

REFERENCE TITLE: large electronics recycling program.

State of Arizona
House of Representatives
Fifty-first Legislature
First Regular Session
2013

HB 2361

Introduced by
Representatives Mendez: Alston, Gallego, Gonzales, McCune Davis

AN ACT

AMENDING TITLE 49, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11;
RELATING TO THE LARGE ELECTRONICS RECYCLING PROGRAM.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 49, chapter 4, Arizona Revised Statutes, is amended
3 by adding article 11, to read:

4 ARTICLE 11. LARGE ELECTRONICS RECYCLING PROGRAM

5 49-891. Definitions

6 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

7 1. "COLLECTOR" MEANS AN ENTITY THAT COLLECTS COVERED ELECTRONIC
8 DEVICES AS PART OF A MANUFACTURER PROGRAM.

9 2. "COVERED ELECTRONIC DEVICE":

10 (a) MEANS:

11 (i) A COMPUTER MONITOR OF ANY TYPE HAVING A VIEWABLE AREA GREATER THAN
12 FOUR INCHES MEASURED DIAGONALLY.

13 (ii) A DESKTOP COMPUTER OR PORTABLE COMPUTER.

14 (iii) A TELEVISION OF ANY TYPE HAVING A VIEWABLE AREA GREATER THAN
15 FOUR INCHES MEASURED DIAGONALLY.

16 (b) DOES NOT INCLUDE:

17 (i) ANY PART OF A MOTOR VEHICLE.

18 (ii) ANY PART OF A LARGER PIECE OF EQUIPMENT DESIGNED AND INTENDED FOR
19 USE IN AN INDUSTRIAL, COMMERCIAL OR MEDICAL SETTING, SUCH AS DIAGNOSTIC,
20 MONITORING OR CONTROL EQUIPMENT.

21 (iii) TELEPHONES OR PERSONAL DIGITAL ASSISTANTS OF ANY TYPE UNLESS THE
22 TELEPHONE OR PERSONAL DIGITAL ASSISTANT CONTAINS A VIEWABLE AREA GREATER THAN
23 FOUR INCHES MEASURED DIAGONALLY.

24 (iv) ANY PART OF A CLOTHES WASHER, CLOTHES DRYER, REFRIGERATOR,
25 FREEZER, MICROWAVE OVEN, CONVENTIONAL OVEN OR RANGE, DISHWASHER, ROOM AIR
26 CONDITIONER, DEHUMIDIFIER OR AIR PURIFIER.

27 3. "COVERED ENTITY" MEANS ANY HOUSEHOLD OR BUSINESS.

28 4. "HOUSEHOLD" MEANS AN OCCUPANT OF A SINGLE DETACHED DWELLING UNIT OR
29 A SINGLE UNIT OF A MULTIPLE DWELLING UNIT LOCATED IN THIS STATE WHO HAS USED
30 A COVERED ELECTRONIC DEVICE AT A DWELLING UNIT PRIMARILY FOR PERSONAL USE.

31 5. "MANUFACTURER":

32 (a) MEANS ANY PERSON THAT EITHER:

33 (i) MANUFACTURES COVERED ELECTRONIC DEVICES UNDER A BRAND THAT THE
34 PERSON OWNS OR IS LICENSED TO USE.

35 (ii) SELLS COVERED ELECTRONIC DEVICES MANUFACTURED BY OTHERS UNDER A
36 BRAND THAT THE SELLER OWNS.

37 (iii) MANUFACTURES COVERED ELECTRONIC DEVICES WITHOUT AFFIXING A
38 BRAND.

39 (iv) MANUFACTURES COVERED ELECTRONIC DEVICES TO WHICH THE PERSON
40 AFFIXES A BRAND THAT THE PERSON DOES NOT OWN.

41 (v) ON WHOSE ACCOUNT COVERED ELECTRONIC DEVICES MANUFACTURED OUTSIDE
42 THE UNITED STATES ARE IMPORTED INTO THE UNITED STATES.

43 (b) DOES NOT INCLUDE:

44 (i) A PERSON WITH A LICENSE TO MANUFACTURE COVERED ELECTRONIC DEVICES
45 FOR DELIVERY EXCLUSIVELY TO OR AT THE ORDER OF THE LICENSOR.

1 (ii) A SMALL BUSINESS AS DEFINED IN SECTION 41-1001.

2 6. "MANUFACTURER PROGRAM" MEANS A STATEWIDE PLAN FOR COLLECTING,
3 TRANSPORTING AND RECYCLING COVERED ELECTRONIC DEVICES THAT IS PROVIDED BY A
4 MANUFACTURER OR MANUFACTURERS PURSUANT TO SECTION 49-891.02.

5 7. "PORTABLE COMPUTER" MEANS ANY OF THE FOLLOWING THAT HAS A VIEWABLE
6 AREA GREATER THAN FOUR INCHES MEASURED DIAGONALLY AND THAT CAN BE CARRIED AS
7 ONE UNIT BY AN INDIVIDUAL:

8 (a) A LAPTOP COMPUTER.

9 (b) A NOTEBOOK COMPUTER.

10 (c) A NOTEPAD COMPUTER.

11 8. "RECYCLING":

12 (a) MEANS EITHER OF THE FOLLOWING:

13 (i) PROCESSING THROUGH DISASSEMBLING, DISMANTLING, SHREDDING,
14 TRANSFORMING OR REMANUFACTURING COVERED ELECTRONIC DEVICES, COMPONENTS AND
15 BY-PRODUCTS INTO USABLE OR MARKETABLE RAW MATERIALS OR PRODUCTS IN A MANNER
16 SUCH THAT THE ORIGINAL PRODUCTS MAY LOSE THEIR IDENTITY.

17 (ii) SMELTING MATERIALS FROM COMPONENTS REMOVED FROM COVERED
18 ELECTRONIC DEVICES TO RECOVER METALS FOR REUSE IN CONFORMANCE WITH APPLICABLE
19 LAWS AND RULES.

20 (b) DOES NOT INCLUDE LANDFILL DISPOSAL OR INCINERATION OF COVERED
21 ELECTRONIC DEVICES OR ENERGY RECOVERY OR ENERGY GENERATION BY MEANS OF
22 COMBUSTING COVERED ELECTRONIC DEVICES, COMPONENTS AND BY-PRODUCTS WITH OR
23 WITHOUT OTHER WASTE.

24 9. "RETAILER" MEANS A PERSON WHO SELLS, RENTS OR LEASES THROUGH SALES
25 OUTLETS, CATALOGS OR THE INTERNET COVERED ELECTRONIC DEVICES TO A HOUSEHOLD
26 AND NOT FOR RESALE IN ANY FORM.

27 10. "SALE" OR "SELL" MEANS ANY TRANSFER FOR CONSIDERATION OF TITLE OR
28 OF THE RIGHT TO USE, BY LEASE OR SALES CONTRACT INCLUDING TRANSACTIONS
29 CONDUCTED THROUGH SALES OUTLETS, CATALOGS OR THE INTERNET OR ANY OTHER
30 SIMILAR ELECTRONIC MEANS EITHER INSIDE OR OUTSIDE OF THIS STATE, BY A PERSON
31 WHO CONDUCTS THE TRANSACTION AND CONTROLS DELIVERY OF A COVERED ELECTRONIC
32 DEVICE TO A CONSUMER IN THIS STATE, BUT DOES NOT INCLUDE A MANUFACTURER'S OR
33 DISTRIBUTOR'S WHOLESALE TRANSACTION WITH A DISTRIBUTOR OR RETAILER.

34 49-891.01. Prohibition on sale; registration with department;
35 fees

36 A. BEGINNING JANUARY 1, 2014, A MANUFACTURER OR RETAILER MAY NOT SELL
37 OR OFFER FOR SALE ANY COVERED ELECTRONIC DEVICE IN OR FOR DELIVERY IN THIS
38 STATE UNLESS BOTH OF THE FOLLOWING APPLY:

39 1. THE COVERED ELECTRONIC DEVICE IS LABELED WITH A BRAND AND THE LABEL
40 IS PERMANENTLY AFFIXED AND READILY VISIBLE.

41 2. THE BRAND IS INCLUDED IN THE PLAN THAT IS FILED WITH THE DEPARTMENT
42 PURSUANT TO SECTION 49-891.02.

43 B. ON OR BEFORE JANUARY 1, 2014 AND EACH YEAR THEREAFTER, A
44 MANUFACTURER OF COVERED ELECTRONIC DEVICES SOLD OR OFFERED FOR SALE IN THIS

1 STATE SHALL REGISTER WITH THE DEPARTMENT, FOR A PERIOD TO COVER THE UPCOMING
2 CALENDAR YEAR, ON A FORM PROVIDED BY THE DEPARTMENT.

3 C. A MANUFACTURER OF COVERED ELECTRONIC DEVICES SOLD OR OFFERED FOR
4 SALE IN THIS STATE SHALL PAY TO THE DEPARTMENT AN ANNUAL REGISTRATION FEE
5 DETERMINED BY THE DEPARTMENT BY RULE.

6 D. IF A MANUFACTURER CEASES TO MANUFACTURE, SELL OR IMPORT COVERED
7 ELECTRONIC DEVICES AND COVERED ELECTRONIC DEVICES MANUFACTURED, SOLD OR
8 IMPORTED BY THE MANUFACTURER ARE COLLECTED FOR RECYCLING UNDER A MANUFACTURER
9 PROGRAM, THE MANUFACTURER SHALL REGISTER WITH THE DEPARTMENT AND PAY A
10 REGISTRATION FEE DETERMINED BY THE DEPARTMENT BY RULE.

11 E. A MANUFACTURER THAT BEGINS TO SELL OR OFFER FOR SALE COVERED
12 ELECTRONIC DEVICES TO HOUSEHOLDS AFTER JANUARY 1, 2014 AND THAT HAS NOT FILED
13 A REGISTRATION PURSUANT TO THIS SECTION SHALL SUBMIT A REGISTRATION TO THE
14 DEPARTMENT WITHIN TEN DAYS AFTER BEGINNING TO SELL OR OFFER FOR SALE COVERED
15 ELECTRONIC DEVICES TO HOUSEHOLDS.

16 F. A MANUFACTURER SHALL UPDATE ITS REGISTRATION WITHIN TEN DAYS AFTER
17 A CHANGE IN THE MANUFACTURER'S BRANDS OF COVERED ELECTRONIC DEVICES SOLD OR
18 OFFERED FOR SALE TO HOUSEHOLDS.

19 49-891.02. Manufacturer program; plan

20 A. A MANUFACTURER SHALL SUBMIT A PLAN TO THE DEPARTMENT AT THE TIME OF
21 PAYMENT OF THE ANNUAL REGISTRATION FEE REQUIRED UNDER SECTION 49-891.01. THE
22 MANUFACTURER'S PLAN MUST DESCRIBE HOW THE MANUFACTURER WILL:

23 1. FINANCE, MANAGE AND CONDUCT A STATEWIDE PROGRAM TO COLLECT COVERED
24 ELECTRONIC DEVICES FROM COVERED ENTITIES IN THIS STATE.

25 2. PROVIDE FOR ENVIRONMENTALLY SOUND MANAGEMENT PRACTICES TO COLLECT,
26 TRANSPORT AND RECYCLE COVERED ELECTRONIC DEVICES.

27 3. PROVIDE FOR ADVERTISING AND PROMOTION OF COLLECTION OPPORTUNITIES
28 STATEWIDE AND ON A REGULAR BASIS.

29 4. INCLUDE CONVENIENT SERVICE IN EVERY COUNTY IN THIS STATE AND AT
30 LEAST ONE COLLECTION SITE FOR ANY CITY WITH A POPULATION OF AT LEAST FIFTY
31 THOUSAND PERSONS. CONVENIENT SERVICE MAY INCLUDE ONE OR MORE PERIODIC
32 OPPORTUNITIES TO DROP OFF COVERED ELECTRONIC DEVICES AT ONE OR MORE
33 LOCATIONS. CONVENIENT SERVICE DOES NOT REQUIRE HOUSEHOLD PICKUP OF COVERED
34 DEVICES. A COLLECTION SITE FOR A COUNTY MAY BE THE SAME AS A COLLECTION SITE
35 FOR A CITY IN THE COUNTY. COLLECTION SITES SHALL BE STAFFED AND OPEN TO THE
36 PUBLIC AT A FREQUENCY ADEQUATE TO MEET THE NEEDS OF THE AREA BEING SERVED. A
37 PROGRAM MAY PROVIDE COLLECTION SERVICE JOINTLY WITH ANOTHER PROGRAM.

38 B. THE PLAN MUST INCLUDE INFORMATION ON HOW AND WHERE TO RETURN THE
39 MANUFACTURER'S COVERED ELECTRONIC DEVICES. THE MANUFACTURER:

40 1. SHALL INCLUDE COLLECTION, RECYCLING AND REUSE INFORMATION ON THE
41 MANUFACTURER'S PUBLICLY AVAILABLE WEBSITE.

42 2. SHALL PROVIDE COLLECTION, RECYCLING AND REUSE INFORMATION TO THE
43 DEPARTMENT.

1 3. MAY INCLUDE COLLECTION, RECYCLING AND REUSE INFORMATION IN THE
2 PACKAGING FOR OR IN OTHER MATERIALS THAT ACCOMPANY THE MANUFACTURER'S COVERED
3 ELECTRONIC DEVICES WHEN THE DEVICE IS SOLD.

4 C. INFORMATION REGARDING COLLECTION, RECYCLING AND REUSE THAT IS ON A
5 MANUFACTURER'S PUBLICLY AVAILABLE WEBSITE DOES NOT CONSTITUTE A DETERMINATION
6 BY THE DEPARTMENT THAT THE MANUFACTURER'S RECOVERY PLAN OR ACTUAL PRACTICES
7 ARE IN COMPLIANCE WITH THIS ARTICLE OR ANY OTHER LAW.

8 D. A MANUFACTURER SHALL:

9 1. MEET OR EXCEED THE REQUIREMENTS FOR COLLECTION SITES DESCRIBED IN
10 SUBSECTION A OF THIS SECTION.

11 2. PROVIDE FOR COLLECTION, TRANSPORTATION AND RECYCLING OF COVERED
12 ELECTRONIC DEVICES FOR COVERED ENTITIES FREE OF CHARGE, EXCEPT THAT A
13 MANUFACTURER THAT PROVIDES PREMIUM SERVICE FOR A COVERED ENTITY MAY CHARGE
14 FOR THE ADDITIONAL COST OF THAT PREMIUM SERVICE. PREMIUM SERVICE MAY INCLUDE
15 PICKUP SERVICE AT INDIVIDUALLY SCHEDULED TIMES AND LOCATIONS AND MAY INCLUDE
16 MINIMUM REQUIREMENTS FOR THE QUANTITY OF COVERED ELECTRONIC DEVICES TO BE
17 PICKED UP.

18 3. IMPLEMENT THE PLAN REQUIRED UNDER THIS SECTION.

19 E. A GROUP OF MANUFACTURERS MAY CHOOSE TO IMPLEMENT A MANUFACTURER
20 PROGRAM AS ONE ENTITY.

21 49-891.03. Prohibition on consumer fees; exception

22 A. EXCEPT AS AUTHORIZED IN SUBSECTION B, A MANUFACTURER PROGRAM OR A
23 COLLECTOR PARTICIPATING IN A MANUFACTURER PROGRAM MAY NOT CHARGE A FEE TO
24 COVERED ENTITIES FOR THE COLLECTION, TRANSPORTATION OR RECYCLING OF COVERED
25 ELECTRONIC DEVICES.

26 B. A COLLECTOR THAT PROVIDES A PREMIUM SERVICE TO A COVERED ENTITY MAY
27 CHARGE FOR THE ADDITIONAL COST OF PROVIDING THE PREMIUM SERVICE.

28 49-891.04. Duties of department; rules

29 THE DEPARTMENT SHALL:

30 1. MAINTAIN AND MAKE AVAILABLE ON ITS WEBSITE, WHICH MUST BE UPDATED
31 ON OR BEFORE THE FIRST DAY OF EACH CALENDAR QUARTER AFTER JULY 1, 2014, A
32 LIST OF REGISTERED MANUFACTURERS AND THEIR BRANDS THAT IDENTIFIES WHICH
33 MANUFACTURERS ARE IN COMPLIANCE WITH THIS ARTICLE.

34 2. REVIEW AND APPROVE MANUFACTURER PLANS THAT COMPLY WITH SECTION
35 49-891.02 AND THAT ARE SUBMITTED ANNUALLY BY MANUFACTURERS.

36 3. ADVERTISE AND PROMOTE COLLECTION OPPORTUNITIES STATEWIDE AND ON A
37 REGULAR BASIS.

38 4. REVIEW EACH REGISTRATION AND NOTIFY THE MANUFACTURER OF ANY
39 INFORMATION REQUIRED BY THIS SECTION THAT IS OMITTED FROM THE REGISTRATION.
40 WITHIN THIRTY DAYS AFTER RECEIPT OF A NOTIFICATION FROM THE DEPARTMENT, THE
41 MANUFACTURER SHALL SUBMIT A REVISED REGISTRATION PROVIDING THE INFORMATION
42 NOTED BY THE DEPARTMENT.

43 5. MAINTAIN AND UPDATE THE WEBSITE REGISTRATION INFORMATION AT LEAST
44 EACH CALENDAR QUARTER. THE WEBSITE SHALL CONTAIN PROMINENT LANGUAGE STATING
45 THAT THE LAW REQUIRING REGISTRATION IS DIRECTED AT HOUSEHOLD EQUIPMENT AND

1 THE MANUFACTURERS' BRANDS LIST IS NOT A LIST OF MANUFACTURERS WHO ARE
2 QUALIFIED TO SELL TO INDUSTRIAL, COMMERCIAL OR OTHER MARKETS THAT ARE
3 IDENTIFIED AS EXEMPT FROM THE REQUIREMENTS.

4 6. MAINTAIN ON ITS WEBSITE INFORMATION ON COLLECTION OPPORTUNITIES FOR
5 COVERED ELECTRONIC DEVICES, INCLUDING COLLECTION SITE LOCATIONS AND HOURS.
6 THE INFORMATION MUST BE MADE AVAILABLE IN A PRINTABLE FORMAT FOR RETAILERS.

7 7. BEGINNING DECEMBER 31, 2015 AND BIENNIALY THEREAFTER, COMPILE
8 INFORMATION FROM MANUFACTURERS AND ISSUE A REPORT TO THE LEGISLATURE
9 REGARDING THE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

10 8. ADOPT RULES AS NECESSARY TO IMPLEMENT THIS ARTICLE.

11 49-891.05. Covered electronic devices fund

12 A. THE COVERED ELECTRONIC DEVICES FUND IS ESTABLISHED. THE DIRECTOR
13 SHALL ADMINISTER THE FUND. THE FUND CONSISTS OF MONIES FROM THE FOLLOWING
14 SOURCES:

15 1. FEES COLLECTED BY THE DEPARTMENT PURSUANT TO THIS ARTICLE.

16 2. GIFTS, GRANTS AND DONATIONS.

17 3. LEGISLATIVE APPROPRIATIONS.

18 4. UNTIL JULY 1, 2016, MONIES FROM THE RECYCLING FUND PURSUANT TO
19 SECTION 49-837, SUBSECTION B, EXCEPT THAT NO MORE THAN FIVE HUNDRED THOUSAND
20 DOLLARS FROM THE RECYCLING FUND MAY BE TRANSFERRED TO THE COVERED ELECTRONIC
21 DEVICES FUND IN ANY FISCAL YEAR.

22 B. ON NOTICE FROM THE DEPARTMENT, THE STATE TREASURER SHALL INVEST AND
23 DIVEST MONIES IN THE FUND AS PROVIDED IN SECTION 35-313, AND MONIES EARNED
24 FROM INVESTMENT SHALL BE CREDITED TO THE FUND.

25 C. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT
26 AND MAY BE USED ONLY TO PAY THE COSTS OF IMPLEMENTING AND ENFORCING THIS
27 ARTICLE.

28 D. MONIES IN THE FUND SHALL BE USED FOR THE FOLLOWING PURPOSES:

29 1. FOR ALL REASONABLE AND NECESSARY COSTS TO IMPLEMENT THIS ARTICLE.

30 2. FOR THE REASONABLE AND NECESSARY COSTS OF ADMINISTERING THE FUND.

31 49-891.06. Enforcement

32 A MANUFACTURER OR RETAILER THAT FAILS TO COMPLY WITH THIS ARTICLE IS
33 SUBJECT TO ENFORCEMENT UNDER ARTICLE 5 OF THIS CHAPTER.

34 49-891.07. Program termination

35 THE PROGRAM ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2023 PURSUANT
36 TO SECTION 41-3102.