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# A BILL FOR AN ACT

RELATING TO RECYCLING.

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

1 SECTION 1. Section 339D-1, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending the definition of "electronic device" to  
4 read:

5 ""Electronic device":

6 (1) Means:

7 (A) A computer, computer printer, computer monitor,  
8 facsimile machine, videocassette recorder,  
9 portable digital music player that has memory  
10 capability and is battery powered, digital video  
11 disc player, digital video disc recorder, router  
12 designed for household use, modem designed for  
13 household use, or portable computer with a screen  
14 size greater than four inches measured  
15 diagonally; [~~and~~]

16 (B) Any device that is capable of receiving  
17 broadcast, cable, or satellite signals and



1 displaying television or video programming,  
2 including any direct view or projection  
3 television with a viewable screen of nine inches  
4 or larger with display technology based on  
5 cathode ray tube, plasma, liquid crystal, digital  
6 light processing, liquid crystal on silicon,  
7 silicon crystal reflective display, light  
8 emitting diode, or similar technology; and

9 (C) Electronic device peripherals, including:

- 10 (i) A keyboard, mouse, or other device sold  
11 exclusively for external use with an  
12 electronic device as a wireless or corded  
13 device that provides input into, or output  
14 from, an electronic device;
- 15 (ii) Cords used with an electronic device or  
16 other electronic device peripheral;
- 17 (iii) Power supplies and adapters designed to  
18 support an electronic device;
- 19 (iv) Speakers used with a computer or television  
20 and television sound bars; and
- 21 (v) Video game consoles; and



1 (2) Shall not include:

2 (A) An electronic device that is a part of a motor  
3 vehicle or any component part of a motor vehicle  
4 assembled by or for a motor vehicle manufacturer  
5 or franchised dealer, including replacement parts  
6 for use in a motor vehicle;

7 (B) An electronic device that is functionally or  
8 physically required as a part of a larger piece  
9 of equipment designed and intended for use in an  
10 industrial, commercial, or medical setting,  
11 including diagnostic, monitoring, or control  
12 equipment;

13 (C) An electronic device that is contained within a  
14 clothes washer, clothes dryer, refrigerator,  
15 refrigerator and freezer, microwave oven,  
16 conventional oven or range, dishwasher, room air  
17 conditioner, dehumidifier, or air purifier;

18 (D) A telephone of any type including a mobile  
19 telephone; or

20 (E) A global positioning system."

21 2. By amending the definition of "manufacturer" to read:



1        ""Manufacturer":

2        (1) Means any person:

3           (A) Who manufactures or manufactured electronic  
4            devices under a brand that it owns or owned or is  
5            or was licensed to use, other than a license to  
6            manufacture electronic devices for delivery  
7            exclusively to or at the order of the licensor;

8           (B) Who sells or sold electronic devices manufactured  
9            by others under a brand that the seller owns or  
10           owned or is or was licensed to use, other than a  
11           license to manufacture electronic devices for  
12           delivery exclusively to or at the order of the  
13           licensor;

14          (C) Who manufactures or manufactured electronic  
15          devices without affixing a brand;

16          (D) Who manufactures or manufactured electronic  
17          devices to which it affixes or affixed a brand  
18          that it neither owns or owned nor is or was  
19          licensed to use; or

20          (E) For whose account electronic devices manufactured  
21          outside the United States are or were imported



1 into the United States; provided that if at the  
2 time those electronic devices are or were  
3 imported into the United States and another  
4 person has registered as the manufacturer of the  
5 brand of the electronic devices, this  
6 subparagraph shall not apply; and

7 (2) Shall not include persons who sold fewer than one  
8 hundred electronic devices in the State during the  
9 previous calendar year~~[+]~~ or who manufactures only  
10 electronic device peripherals and no other electronic  
11 devices."

12 SECTION 2. Section 339D-8, Hawaii Revised Statutes, is  
13 amended by amending subsection (f) to read as follows:

14 "(f) The department [~~shall~~] may determine additional  
15 penalties based on adverse impact to the environment, unfair  
16 competitive advantage, and other considerations that the  
17 department deems appropriate."

18 SECTION 3. Section 339D-23, Hawaii Revised Statutes, is  
19 amended by amending subsections (b) to (d) to read as follows:

20 "(b) By September 1, 2022, and annually thereafter, each  
21 manufacturer shall submit a plan to the department to establish,



1 conduct, and manage a program for the recycling of electronic  
2 devices sold in the State, which shall be subject to the  
3 following conditions:

4 (1) The plan shall not permit the charging of a fee at the  
5 point of collection if the electronic device is  
6 brought by the electronic device owner to a central  
7 location for recycling; provided that the plan may  
8 include a reasonable transportation fee if the  
9 manufacturer or manufacturer's agent removes the  
10 electronic device from the owner's premises at the  
11 owner's request and if the removal is not in  
12 conjunction with delivery of a new electronic device  
13 to the owner;

14 (2) The plan shall include a description of the methods  
15 for the convenient collection of electronic devices at  
16 no cost to the owner, except as provided in paragraph  
17 (1). The recycling plan shall provide for collection  
18 services of electronic devices, at a minimum, in each  
19 county and zip code tabulation area, as defined by the  
20 United States Census Bureau, with a population greater



1 than twenty-five thousand. The recycling plan shall  
2 include at least one of the following:  
3 (A) Staffed drop-off sites;  
4 (B) Alternative collection services, including on-  
5 site pick-up services; or  
6 (C) Collection events held at an easily accessible,  
7 central location;  
8 (3) The plan shall provide collection services at a  
9 minimum of once per month;  
10 (4) The plan shall not contain only a mail-back option;  
11 (5) The plan shall specify the use of only collectors  
12 registered with the State pursuant to section 339D-28;  
13 [~~and~~]  
14 (6) The plan shall specify the use of recyclers that have  
15 achieved and maintained third-party accredited  
16 certification from the Responsible Recycling Standard  
17 for Electronics Recyclers (R2), Standard for  
18 Responsible Recycling and Reuse of Electronic  
19 Equipment (e-Stewards), or an internationally  
20 accredited third-party environmental management



1 standard for the safe and responsible handling of  
2 electronic devices[~~-~~]; and

3 (7) The plan shall describe communication efforts with the  
4 State and counties to facilitate consumer education  
5 efforts to be conducted by the counties as required by  
6 section 339D-25.

7 (c) The department shall review each manufacturer's plan  
8 and, within sixty days of receipt of the plan, determine whether  
9 the plan complies with this part. If the plan is approved, the  
10 department shall notify the manufacturer or group of  
11 manufacturers. Upon department approval, the manufacturer or  
12 group of manufacturers shall implement the plan. If the plan is  
13 rejected, the department shall notify the manufacturer or group  
14 of manufacturers and provide the reasons for the plan's  
15 rejection. Within thirty days after receipt of the department's  
16 rejection, the manufacturer or group of manufacturers may revise  
17 and resubmit the plan to the department for approval.

18 (d) Each manufacturer may develop its own recycling plan  
19 or may collaborate with other manufacturers[~~;- provided that the~~  
20 ~~plan is implemented and fully operational by January 1, 2023]."~~



1 SECTION 4. Section 339D-23.1, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:

3 "(c) Each manufacturer shall, at a minimum, collect and  
4 recycle electronic devices according to the following:

5 (1) Beginning January 1, 2023, the equivalent of fifty per  
6 cent, by weight, of the manufacturer's electronic  
7 devices sold in the State two years prior, unless  
8 amended by rule pursuant to chapter 91;

9 (2) Beginning January 1, 2024, the equivalent of sixty per  
10 cent, by weight, of the manufacturer's electronic  
11 devices sold in the State two years prior, unless  
12 amended by rule pursuant to chapter 91; ~~and~~

13 (3) Beginning January 1, 2025, the equivalent of ~~[seventy]~~  
14 sixty-three per cent, by weight, of the manufacturer's  
15 electronic devices sold in the State two years prior,  
16 unless amended by rule pursuant to chapter 91~~[-]~~;

17 (4) Beginning January 1, 2026, the equivalent of sixty-six  
18 per cent, by weight, of the manufacturer's electronic  
19 devices sold in the State two years prior, unless  
20 amended by rule pursuant to chapter 91; and



1       (5) Beginning January 1, 2027, the equivalent of seventy  
2       per cent, by weight, of the manufacturer's electronic  
3       devices sold in the State two years prior, unless  
4       amended by rule pursuant to chapter 91."

5       SECTION 5. Section 339D-23.3, Hawaii Revised Statutes, is  
6       amended by amending subsection (c) to read as follows:

7       "(c) By March 31, 2023, and annually thereafter, each  
8       manufacturer shall report to the department the total weight of  
9       all electronic devices recycled or reused, by county, in the  
10      previous calendar year. Reports shall be submitted on forms  
11      prescribed by the department. For reports submitted containing  
12      information for calendar years 2025, 2026, and 2027, the  
13      following additional information shall be provided:

14      (1) A list of all collection and recycling locations with  
15      corresponding days and hours of operation;

16      (2) The types and amounts by weight of each type of  
17      electronic device collected by each collector for each  
18      month;

19      (3) The names of recyclers and the amount in weight of  
20      electronic devices purchased from each recycler;



- 1        (4) The names of collectors of the recycled electronic  
2        devices; and
- 3        (5) The names of reuse facilities and the amount in weight  
4        of electronic devices sent for reuse for each  
5        facility."

6        SECTION 6. Section 339D-30, Hawaii Revised Statutes, is  
7        amended to read as follows:

8        "~~§~~**§339D-30** **Collector reporting requirements.** By  
9        March 31, 2024, and annually thereafter, each collector shall  
10       report to the department the weight of all electronic devices  
11       collected for recycling ~~and~~ and for reuse in the previous year.  
12       Reports shall be submitted on forms prescribed by the department  
13       and shall indicate the name of the recycler and weight of  
14       electronic devices sent to each recycler, and the name of the  
15       refurbisher and the number of and weight of electronic devices  
16       that were reused. Upon request, the department may require  
17       submission of bills of lading and recycler receiving reports for  
18       shipments to recyclers."

19        SECTION 7. The department of health, in consultation with  
20        manufacturers, collectors, and other appropriate stakeholders,  
21        shall submit a report of its findings and recommendations,



1 including any proposed legislation, to the legislature no later  
2 than twenty days prior to the convening of the regular session  
3 of 2028. The report shall include recommendations regarding:

4 (1) The collection weights of electronic devices in Hawaii  
5 as reported by collectors and manufacturers, as well  
6 as whether there are any other weights of electronic  
7 devices available from other entities not currently  
8 registered as collectors, if this information is  
9 available;

10 (2) Whether electronic device collection weights are  
11 capable of meeting manufacturer recycling obligations  
12 under the existing law; and

13 (3) Whether the recycling obligations, including statewide  
14 recycling goals, for manufacturers under the existing  
15 law should be amended with consideration of the  
16 current method based on weight of sales, or other  
17 methods such as by weight of prior year collection  
18 averages, or other weight metrics adopted in other  
19 states.

20 SECTION 8. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.



1 SECTION 9. This Act shall take effect on July 1, 2025.



**Report Title:**

DOH; Electronic Devices; Peripherals; Legacy Devices;  
Collection; Recycling; Manufacturers; Recycling Plans; Recycling  
Obligations; Reports

**Description:**

Expands the types of electronic devices subject to the Electronic Device Recycling and Recovery Act to include electronic device peripherals and certain legacy devices. Excludes manufacturers of only electronic device peripherals and no other electronic devices. Allows, rather than requires, the Department of Health to determine additional penalties. Requires manufacturers' recycling plans to describe communication efforts with the State and counties to facilitate consumer education efforts. Repeals the requirement that recycling plans be implemented and fully operational by 1/1/2023 in order for manufacturer collaboration authority to apply. Establishes additional manufacturer recycling goals beginning on 1/1/2026 and 1/1/2027. Requires additional information to be included in manufacturers' reports containing information for calendar years 2025, 2026, and 2027. Requires collectors to report certain information regarding recyclers and refurbishers and allows the Department of Health to require submission of bills of lading and recycler receiving reports. Requires a report to the Legislature. (CD1)

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

