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# A BILL FOR AN ACT

RELATING TO SUSTAINABLE ELECTRONICS MANAGEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that use of electronic  
2 devices has grown substantially over the past two decades.  
3 According to the United States Environmental Protection Agency,  
4 Americans have generated approximately three million tons of  
5 waste in consumer electronics goods per year during the last  
6 decade.

7           The legislature further finds that while recycling of  
8 electronic devices prevents valuable materials from going into  
9 the waste stream, preventing waste in the first place is  
10 preferable to any waste management option. Refurbishing used  
11 but still functioning electronic devices for reuse extends the  
12 lives of valuable products and keeps them out of the waste  
13 stream for a longer duration. Refurbishing used electronic  
14 devices also allows new users, such as schools, nonprofit  
15 organizations, and lower-income families, to obtain equipment  
16 that they otherwise cannot afford.





1 "Covered refurbisher" means an organization that:

2 (1) Is exempt from taxation under section 501(c)(3) of the  
3 United States Internal Revenue Code;

4 (2) Is registered with the business registration division  
5 of the department of commerce and consumer affairs to  
6 conduct business in this State;

7 (3) Maintains a physical place of operation in this State  
8 to receive and distribute excess electronic devices;

9 (4) Has the ability to repair, upgrade, and refurbish  
10 excess electronic devices for use under this chapter;

11 (5) Is registered with the department as a covered  
12 refurbisher under this chapter; and

13 (6) Satisfies other criteria to operate as a covered  
14 refurbisher under this chapter, as determined by the  
15 department.

16 "Covered television" has the same meaning as defined in  
17 section 339D-1.

18 "Department" means the department of accounting and general  
19 services.

20 "Excess electronic device" means any covered electronic  
21 device or covered television that is:



- 1 (1) Owned and controlled by the State;
- 2 (2) No longer necessary for the operations of the State,  
3 as determined by the covered entity; and
- 4 (3) Properly functioning or may be repaired, upgraded, or  
5 refurbished for use, as determined by the covered  
6 entity.

7 "Lease" means any transfer of the right to possession and  
8 use of goods for a term in return for consideration.

9 "Nonpublic information" means information that is not:

- 10 (1) Public record as defined in rule 1001(5), Hawaii Rules  
11 of Evidence, as set forth in of section 626-1; or
- 12 (2) A government record that must be disclosed under  
13 section 92F-12.

14 "Person" means any individual, business, partnership,  
15 limited liability company, corporation, nonprofit organization,  
16 association, government entity, public benefit corporation, or  
17 public authority.

18 "Personal information" means the same as defined under  
19 section 487R-1.



1 "Refurbished device" means an excess electronic device or  
2 covered television that is not functioning properly that has  
3 been refurbished.

4 "Sell" or "sale" means any transfer of title to goods in  
5 return for consideration.

6 **§A-3 Covered entity responsibility.** (a) No later than  
7 January 1, 2023, and at minimum, each year thereafter, each  
8 covered entity shall:

- 9 (1) Identify any excess electronic devices and covered  
10 televisions that are not working properly; and  
11 (2) Transfer possession of the excess electronic devices  
12 and covered televisions that are not working properly  
13 to the department.

14 (b) A covered entity, prior to the transfer of an excess  
15 electronic device under this section, shall remove data from the  
16 device, including but not limited to personal information and  
17 nonpublic information, according to the rules adopted by the  
18 department under this chapter. To the maximum extent  
19 practicable, the covered entity shall remove data using a means  
20 that does not remove, disable, or destroy critical functions, or  
21 otherwise render the excess electronic device unusable. The



1 covered entity shall be allowed to remove any data storage  
2 devices from any excess electronic device before transferring  
3 the device to the department.

4 **§A-4 Department responsibility.** (a) Beginning January 1,  
5 2023, the department shall maintain and update a website with  
6 current information on covered refurbishers available in the  
7 State. The department shall notify all covered entities of  
8 their new responsibilities under this chapter.

9 (b) No later than April 1, 2023, and each year thereafter,  
10 the department shall compile information regarding the excess  
11 electronic devices that were received, refurbished, recycled,  
12 and distributed during the previous year and submit a report to  
13 the legislature.

14 (c) Upon receipt of an excess electronic device or covered  
15 television that is not functioning properly, the department  
16 shall examine the excess electronic device or covered television  
17 that is not functioning properly and determine if it may be  
18 repaired, updated, or refurbished for use. The department may  
19 request a covered refurbisher to examine the excess electronic  
20 device or covered television that is not functioning properly



1 and determine if it may be repaired, updated, or refurbished for  
2 use.

3 (d) Upon repair, update, or refurbishment of a device, the  
4 department may transfer the possession of the refurbished  
5 device, in the following order of priority, to:

6 (1) The covered entity that transferred the device to the  
7 department;

8 (2) Other covered entities in need of the refurbished  
9 device; and

10 (3) A person who is:

11 (A) A resident of this State; and

12 (B) Determined to be in need in accordance with rules  
13 adopted by the department under this chapter.

14 The department shall document and keep records of all  
15 transfers of property made pursuant to this section. No person  
16 who received title to and possession of a refurbished device  
17 under this chapter shall sell or lease the refurbished device.

18 **§A-5 Covered refurbisher responsibility.** (a) A covered  
19 refurbisher, upon request from the department under this  
20 chapter, shall examine an excess electronic device or covered  
21 television and determine if the excess electronic device or



1 covered television is functioning properly or may be repaired,  
2 updated, or refurbished for use; provided that:

3 (1) Upon the determination that the covered electronic  
4 device or covered television can be repaired, updated,  
5 or refurbished for use, the department shall refurbish  
6 the excess electronic device or covered television  
7 that is not working properly for use; or

8 (2) Upon the determination that the covered electronic  
9 device or covered television that is not working  
10 properly cannot be repaired, updated, or refurbished  
11 for use, the department shall recycle the covered  
12 electronic device or covered television that is not  
13 working properly in compliance with applicable law.

14 (b) A covered refurbisher shall not be liable for  
15 electronic data or other information remaining on an excess  
16 electronic device under this chapter.

17 **§A-6 Sustainable state electronics special fund. (a)**

18 There is established in the state treasury the sustainable state  
19 electronics special fund, to be administered by the department,  
20 into which shall be deposited:

21 (1) All revenues from the operations of this chapter; and



1           (2) All administrative penalties or fees collected by the  
2           department under section A-7.

3           (b) Moneys in the sustainable state electronics special  
4 fund shall be used for the administration of this chapter.

5           **SA-7 Administrative rules; enforcement; fees.** (a) The  
6 department shall establish rules pursuant to chapter 91 to  
7 implement the purposes of this chapter, including any  
8 administrative penalties or fees.

9           (b) The attorney general may file suit in the name of the  
10 State to enjoin an activity related to the sale or lease of  
11 excess electronic devices in violation of this chapter.

12           (c) Any person found in violation of this chapter may be  
13 assessed a penalty not to exceed \$1,000 for the first violation  
14 and not to exceed \$2,000 for the second and each subsequent  
15 violation."

16           SECTION 3. If any provision of this Act, or the  
17 application thereof to any person or circumstance, is held  
18 invalid, the invalidity does not affect other provisions or  
19 applications of the Act that can be given effect without the  
20 invalid provision or application, and to this end the provisions  
21 of this Act are severable.



1 SECTION 4. This Act shall take effect on July 1, 2022.

2 INTRODUCED BY: Bennette J. Mizulach



# S.B. NO. 2203

**Report Title:**

Sustainable Electronics Management; Excess Electronic Devices;  
Covered Televisions; Reuse

**Description:**

Requires state departments and agencies to transfer certain electronic devices to the Department of Accounting and General Services, which may refurbish and distribute these devices to eligible entities in the State or eligible private persons, as determined by rule.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

