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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 programing,  
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-23, Hawaii Revised Statutes, is  
13           amended by amending subsections (b) to (d) to read as follows:

14           "(b) By September 1, 2022, and annually thereafter, each  
15           manufacturer shall submit a plan to the department to establish,  
16           conduct, and manage a program for the recycling of electronic  
17           devices sold in the State, which shall be subject to the  
18           following conditions:

19           (1) The plan shall not permit the charging of a fee at the  
20           point of collection if the electronic device is  
21           brought by the electronic device owner to a central



1 location for recycling; provided that the plan may  
2 include a reasonable transportation fee if the  
3 manufacturer or manufacturer's agent removes the  
4 electronic device from the owner's premises at the  
5 owner's request and if the removal is not in  
6 conjunction with delivery of a new electronic device  
7 to the owner;

8 (2) The plan shall include a description of the methods  
9 for the convenient collection of electronic devices at  
10 no cost to the owner, except as provided in paragraph  
11 (1). The recycling plan shall provide for collection  
12 services of electronic devices, at a minimum, in each  
13 county and zip code tabulation area, as defined by the  
14 United States Census Bureau, with a population greater  
15 than twenty-five thousand. The recycling plan shall  
16 include at least one of the following:

- 17 (A) Staffed drop-off sites;
- 18 (B) Alternative collection services, including on-  
19 site pick-up services; or
- 20 (C) Collection events held at an easily accessible,  
21 central location;



- 1 (3) The plan shall provide collection services at a
- 2 minimum of once per month;
- 3 (4) The plan shall not contain only a mail-back option;
- 4 (5) The plan shall specify the use of only collectors
- 5 registered with the State pursuant to section 339D-28;
- 6 [and]
- 7 (6) The plan shall specify the use of recyclers that have
- 8 achieved and maintained third-party accredited
- 9 certification from the Responsible Recycling Standard
- 10 for Electronics Recyclers (R2), Standard for
- 11 Responsible Recycling and Reuse of Electronic
- 12 Equipment (e-Stewards), or an internationally
- 13 accredited third-party environmental management
- 14 standard for the safe and responsible handling of
- 15 electronic devices[-]; and
- 16 (7) The plan shall describe communication efforts with the
- 17 State and counties to facilitate consumer education
- 18 efforts to be conducted by the counties as required by
- 19 section 339D-25.
- 20 (c) The department shall review each manufacturer's plan
- 21 and, within sixty days of receipt of the plan, determine whether



1 the plan complies with this part. If the plan is approved, the  
 2 department shall notify the manufacturer or group of  
 3 manufacturers. Upon department approval, the manufacturer or  
 4 group of manufacturers shall implement the plan. If the plan is  
 5 rejected, the department shall notify the manufacturer or group  
 6 of manufacturers and provide the reasons for the plan's  
 7 rejection. Within thirty days after receipt of the department's  
 8 rejection, the manufacturer or group of manufacturers may revise  
 9 and resubmit the plan to the department for approval.

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

13 SECTION 3. Section 339D-23.1, Hawaii Revised Statutes, is  
 14 amended by amending subsection (c) to read as follows:

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

17 (1) Beginning January 1, 2023, the equivalent of fifty per  
 18 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;



1 (2) Beginning January 1, 2024, the equivalent of sixty per  
2 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; [and]

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

9 (4) Beginning January 1, 2026, the equivalent of sixty-six  
10 per 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 (5) Beginning January 1, 2027, the equivalent of seventy  
14 per cent, by weight, of the manufacturer's electronic  
15 devices sold in the State two years prior, unless  
16 amended by rule pursuant to chapter 91."

17 SECTION 4. Section 339D-23.3, Hawaii Revised Statutes, is  
18 amended by amending subsection (c) to read as follows:

19 "(c) By March 31, 2023, and annually thereafter, each  
20 manufacturer shall report to the department the total weight of  
21 all electronic devices recycled or reused, by county, in the



1 previous calendar year. Reports shall be submitted on forms  
2 prescribed by the department. For reports submitted containing  
3 information for calendar years 2025, 2026, and 2027, the  
4 following additional information shall be provided:

- 5 (1) A list of all collection and recycling locations with  
6 corresponding days and hours of operation;
- 7 (2) The average age of electronic devices collected by  
8 each collector for one month of the year;
- 9 (3) The types and amounts by weight of each type of  
10 electronic device collected by each collector for each  
11 month;
- 12 (4) The names of recyclers and the amount in weight of  
13 electronic devices purchased from each recycler;
- 14 (5) The names of collectors of the recycled electronic  
15 devices; and
- 16 (6) The names of reuse facilities and the amount in weight  
17 of electronic devices sent for reuse for each  
18 facility."

19 SECTION 5. Section 339D-30, Hawaii Revised Statutes, is  
20 amended to read as follows:



1           " ~~[+]~~§339D-30 ~~[+]~~ **Collector reporting requirements.** By  
2 March 31, 2024, and annually thereafter, each collector shall  
3 report to the department the weight of all electronic devices  
4 collected for recycling ~~[or]~~ and for reuse in the previous year.  
5 Reports shall be submitted on forms prescribed by the department  
6 and shall indicate the name of the recycler and weight of  
7 electronic devices sent to each recycler, and the name of the  
8 refurbisher and the number of and weight of electronic devices  
9 that were reused. Upon request, the department may require  
10 submission of bills of lading and recycler receiving reports for  
11 shipments to recyclers."

12           SECTION 6. The department of health, in consultation with  
13 manufacturers, collectors, and other appropriate stakeholders,  
14 shall submit a report of its findings and recommendations,  
15 including any proposed legislation, to the legislature no later  
16 than twenty days prior to the convening of the regular session  
17 of 2028. The report shall include recommendations regarding:

18           (1) The collection weights of electronic devices in Hawaii  
19 as reported by collectors and manufacturers, as well  
20 as whether there are any other weights of electronic  
21 devices available from other entities not currently



1 registered as collectors, if this information is  
2 available;

3 (2) Whether electronic device collection weights are  
4 capable of meeting manufacturer recycling obligations  
5 under the existing law; and

6 (3) Whether the recycling obligations, including statewide  
7 recycling goals, for manufacturers under the existing  
8 law should be amended with consideration of the  
9 current method based on weight of sales, or other  
10 methods such as by weight of prior year collection  
11 averages, or other weight metrics adopted in other  
12 states.

13 SECTION 7. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on July 1, 3000.



**Report Title:**

Department of Health; Electronic Devices; Peripherals; Legacy Devices; Collection; Recycling; Manufacturers; Recycling Plans; Recycling Obligations; Reports

**Description:**

Expands the scope of electronic devices to include electronic device peripherals and certain legacy devices. Excludes persons who manufacture only electronic device peripherals and no other electronic devices from the definition of manufacturer. 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. Extends manufacturer recycling goals to 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. Effective 7/1/3000. (HD1)

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

