

DISPOSAL OF ELECTRONIC WASTE

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: Michael E. Noel

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

Money Appropriated in this Bill:

None

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) ~~§→ [sells a consumer electronic device manufactured by others under a brand the person~~
 84 ~~owns or is licensed to use; or~~

85 ~~(c) ←§ assumes the responsibilities and obligations of a person described in Subsection~~

86 (6)(a) ~~§→ [or (b)] ←§~~ .

87 (7) "Peripheral" means a keyboard, printer, or other device that:

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

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

90 (8) (a) "Recycling" means the process of collecting and preparing electronic products
 91 for:

92 (i) use in a manufacturing process; or

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

94 (b) "Recycling" does not include destruction by incineration, waste-to-energy
 95 incineration, or other similar processes or land disposal.

96 (9) "Reuse" means electronic waste:

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

98 (b) that is removed from the waste stream to use for the same purpose for which it was
 99 manufactured, including the continued use of the whole system or components.

100 (10) (a) "Sell" or "sale" means any transfer for consideration of title or of the right to
 101 use by lease or sales contract of a consumer electronic device to a consumer.

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

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

104 (ii) a manufacturer's or a distributor's wholesale transaction with a distributor or retailer
 105 involving a consumer electronic device.

106 (11) "Television" means a display system primarily intended to receive video
 107 programming via broadcast, cable, or satellite transmission.

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

109 **19-6-1203. Reporting requirements.**

110 (1) On or after July 1, 2011, a manufacturer may not offer a consumer electronic device
 111 for sale in the state unless the manufacturer, either individually ~~§→~~, **through a group**
 111a **manufacturer organization, ←§** or through the manufacturer's
 112 industry trade group, prepares and submits, subject to Subsection (2), a report on or before
 113 **§→ [October] August ←§** 1 of each year to the department.

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

115 (a) shall include ~~§→~~ :

115a (i) ~~←§~~ a list of eligible programs, subject to Subsection (3); ~~§→~~ [**and**]

115b (ii) **for each manufacturer, annual number of products by unit sold; and**

115c (iii) **for each manufacturer, annual collection totals; and ←§**

116 (b) may include:

117 (i) an existing collection, transportation, or recycling system for a consumer electronic
 118 device; and

119 (ii) an eligible program offered by:

120 (A) a consumer electronic device recycler;

121 (B) a consumer electronic device repair shop;

122 (C) a recycler of other commodities;

123 (D) a reuse organization;

124 (E) a not-for-profit corporation;

125 (F) a retailer; or

126 (G) another similar operation, including a local government collection event.

127 (3) The list required in Subsection (2)(a) may be in the form of a geographic map

128 identifying the type and location of an eligible program.

129 (4) The department shall:

130 (a) compile ~~H~~→ [the report required] all reports submitted ←~~H~~ under Subsection (1); and

131 (b) beginning on ~~S~~→ [December] October ←~~S~~ 31, 2012, submit annually on or before

131a ~~S~~→ [December] October ←~~S~~ 31 the

132 compiled report to the Natural Resources, Agriculture, and Environment Interim Committee

133 and the Public Utilities and Technology Interim Committee.

134 Section 4. Section **19-6-1204** is enacted to read:

135 **19-6-1204. Public education program.**

136 (1) Effective January 1, 2012, a manufacturer may not offer a consumer electronic

137 device for sale in the state unless the manufacturer individually ~~S~~→ , through a group

137a **manufacturer organization,** ←~~S~~ or through the manufacturer's

138 industry trade group establishes and implements, in accordance with Subsection (2), a public

139 education program regarding the eligible programs.

140 (2) (a) The public education program required under Subsection (1) shall:

141 (i) inform a consumer about eligible programs; and

142 (ii) use manufacturer-developed customer outreach materials, such as packaging

143 inserts, company websites, and other communication methods, to inform a consumer about

144 eligible programs.

145 (b) A manufacturer described in Subsection (1) shall work with the department and

146 other interested parties to develop educational materials that inform consumers about an

147 eligible program.

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

149 **19-6-1205. Local government arrangement.**

150 If a local government enters into an arrangement with a manufacturer to facilitate

151 consumer electronics recycling in accordance with this part, the local government may enter

152 into the arrangement without requiring a request for proposal or similar competitive
153 procurement process required by law.

Legislative Review Note
as of 2-23-11 3:20 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 184

SHORT TITLE: **Disposal of Electronic Waste**

SPONSOR: **Urquhart, S.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.