the
130 compiled report to the Natural Resources, Agriculture, and Environment Interim Committee
131 and the Public Utilities and Technology Interim Committee.
132 Section 4. Section **19-6-1204** is enacted to read:
133 **19-6-1204. Public education program.**
134 (1) Effective January 1, 2012, a manufacturer may not offer a consumer electronic
135 device for sale in the state unless the manufacturer individually, through a group manufacturer
136 organization, or through the manufacturer's industry trade group establishes and implements, in
137 accordance with Subsection (2), a public education program regarding the eligible programs.
138 (2) (a) The public education program required under Subsection (1) shall:
139 (i) inform a consumer about eligible programs; and
140 (ii) use manufacturer-developed customer outreach materials, such as packaging
141 inserts, company websites, and other communication methods, to inform a consumer about

142 eligible programs.

143 (b) A manufacturer described in Subsection (1) shall work with the department and
144 other interested parties to develop educational materials that inform consumers about an
145 eligible program.

146 Section 5. Section **19-6-1205** is enacted to read:

147 **19-6-1205. Local government arrangement.**

148 If a local government enters into an arrangement with a manufacturer to facilitate
149 consumer electronics recycling in accordance with this part, the local government may enter
150 into the arrangement without requiring a request for proposal or similar competitive
151 procurement process required by law.