

## Part 12 Disposal of Electronic Waste Program

### 19-6-1201 Title.

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

Enacted by Chapter 213, 2011 General Session

### 19-6-1202 Definitions.

As used in this part:

- (1) "Collection":
  - (a) means the aggregation of consumer electronic devices from consumers; and
  - (b) includes all the activities up to the time a consumer electronic device is delivered to a recycler.
- (2)
  - (a) "Computer" means an electronic, magnetic, optical, electrochemical, or other high-speed data processing device performing a logical, arithmetic, or storage function, including:
    - (i) a laptop computer;
    - (ii) a desktop computer; or
    - (iii) a tablet computer.
  - (b) "Computer" includes the following permanently affixed to or incorporated into a device described in Subsection (2)(a):
    - (i) a cable cord;
    - (ii) permanent wiring;
    - (iii) a central processing unit; or
    - (iv) a monitor.
  - (c) "Computer" does not include an automated typewriter or typesetter, a portable hand-held calculator, a portable digital assistant, a server, or similar device.
- (3) "Consumer" means a person who owns or uses a covered electronic device that is purchased primarily for personal or home business use.
- (4) "Consumer electronic device" means the following products sold to a consumer:
  - (a) a computer;
  - (b) a computer peripheral;
  - (c) a television; or
  - (d) a television peripheral.
- (5) "Eligible program" means a collection, reuse, or recycling system for a consumer electronic device, including:
  - (a) a system by which a manufacturer, manufacturer's designee, or other private entity offers a consumer an option to return a consumer electronic device by mail;
  - (b) a system using a physical collection site that a manufacturer, manufacturer's designee, or other private or public entity provides for a consumer to return a covered consumer electronic device; or
  - (c) a system that uses a collection event held by a manufacturer, manufacturer's designee, or other private or public entity at which a consumer may return a consumer electronic device.
- (6) "Manufacturer" means a person who:
  - (a) manufactures a consumer electronic device under a brand the person owns or is licensed to use; or

- (b) assumes the responsibilities and obligations of a person described in Subsection (6)(a).
- (7) "Peripheral" means a keyboard, printer, or other device that:
  - (a) is sold exclusively for external use with a television or computer; and
  - (b) provides input into or output from a television or computer.
- (8)
  - (a) "Recycling" means the process of collecting and preparing electronic products for:
    - (i) use in a manufacturing process; or
    - (ii) recovery of reusable materials followed by delivery of reusable materials for use.
  - (b) "Recycling" does not include destruction by incineration, waste-to-energy incineration, or other similar processes or land disposal.
- (9) "Reuse" means electronic waste:
  - (a) that is tested and determined to be in good working order; and
  - (b) that is removed from the waste stream to use for the same purpose for which it was manufactured, including the continued use of the whole system or components.
- (10)
  - (a) "Sell" or "sale" means any transfer for consideration of title or of the right to use by lease or sales contract of a consumer electronic device to a consumer.
  - (b) "Sell" or "sale" does not include:
    - (i) the sale, resale, lease, or transfer of used consumer electronic devices; or
    - (ii) a manufacturer's or a distributor's wholesale transaction with a distributor or retailer involving a consumer electronic device.
- (11) "Television" means a display system primarily intended to receive video programming via broadcast, cable, or satellite transmission.

Enacted by Chapter 213, 2011 General Session

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

- (1) On or after July 1, 2011, a manufacturer may not offer a consumer electronic device for sale in the state unless the manufacturer, either individually, through a group manufacturer organization, or through the manufacturer's industry trade group, prepares and submits, subject to Subsection (2), a report on or before August 1 of each year to the department.
- (2) The report required under Subsection (1):
  - (a) shall include a list of eligible programs, subject to Subsection (3); and
  - (b) may include:
    - (i) an existing collection, transportation, or recycling system for a consumer electronic device; and
    - (ii) an eligible program offered by:
      - (A) a consumer electronic device recycler;
      - (B) a consumer electronic device repair shop;
      - (C) a recycler of other commodities;
      - (D) a reuse organization;
      - (E) a not-for-profit corporation;
      - (F) a retailer; or
      - (G) another similar operation, including a local government collection event.
- (3) The list required in Subsection (2)(a) may be in the form of a geographic map identifying the type and location of an eligible program.

Amended by Chapter 13, 2016 General Session

Amended by Chapter 143, 2016 General Session

**19-6-1204 Public education program.**

- (1) Effective January 1, 2012, a manufacturer may not offer a consumer electronic device for sale in the state unless the manufacturer individually, through a group manufacturer organization, or through the manufacturer's industry trade group establishes and implements, in accordance with Subsection (2), a public education program regarding the eligible programs.
- (2)
  - (a) The public education program required under Subsection (1) shall:
    - (i) inform a consumer about eligible programs; and
    - (ii) use manufacturer-developed customer outreach materials, such as packaging inserts, company websites, and other communication methods, to inform a consumer about eligible programs.
  - (b) A manufacturer described in Subsection (1) shall work with the department and other interested parties to develop educational materials that inform consumers about an eligible program.

Enacted by Chapter 213, 2011 General Session

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

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

Enacted by Chapter 213, 2011 General Session