



TAKE IT BACK. MAKE IT GREEN. RECYCLE RESPONSIBLY.

Model State Bill - Manufacturer Takeback for E-Waste

Updated January 20, 2012

Summary of Key Concepts [Bill language begins on page 2]

This model bill builds on the existing, successful laws in many states, including Minnesota, Wisconsin, Washington, Oregon, New York and others. Here are the core concepts in the bill.

1. **Wide scope of products for free recycling.** Covered equipment (whose manufacturers have performance obligations) are: computers, computer peripherals, televisions, television peripherals, small scale servers. Additional eligible electronic equipment (free collection, can be counted towards goals) are: mobile phone; telephone; camera or video camera; portable or stationary radio; PDA; calculator; portable digital music player and digital picture frame.
2. **Performance measures** – manufacturers must meet annual statewide collection goal, divided by their market share (based on previous 3 years of sales data). Year 1 goal is 6lbs per person, Year 2 is 6.5 lbs, Year 3 is 7 lbs per person. After year 3, an escalator provision kicks in, allowing an increase of up to 10% if the total weight reported (claimed) by the manufacturers report is more than 10% of the goal. Manufacturers who collect less than their goal pay a recycling shortfall fee of 30 to 50 cents per pound not collected. Manufacturers must also provide convenient collection, of at least one permanent collection site in each county, and each city over 10,000 people.
3. **Registration** – manufacturers register annually, paying a fee of \$5000 (\$1250 if they sold 25 – 250 units, 0 if they sold less than 25 units in previous year.
4. **There is no state run program, standard plan, etc.** The state agency enforces the rules, reviews and approves registrations, and other administrative functions. The state agency provides an annual report to legislators, including the funds received and expended.
5. **Recycling standards.** Recyclers used by approved plans must be certified to either the e-Stewards or R2 recycler standards. No use of prison labor. Collectors collecting for any manufacturer program must transfer all products collected (for reuse or recycling) to one of the certified vendors.
6. **Extra credit for rural collection.** (Optional) Starting in year 2, manufacturers may request to earn extra credit (1.2%) for pounds collected in specified rural counties if they can demonstrate to the state that they are having difficulty establishing a collection site in those counties.
7. **Extra credit (double) for reuse** – units donated to schools, and certain non profits.
8. **Disposal ban**

Model Bill

Section I: DEFINITIONS

For the purposes of this chapter:

1. "Cathode ray tube" means a vacuum tube or picture tube used to convert an electronic signal into a visual image.
2. "Computer" means an electronic, magnetic, optical, electrochemical or other high-speed data processing device performing a logical, arithmetic or storage function, including a laptop computer and desktop computer, and includes any cable, cord, or wiring permanently affixed to or incorporated into such product, and may include both a computer central processing unit and a monitor; but such term shall not include an automated typewriter or typesetter, a portable hand-held calculator, server, or other similar device.
3. "Computer peripheral" means a monitor; electronic keyboard; electronic mouse or similar pointing device; facsimile machine, document scanner, "multifunction" or "all in one" imaging device, or printer intended for use with a computer; and includes any cable, cord, or wiring permanently affixed to or incorporated into any such product. Computer peripheral shall not include any document scanner or printer which weighs one hundred pounds or more.
4. "Covered electronic equipment" means:
 - a. computers;
 - b. computer peripherals;
 - c. small-scale server;
 - d. televisions; and
 - e. television peripherals
 - f. "Covered electronic equipment" does not include any motor vehicle or any part thereof; household appliances such as clothes washers, clothes dryers, refrigerators, freezers, microwave ovens, ovens, ranges or dishwashers; equipment that is functionally or physically part of a larger piece of equipment intended for use in an industrial, research and development or commercial setting; security or anti-terrorism equipment; monitoring and control instrument or system; thermostat; hand-held transceiver; a server other than a small-scale server; a cash register or retail self checkout system; a stand-alone storage product intended for use in industrial, research and development or commercial settings; commercial medical equipment that contains within it a cathode ray tube, a flat panel display or similar video display device, and is not separate from the larger piece of equipment; or other medical devices as that term is defined under the Federal Food, Drug and Cosmetic Act.
5. "Covered entity" means a household, school district, small non-profit (less than 75 employees), small business (less than 50 employees), or small government agency, located in the state who owns or uses covered electronic equipment, including but not limited to an individual, a business, corporation, limited partnership, not-for-profit corporation, the state, a public corporation, public school, school district, private or parochial school or board of cooperative educational services or governmental entity, but does not include an entity involved in a wholesale transaction between a distributor and retailer.
6. "Department" means the [name state environmental agency].

7. "Eligible electronic equipment" means covered electronic equipment as well as a mobile phone; telephone; camera or video camera; portable or stationary radio; portable digital assistant or similar device; calculator; global positioning system (GPS) receiver or similar navigation device; portable digital music player that has memory capability and is battery-powered; and digital picture frame, and includes any cable, cord, or wiring permanently affixed to or incorporated into any such product.
8. "Electronic waste" means covered electronic equipment that has been discarded or is no longer wanted by its owner, or for any other reason enters the waste collection, recovery, treatment, processing, or recycling system.
9. "Electronic waste consolidation facility" means a facility that receives and stores electronic waste for the purpose of organizing, categorizing or consolidating items of electronic waste before such waste is transported to an electronic waste recycling facility. Electronic waste consolidation facilities include, but are not limited to, facilities of brokers acting as intermediaries between electronic waste buyers and sellers, and regional centers at which electronic waste is organized, categorized or consolidated after being transported to such centers from electronic waste collection sites or other electronic waste consolidation facilities.
10. "Label" means a marker on the surface of covered electronic equipment conveying information; for the purposes of this chapter, labels must be permanent and can be attached, printed, engraved or incorporated in any other permanent way that is obvious and visible to users of the product
11. "Manufacturer" means a person who does any of the following:
 - a. Manufactures a covered electronic device under its own brand or label for sale in the state;
 - b. Assembles or substantially assembles covered electronic equipment for sale in the state;
 - c. Sells in the state under its own brand or label covered electronic equipment produced by another supplier;
 - d. Owns a brand that it licenses to another person for use on a covered electronic device sold in the state
 - e. Imports into the United States for sale in the state a covered electronic device manufactured by a person without a presence in the United States;
 - f. Manufactures covered electronic equipment for sale in the state without affixing a brand name;
 - g. Assumes the responsibilities, obligations, and liabilities of a manufacturer as defined under subdivisions (A) through (F) of this subdivision (11), provided that the Department may enforce the requirements of this chapter against a manufacturer if a person who assumes the manufacturer's responsibilities fails to comply with the requirements of this chapter.

"Manufacturer" does not mean a person who assembles or substantially assembles, and sells less than one thousand units of covered electronic equipment annually in this state, or whose primary business is the sale of covered electronic equipment which is comprised primarily of rebuilt,

refurbished or used components. If more than one person is a manufacturer of a brand of covered electronic equipment, any such person may assume responsibility for obligations of a manufacturer of that brand under this chapter. If none of those persons assumes responsibility for the obligations of a manufacturer under this chapter, any and all such persons jointly and severally may be considered to be the responsible manufacturer of that brand for purposes of this chapter.

12. "Manufacturer's brands" means a manufacturer's name, brand name or brand label, and all manufacturer's names, brand names and brand labels for which the manufacturer has a legal right or interest, including those names, brand names, and brand labels of companies that have been acquired by the manufacturer or in which the manufacturer asserts a legal interest such as trademark, license, service mark, or patent.
13. "Monitor" means a separate visual display component of a computer, whether sold separately or together with a computer central processing unit, and includes a cathode ray tube, liquid crystal display, gas plasma, digital light processing or other image projection technology, greater than four inches when measured diagonally, and its case, interior wires and circuitry, and any cable cord or wiring permanently affixed thereto or incorporated into such product.
14. "Person" means any individual, business entity, partnership, company, corporation, not-for-profit corporation, association, governmental entity, public benefit corporation, public authority, firm, organization, or any other group of individuals, or any officer or employee or agent thereof.
15. "Recycle" means to separate, dismantle or process the materials, components or commodities contained in electronic waste for the purpose of preparing the materials, components or commodities for use or reuse in new products or components thereof, but not for energy recovery or energy generation by means of combustion, gasification, pyrolysis or other means. Recycling includes the manual and mechanical separation of electronic waste to recover materials, components or commodities contained therein for the purpose of reuse or recycling, and changing the physical or chemical composition of electronic waste to segregate components for purposes of recycling those components.
16. "Retailer" means a person who sells covered electronic equipment to a person in the state through any means, including, but not limited to, transactions conducted through retail sales outlets, mail, catalogs, the telephone or the internet, or any electronic means. "Retailer" does not include a person who sells or offers for sale fewer than ten items of covered electronic equipment during a calendar year.
17. "Reuse" means the use of electronic waste that is tested and certified to be in good working order and which was removed from the waste stream for use for the same purpose for which it was manufactured, including the continued use of whole systems or components.
18. "Rural county" means [list designated rural counties]. **Note: Include this if state program needs special incentive for collection in rural counties.**
19. "Sell" or "sale" means any transfer for consideration of title or the right to use, from a manufacturer or retailer to a person, including, but not limited to, transactions conducted through retail sales outlets, catalogs, mail, the telephone, the internet, or any electronic means; this includes transfer of new products or used products that may have been refurbished by their manufacturer or manufacturer-approved party and that are offered for sale by a manufacturer or retailer, but does not include consumer-to-consumer second-hand transfer. "Sell or sale" does not include: (a) the transfer of used covered electronic equipment or a lease of covered

20. "Small-scale server" means a computer that typically uses desktop components in a desktop form factor, but is designed primarily to be a storage host for other computers. To be considered a small-scale server, a computer must have the following characteristics: designed in a pedestal, tower, or other form factor similar to those of desktop computers such that all data processing, storage, and network interfacing is contained within one box or product; intended to be operational twenty four hours per day and seven days a week, and unscheduled downtime is extremely low, such as on the order of hours per year; is capable of operating in a simultaneous multi-user environment serving several users through networked client units; and designed for an industry accepted operating system for home or low-end server applications.
21. "Television" means a display system containing a cathode ray tube or flat panel or any other type of display primarily intended to receive video programming via broadcast, cable or satellite transmission, having a viewable area greater than four inches when measured diagonally.
22. "Television peripheral" means devices attached to and used in conjunction with televisions, including video cassette recorders (VCR), digital video recorders (DVR), digital video disc players (DVD), electronic or video game systems, game controllers, signal converter boxes, cable receivers, satellite receivers, and digital media receivers or set top boxes, and includes any cable, cord, or wiring permanently affixed to or incorporated into any such product
23. "Urban county" means a county that is not specified under the definition for rural county.
Note: Include this if state program needs special incentive for collection in rural counties.

Section II: REQUIREMENTS FOR SALE OF COVERED ELECTRONIC EQUIPMENT

1. *Manufacturers.* Beginning on [DATE], a manufacturer may not sell to a covered entity, offer to sell to a covered entity, or deliver to a retailer for subsequent sale to a covered entity new covered electronic equipment unless all of the following apply:
 - a. The manufacturer permanently affixes a label to the covered electronic equipment that is readily visible and that shows the manufacturer's brand;
 - b. The manufacturer is registered with the department in accordance with Section III;
 - c. The manufacturer pays the fees under Section III and Section IV;
 - d. The manufacturer maintains an electronics takeback program through which the manufacturer, either directly or through an agent or designee, accepts eligible electronic equipment from covered entities in the state for recycling and reuse, as required under Section V;
 - e. The manufacturer reports as required under Section IX.
2. *Retailers.*
 - a. Beginning on [DATE], a retailer may not sell or offer for sale to a covered entity new covered electronic equipment unless, before making the first offer for sale, the retailer has determined that the brand of the covered electronic equipment is listed on the department's Internet site Section VIII;
 - b. If a manufacturer's registration is revoked or expired and the retailer took possession of covered electronic equipment of the manufacturer before the registration was revoked or expired, the retailer may sell the covered electronic device to a covered

Section III: MANUFACTURER REGISTRATION AND FEES

1. A manufacturer shall submit to the department a registration by [Date, Year] and annually thereafter by [Date], along with an annual registration fee in accordance with subsection 7. Such registration shall include:
 - a. the manufacturer's name, address, and telephone number;
 - b. the name and title of an officer, director, or other individual designated as the manufacturer's contact for purposes of this chapter;
 - c. a list identifying the manufacturer's brands;
 - d. a description of the manufacturer's electronics takeback program in the state, including how the manufacturer will comply with each of the requirements under section V of this chapter, including
 - i. the collection methods the manufacturer will use
 - ii. a current list of collection locations, including addresses, within the state where covered entities may return electronic equipment,
 - iii. how the designated collection locations will satisfy the convenience requirement under Section V subsection 1.(b)
 - e. sales data reported by weight for the manufacturer's covered electronic equipment sold in this state for the previous three calendar years, categorized by type to the extent known. If the manufacturer cannot provide accurate state sales data, it must explain why such data cannot be provided, and estimate state sales data by
 - i. dividing its national sales data by weight by the national population according to the most recent census and multiplying the result by the population of the state, or
 - ii. another method approved by the department;
 - f. any other information as the department may require.
2. Registration shall be on a form prescribed by the department. The department may require such form to be filed electronically. Should a third party, multi-state "clearinghouse" for manufacturer registrations become available, the department may participate in the clearinghouse for registration and administrative purposes, and require manufacturers to register via such third party "clearinghouse" if the department determines that it will fulfill the obligations of this chapter.
3. A manufacturer's registration is effective upon acceptance by the department and must be updated within thirty days of any material change to the information required by subsection one of this section.
4. Any person who becomes a manufacturer on or after January first [YEAR] shall register with the department not more than 10 days after the day on which the manufacturer begins selling or offering to sell covered electronic equipment, and must comply with the requirements of this chapter.
5. A complete registration is effective on approval by the department and is valid until the following [year end date of program year] unless revoked before that date.
6. Within 30 business days after the receipt of a registration under this subsection, the department shall post the registration on its public website, to allow for public review and comment, except that the manufacturer sales information shall not be made available to the public. The public shall have 30 days to provide comments. The department shall review the

7. Annual registration fees.
 - a. If the manufacturer sold at least 250 units of covered electronic equipment in this state during the previous year, the manufacturer shall pay a registration fee of \$5,000;
 - b. If the manufacturer sold at least 25 but fewer than 250 units of covered electronic equipment in this state during the previous year, the manufacturer shall pay a registration fee of \$1,250.
 - c. If the manufacturer sold fewer than 25 units covered electronic equipment in this state during the previous year, the manufacturer is not required to pay a registration fee.
 - d. *Modification of registration fee.* The department may modify the registration fee by rule. The department may not promulgate a rule under this paragraph that takes effect before the first day of the 24th month beginning after the effective date of this paragraph [DATE]

Section IV: Manufacturer recycling goals, recycling shortfall fee.

1. Beginning [Date, YEAR], a manufacturer of covered electronic equipment must implement and finance a program to collect, transport, and recycle or reuse eligible electronic equipment for which it is the manufacturer, from covered entities in the State. Such eligible electronic equipment shall count toward the manufacturer's annual recycling goal, pursuant to subsection five of this section.
2. Beginning [Date, YEAR same as above], a manufacturer of covered electronic equipment must implement and finance a program to collect, transport, and recycle or reuse eligible electronic equipment from covered entities in the State an amount equal to the manufacturer's annual recycling goal, as specified in subsection five of this section.
3. Beginning [Date, YEAR 2 of program] For the purposes of calculating total weight of eligible electronic equipment towards the manufacturer's recycling goal, pounds of eligible electronic equipment collected in rural counties may be multiplied by 1.25%, if the manufacturer reports weight of eligible electronic equipment collected in rural and urban counties separately, under Section IX, and if the manufacturer demonstrates to the Agency that it has been unable to establish convenient collection in the rural counties. **[Note: include this subsection only if state requires extra incentive for rural collection.]**
4. Beginning [Date, Year same as in #2],] For the purposes of calculating total weight of eligible electronic equipment towards the manufacturer's recycling goal, pounds of eligible electronic equipment collected may be multiplied by 2.0%, if they are donated for reuse by the manufacturer to a primary or secondary public education institution or to a not-for-profit entity that is established under Section 501(c)(3) of the Internal Revenue Code of 1986 and whose principal mission is to assist low-income children or families or to assist the developmentally disabled in the state, and if the manufacturer has received a written confirmation that the recipient has accepted the donation, and if the manufacturer reports weight of eligible electronic equipment collected and donated for reuse separately, under Section IX. Copies of all written confirmations must be submitted in the annual report required under Section IX.

5. *Statewide Recycling Goal.* The statewide recycling or reuse goal for all covered electronic equipment shall be established as follows:
 - a. For the period from [Year 1 start and end dates], the statewide recycling or reuse goal for electronic waste shall be the product of the latest population estimate for the state, as published by the U.S. Census bureau multiplied by **6 pounds**
 - b. For calendar year [Year 2], and annually thereafter, the statewide recycling or reuse goal for all electronic waste shall be the product of the latest population estimate for the state, as published by the U.S. Census bureau multiplied by **6.5 pounds**.
 - c. For calendar year [Year 3], and annually thereafter, the statewide recycling or reuse goal for all electronic waste shall be the product of the latest population estimate for the state, as published by the U.S. Census bureau multiplied by **7 pounds**.
 - d. Beginning in [Year 4], the statewide recycling goal may be raised by 10% annually if the total amount of eligible electronic waste reported by manufacturers as having been collected during the previous year exceeds the statewide recycling goal by more than 10% .
6. *Manufacturer recycling goal.*
 - a. For the period [Year 1 dates] and annually thereafter, each manufacturer's recycling goal is the product of the statewide recycling goal under subsection___ of this section, multiplied by that manufacturer's market share pursuant to paragraph (b) of this subsection.
 - b. *Calculating market share.* Each manufacturer's market share shall be determined by the department based on the manufacturer's percentage share of the total weight of covered electronic equipment sold as determined by the best available information, including, but not limited to, state sales data reported by weight. Beginning [date], and every calendar year thereafter, the department shall provide each manufacturer with a determination of its market share of covered electronic equipment which shall be the quotient of the total weight of the manufacturer's covered electronic equipment sold to persons in this state based on the average annual retail sales during the preceding three calendar years, as reported under Section III of this chapter divided by the total weight of all manufacturers covered electronic equipment sold to persons in this state based on the average annual retail sales during the preceding three calendar years, as reported under section III of this chapter.
7. A manufacturer that fails to meet its manufacturer's recycling goal for the previous calendar year as required by Section IV of this section shall be subject to a recycling shortfall fee, determined as follows:
 - a. If a manufacturer accepts at least ninety percent but less than one hundred percent of its manufacturer's recycling goal as required by subsection four of this section, the shortfall fee shall be thirty cents multiplied by the number of additional pounds of eligible electronic equipment that should have been accepted by such manufacturer.
 - b. If a manufacturer accepts at least fifty percent but less than ninety percent of its recycling goal as required by subsection four of this section, the shortfall fee shall be forty cents multiplied by the number of additional pounds of eligible electronic equipment that should have been accepted by such manufacturer.
 - c. If a manufacturer accepts less than fifty percent of its recycling goal as required by subsection four of this section, the shortfall fee shall be fifty cents multiplied by the number of additional pounds of eligible electronic equipment that should have been accepted by such manufacturer.

8. The recycling shortfall fee shall be paid to the department with the annual report required pursuant to Section IX of this chapter.
9. *Recycling credits.* Beginning with calendar year [year], if a manufacturer accepts more than its manufacturer's recycling goal as required by subdivision four of this section, the excess weight may be used as recycling credits and may be sold, traded, or banked for a period no longer than three calendar years succeeding the year in which the credits were earned; provided, however, that no more than 5 percent of a manufacturer's obligation for any year may be met with recycling credits generated in a prior calendar year.

Section V: Manufacturer electronics takeback program

1. The manufacturer electronics takeback program shall provide, at a minimum:
 - a. Collection, transportation, and recycling or reuse of eligible electronics equipment pursuant to Section IV of this chapter in a manner convenient to covered entities throughout the state, including both rural and urban areas. Collection methods may include any of the following:
 - i. mail or ship back return programs;
 - ii. collection or recycling events conducted by the manufacturer or the manufacturer's agent or designee, including events conducted through local governments or private parties;
 - iii. fixed acceptance locations such as dedicated acceptance sites operated by the manufacturer or its agent or designee;
 - iv. agreements with local governments, retail stores, sales outlets and not-for-profit organizations which have agreed to provide facilities for the collection of electronic waste;
 - v. community collection events;
 - vi. and any combination of these or other acceptance methods which effectively provide for the acceptance of electronic waste for recycling or reuse through means that are available and reasonably convenient to consumers in the state.
 - b. At a minimum, the manufacturer shall ensure that all counties of the state, and all municipalities which have a population of ten thousand or greater, have at least one physical collection site, that is staffed, open to the public on an on-going basis, at a frequency adequate to meet the needs of the area being served, that is available within such county or municipality. A collection site for a county may be the same as a collection site for a city or town in the county. The department may establish additional requirements to ensure convenient collection from covered entities; [Note: In some states, particularly those with very rural counties, using regional "Council of Government" districts instead of counties may be more appropriate for this subsection. States with very densely populated cities may want to require more than one site for those specific cities.]
 - c. Information on how consumers can destroy all data on any eligible electronic equipment, either through physical destruction of the hard drive or through data wiping;
 - d. A public education program to inform consumers about the manufacturer's electronics takeback program, including at a minimum:

- i. an internet website and a toll-free telephone number and written information included in the product manual for, or provided at the time of sale of, covered electronic equipment that provides sufficient information to allow a consumer of covered electronic equipment to learn how to return the covered equipment for recycling or reuse, and in the case of manufacturers of computers, hard drives and other covered electronic equipment that have internal memory on which personal or other confidential data can be stored, such website shall provide instructions for how consumers can destroy such data before surrendering the equipment for recycling or reuse;
 - ii. advertisements and press releases; and
 - iii. any other information as required by the department in accordance with regulations promulgated pursuant to this article.
 - e. Fair compensation to collectors for providing collection services; and
 - f. Fair compensation to recyclers for providing recycling services;
- 2. A manufacturer shall maintain records demonstrating compliance with this chapter and make them available for audit and inspection by the department for a period of three years.
- 3. A manufacturer may satisfy the eligible electronic equipment collection requirements of this section by agreeing to participate in a collective electronics takeback program with other manufacturers. Any such collective program must meet the same requirements as an individual manufacturer. Any collective program must include a list of manufacturers that are participating in such program along with other identifying information as may be required by the department. Such program shall submit a registration to the department along with a registration fee of \$5000 thousand dollars for each manufacturer covered by the collective program.
- 4. A manufacturer shall be responsible for all administrative and operational costs associated with the collection, transportation, and recycling or reuse of eligible electronics equipment under their electronics takeback program. The manufacturer shall not charge a fee at the time of collection of eligible electronic equipment from covered entities for the collection, transportation, and recycling or reuse of eligible electronic equipment, provided that such prohibition shall not apply to premium services, such as equipment and data security services, refurbishment for reuse by the consumer, curbside collection, and other custom services as may be determined by the department.
- 5. *Vendor requirements.*
 - a. A manufacturer shall ensure that vendors who recycle or reuse eligible electronic equipment collected under the manufacturer's takeback program have a valid certification under one of the following certification programs:
 - i. The e-Stewards Standard for Responsible Electronics Recycling and Reuse of Electronic Equipment; or
 - ii. The Responsible Recycling Practices Standard (R2)
 - b. Certification to the e-Stewards Standard for Responsible Electronics Recycling and Reuse of Electronic Equipment shall be the department's preferred standard.
 - c. A manufacturer shall ensure that any collectors used in the manufacturer electronics takeback program send all the eligible electronic equipment collected to recycling or reuse vendors who are certified as required in subsection (a)

- d. A manufacturer shall ensure that all vendors used for collection, recycling, transportation, or handling of eligible electronic equipment, including all downstream recycling operations, use no prison labor to recycle eligible electronic equipment.

Section VI. RETAILER REQUIREMENTS

1. For sales of covered electronic equipment made at a retailer's store, the retailer shall provide purchasers of covered electronic equipment with information, if any, about opportunities for the return of eligible electronic equipment that has been provided to the retailer by a manufacturer or by the department.
2. For sales of covered electronic equipment made via the internet, the internet retailer will, within 30 days of making the sale, send an email to the purchaser providing information, if any, about opportunities for the return of eligible electronic equipment that has been provided to the retailer by a manufacturer or by the department.
3. Beginning [Date, YEAR], no retailer shall sell or offer for sale in the state any covered electronic equipment unless the manufacturer and the manufacturer's brands are registered with the department pursuant to section III of this chapter. If the retailer purchased covered electronic equipment from a manufacturer who fails to register by [Date, YEAR], or prior to the date the manufacturer withdrew its registration or the registration was revoked by the department, the retailer may continue to sell the covered electronic equipment for one hundred eighty days after [Date, YEAR], or the date the registration was withdrawn or revoked.
4. Beginning [date], a retailer shall only offer for sale in the state covered electronic equipment that has a visible, permanent label clearly identifying the manufacturer of that equipment.

Section VII: LABELING

Beginning [Date, YEAR], a manufacturer may not offer for sale in the state or deliver to retailers for subsequent sale covered electronic equipment unless it has a visible, permanent label clearly identifying the manufacturer of that equipment.

Section VIII: DEPARTMENT RESPONSIBILITIES

1. The department is authorized to promulgate rules and regulations necessary to implement and administer this chapter. At a minimum, the department shall promulgate rules and regulations on:
 - a. electronic waste recycling credits;
 - b. acceptable alternative methods for the determination of state sales data.
 - c. registration and reporting forms and requirements
 - d. audits and inspections
2. The department shall
 - a. maintain a list of manufacturers who are registered pursuant to Section III of this chapter,
 - b. maintain a list of each such manufacturer's brands, and
 - c. post such lists on the department's website.
3. The department shall provide a flyer or marketing material to the electronics retailers in the state, with information about opportunities for the return of eligible electronic equipment, to be distributed by the retailers to purchasers of covered electronic equipment.
4. The department shall submit an annual report to the legislature, made available on the department's public website, by [date, 4 months after receiving manufacturer reports] of each

- a. total weight of eligible electronic equipment collected for recycling and reuse, with breakdown by product categories (computers, computer peripherals, televisions, television peripherals, small servers, other eligible electronics) and with breakdown by collection method;
- b. a list of all manufacturers selling covered electronic equipment in the state including , at a minimum, the following details for each manufacturer:
 - i. registered brands claimed,
 - ii. total weight of eligible electronic equipment collected,
 - iii. recycling shortfall fees paid,
 - iv. recycling credits earned, applied, and banked
- c. financial report, of income received (registration fees, and recycling shortfall fees) and expenses;
- d. any enforcement actions taken on non-compliant companies;
- e. copy of marketing material the department has provided to retailers for distribution to customers; and
- f. recommendations for changes to this chapter, if any

Section IX : MANUFACTURER REPORTING REQUIREMENTS

1. Beginning [Date, YEAR], and each calendar year thereafter, a manufacturer that offers covered electronic equipment for sale in this state shall submit a report to the department on a form prescribed by the department that includes the following:
 - a. the quantity, by weight, of eligible electronic equipment collected for recycling or reuse in this state, categorized by the type of electronic equipment collected during the reporting period, (computers, computer peripherals, televisions, television peripherals, small servers, other eligible electronics); the methods used to collect the electronic equipment, and the approximate weight of electronic equipment collected by each method used to the extent known;
 - b. the quantity and category of eligible electronic equipment collected under the manufacturer’s electronics takeback program that was diverted for reuse; not included any lease returns redeployed under new leases;
 - c. the name and address of each collection site, at which eligible electronic equipment was received from covered entities on behalf of the manufacturer during the reporting period, along with the quantity, by weight, of electronic equipment received,
 - d. the number of recycling credits purchased, sold, banked and traded during the reporting period, the number of recycling credits used to meet the requirements of Section IV of this chapter, and from whom they were purchased and to whom they were sold or traded, and the number of recycling credits retained as of the date of the report;
 - e. **Note: include this only if state needs extra incentive for collection in rural counties.** If a manufacturer wishes to receive the extra recycling credit of 1.25% for eligible electronic equipment it collects from rural counties, the manufacturer must report separately the total weight of eligible electronic equipment collected from covered entities located in rural counties specified in Section I, subsection 20, and those collected from covered entities located in urban counties.
 - f. the amount of any recycling shortfall fee owed for the reporting period, with sufficient information to demonstrate the basis for the calculation of the shortfall fee;

- g. the names and locations of electronic equipment recycling vendors utilized by the manufacturer and entities to which electronic equipment is sent for reuse, whether in the state or outside the state, including which certification program to which each vendor is certified
 - h. information detailing the collection methods made available to covered entities in each county of the state, and in municipalities which have a population of greater than ten thousand to meet the convenience requirements of Section V.
 - i. a brief description of its public education strategy and program including the number of visits to the internet website and calls to the toll-free telephone number provided by the manufacturer as required by Section V of this chapter, details on outreach and advertising efforts made, and the percent of the population reached;
 - j. information on how materials recovered from the manufacturer takeback program are being closed-loop recycled into new products by the manufacturer;
 - k. any other information as required by the department; and
 - l. a signature by an officer, director, or other individual affirming the accuracy of the report.
2. The department may require annual reports to be filed electronically. Should a third party, multi-state “clearinghouse” for manufacturer reporting become available, the department may participate in the clearinghouse for reporting and administrative purposes, and require manufacturers to report via such third party “clearinghouse” if the department determines that it will fulfill the reporting obligations of this chapter.
 3. The report shall be accompanied by any recycling shortfall fee due pursuant to Section IV of this chapter.

Section X: DISPOSITION OF FEES.

All fees and charges collected pursuant to this chapter shall be deposited into the [electronics recycling fund name] established pursuant to [citation of state law] of the state finance law.

Section XI: DISPOSAL BAN

1. Beginning January first, [YEAR], no manufacturer, retailer, or owner or operator of an electronic equipment collection site in the state shall dispose of eligible electronic equipment at a solid waste management facility or hazardous waste management facility, or place eligible electronic equipment for collection which is intended for disposal at a solid waste management facility or hazardous waste management facility, including waste-to-energy facilities.
2. Beginning January first, [YEAR], no person shall place or dispose of any eligible electronic equipment in any solid waste management facility, or place eligible electronic equipment for collection which is intended for disposal at a solid waste management facility or hazardous waste management facility, including waste-to-energy facilities in this state. Persons engaged in the collection of solid waste for delivery to a solid waste management facility shall provide written information to users of such facility on the proper methods for the recycling of electronic equipment.
3. Beginning January first, [YEAR], an owner or operator of a solid waste management facility or hazardous waste management facility shall educate users of such facility on the proper methods for the management of eligible electronic equipment. Such education shall include:
 - a. providing written information to users of such facility on the proper methods for recycling of eligible electronic equipment; and

- b. posting, in conspicuous locations at such facility, signs stating that eligible electronic equipment may not be disposed of at the facility.

Section XII: ENFORCEMENT

1. Except as otherwise provided in this chapter, any person who violates any provision of this chapter or fails to perform any duty under this Act is liable for a civil penalty not to exceed \$1,000 for the violation and an additional civil penalty not to exceed \$1,000 for each day the violation continues and is liable for a civil penalty not to exceed \$5,000 for a second or subsequent violation and an additional civil penalty not to exceed \$1,000 for each day the second or subsequent violation continues.
2. A manufacturer that is not registered with the department as required under this chapter, or that has not paid the registration fee as required under this chapter, is liable for a civil penalty not to exceed \$10,000 for the violation and an additional civil penalty not to exceed \$10,000 for each day the violation continues.
3. The penalties provided for in this chapter may be recovered in a civil action brought by the Attorney General in the name of the People of the State of [state]. Any moneys collected under this Section in which the Attorney General has prevailed may be deposited into the [Electronic Recycling Fund name], established under this Act.
4. The penalties and injunctions provided in this Act are in addition to any penalties, injunctions, or other relief provided under any other law. Nothing in this Act bars a cause of action by the State for any other penalty, injunction, or relief provided by any other law.

Section XIII: MULTISTATE IMPLEMENTATION.

The department is authorized to participate in the establishment of a regional multistate organization or compact to assist in carrying out the requirements of this chapter.

Section XIV: SEVERABILITY

If any section or provision of this chapter is declared unconstitutional or invalid by the courts, the unconstitutional or invalid section or provision does not affect the validity of this chapter as a whole or any part of this chapter other than the part declared to be unconstitutional or invalid.

Section : EFFECTIVE DATE

This chapter takes effect on [DATE]