

REFERENCE TITLE: large electronics; recycling

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SB 1369

Introduced by
Senators Mendez: Dalessandro, Quezada; Representatives Andrade, Blanc

AN ACT

AMENDING TITLE 49, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 11; RELATING TO ELECTRONIC DEVICES.

(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
3 amended 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
12 THAN 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
19 FOR USE IN AN INDUSTRIAL, COMMERCIAL OR MEDICAL SETTING, SUCH AS
20 DIAGNOSTIC, MONITORING OR CONTROL EQUIPMENT.

21 (iii) TELEPHONES OR PERSONAL DIGITAL ASSISTANTS OF ANY TYPE UNLESS
22 THE TELEPHONE OR PERSONAL DIGITAL ASSISTANT CONTAINS A VIEWABLE AREA
23 GREATER THAN 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
29 OR A SINGLE UNIT OF A MULTIPLE DWELLING UNIT LOCATED IN THIS STATE WHO HAS
30 USED A COVERED ELECTRONIC DEVICE AT A DWELLING UNIT PRIMARILY FOR PERSONAL
31 USE.

32 5. "MANUFACTURER":

33 (a) MEANS ANY PERSON THAT EITHER:

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

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

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

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

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

44 (b) DOES NOT INCLUDE:

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

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

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

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

10 (a) A LAPTOP COMPUTER.

11 (b) A NOTEBOOK COMPUTER.

12 (c) A NOTEPAD COMPUTER.

13 8. "RECYCLING":

14 (a) MEANS EITHER OF THE FOLLOWING:

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

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

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

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

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

37 49-891.01. Prohibition on sale; registration with department;
38 fees

39 A. BEGINNING JANUARY 1, 2019, A MANUFACTURER OR RETAILER MAY NOT
40 SELL OR OFFER FOR SALE ANY COVERED ELECTRONIC DEVICE IN OR FOR DELIVERY IN
41 THIS STATE UNLESS BOTH OF THE FOLLOWING APPLY:

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

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

1 B. ON OR BEFORE JANUARY 1, 2019 AND EACH YEAR THEREAFTER, A
2 MANUFACTURER OF COVERED ELECTRONIC DEVICES SOLD OR OFFERED FOR SALE IN
3 THIS STATE SHALL REGISTER WITH THE DEPARTMENT, FOR A PERIOD TO COVER THE
4 UPCOMING CALENDAR YEAR, ON A FORM PROVIDED BY THE DEPARTMENT.

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

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

13 E. A MANUFACTURER THAT BEGINS TO SELL OR OFFER FOR SALE COVERED
14 ELECTRONIC DEVICES TO HOUSEHOLDS AFTER JANUARY 1, 2019 AND THAT HAS NOT
15 FILED A REGISTRATION PURSUANT TO THIS SECTION SHALL SUBMIT A REGISTRATION
16 TO THE DEPARTMENT WITHIN TEN DAYS AFTER BEGINNING TO SELL OR OFFER FOR
17 SALE COVERED ELECTRONIC DEVICES TO HOUSEHOLDS.

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

21 49-891.02. Manufacturer program: plan

22 A. A MANUFACTURER SHALL SUBMIT A PLAN TO THE DEPARTMENT AT THE TIME
23 OF PAYMENT OF THE ANNUAL REGISTRATION FEE REQUIRED UNDER SECTION
24 49-891.01. THE MANUFACTURER'S PLAN MUST DESCRIBE HOW THE MANUFACTURER
25 WILL:

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

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

30 3. PROVIDE FOR ADVERTISING AND PROMOTION OF COLLECTION
31 OPPORTUNITIES STATEWIDE AND ON A REGULAR BASIS.

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

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

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

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

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

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

10 D. A MANUFACTURER SHALL:

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

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

20 3. IMPLEMENT THE PLAN REQUIRED UNDER THIS SECTION.

21 E. A GROUP OF MANUFACTURERS MAY CHOOSE TO IMPLEMENT A MANUFACTURER
22 PROGRAM AS ONE ENTITY.

23 49-891.03. Prohibition on consumer fees; exception

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

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

30 49-891.04. Duties of department; report; rules

31 THE DEPARTMENT SHALL:

32 1. MAINTAIN AND MAKE AVAILABLE ON ITS WEBSITE A LIST OF REGISTERED
33 MANUFACTURERS AND THEIR BRANDS THAT IDENTIFIES WHICH MANUFACTURERS ARE IN
34 COMPLIANCE WITH THIS ARTICLE. THE DEPARTMENT SHALL UPDATE THE LIST ON OR
35 BEFORE THE FIRST DAY OF EACH CALENDAR QUARTER AFTER JULY 1, 2019.

36 2. REVIEW AND APPROVE MANUFACTURER PLANS THAT COMPLY WITH SECTION
37 49-891.02 AND THAT ARE SUBMITTED ANNUALLY BY MANUFACTURERS.

38 3. ADVERTISE AND PROMOTE COLLECTION OPPORTUNITIES STATEWIDE AND ON
39 A REGULAR BASIS.

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

1 5. MAINTAIN AND UPDATE THE WEBSITE REGISTRATION INFORMATION AT
2 LEAST EACH CALENDAR QUARTER. THE WEBSITE SHALL CONTAIN PROMINENT LANGUAGE
3 STATING THAT THE LAW REQUIRING REGISTRATION IS DIRECTED AT HOUSEHOLD
4 EQUIPMENT AND THE MANUFACTURERS' BRANDS LIST IS NOT A LIST OF
5 MANUFACTURERS THAT ARE QUALIFIED TO SELL TO INDUSTRIAL, COMMERCIAL OR
6 OTHER MARKETS THAT ARE IDENTIFIED AS EXEMPT FROM THE REQUIREMENTS.

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

11 7. BEGINNING DECEMBER 31, 2020 AND ONCE EVERY TWO YEARS THEREAFTER,
12 COMPILE INFORMATION FROM MANUFACTURERS AND ISSUE A REPORT TO THE
13 LEGISLATURE REGARDING THE PROGRAM ESTABLISHED PURSUANT TO THIS ARTICLE.

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

15 49-891.05. Covered electronic devices fund

16 A. THE COVERED ELECTRONIC DEVICES FUND IS ESTABLISHED. THE
17 DIRECTOR SHALL ADMINISTER THE FUND. THE FUND CONSISTS OF MONIES FROM THE
18 FOLLOWING SOURCES:

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

20 2. GIFTS, GRANTS AND DONATIONS.

21 3. LEGISLATIVE APPROPRIATIONS.

22 4. UNTIL JULY 1, 2021, MONIES FROM THE RECYCLING FUND PURSUANT TO
23 SECTION 49-837, SUBSECTION B, EXCEPT THAT NOT MORE THAN FIVE HUNDRED
24 THOUSAND DOLLARS FROM THE RECYCLING FUND MAY BE TRANSFERRED TO THE COVERED
25 ELECTRONIC DEVICES FUND IN ANY FISCAL YEAR.

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

29 C. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE
30 DEPARTMENT AND MAY BE USED ONLY TO PAY THE COSTS OF IMPLEMENTING AND
31 ENFORCING THIS ARTICLE.

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

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

35 2. FOR THE REASONABLE AND NECESSARY COSTS OF ADMINISTERING THE
36 FUND.

37 49-891.06. Enforcement

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

40 49-891.07. Program termination

41 THE PROGRAM ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2028
42 PURSUANT TO SECTION 41-3102.