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:
None

Utah Code Sections Affected:
Be it enacted by the Legislature of the state of Utah:

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

Part 12. Disposal of Electronic Waste Program

19-6-1201. Title.
This part is known as the "Disposal of Electronic Waste Program."

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

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.

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

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.

(4) The department shall:

(a) compile the report required under Subsection (1); and

(b) beginning on October 31, 2012, submit annually on or before October 31 the compiled report to the Natural Resources, Agriculture, and Environment Interim Committee and the Public Utilities and Technology Interim Committee.

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

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.

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

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.