

ACT 162

S.B. NO. 1298

A Bill for an Act Relating to Recycling.

Be It Enacted by the Legislature of the State of Hawaii:

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

1. By amending the definition of “electronic device” to read:
““Electronic device”:

- (1) Means:

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

- (B) Any device that is capable of receiving broadcast, cable, or satellite signals and displaying television or video programming, including any direct view or projection television with a viewable screen of nine inches or larger with display technology based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light emitting diode, or similar technology; and
- (C) Electronic device peripherals, including:
 - (i) A keyboard, mouse, or other device sold exclusively for external use with an electronic device as a wireless or corded device that provides input into, or output from, an electronic device;
 - (ii) Cords used with an electronic device or other electronic device peripheral;
 - (iii) Power supplies and adapters designed to support an electronic device;
 - (iv) Speakers used with a computer or television and television sound bars; and
 - (v) Video game consoles; and
- (2) Shall not include:
 - (A) An electronic device that is a part of a motor vehicle or any component part of a motor vehicle assembled by or for a motor vehicle manufacturer or franchised dealer, including replacement parts for use in a motor vehicle;
 - (B) An electronic device that is functionally or physically required as a part of a larger piece of equipment designed and intended for use in an industrial, commercial, or medical setting, including diagnostic, monitoring, or control equipment;
 - (C) An electronic device that is contained within a clothes washer, clothes dryer, refrigerator, refrigerator and freezer, microwave oven, conventional oven or range, dishwasher, room air conditioner, dehumidifier, or air purifier;
 - (D) A telephone of any type including a mobile telephone; or
 - (E) A global positioning system.”
- 2. By amending the definition of “manufacturer” to read:
 ““Manufacturer”:
- (1) Means any person:
 - (A) Who manufactures or manufactured electronic devices under a brand that it owns or owned or is or was licensed to use, other than a license to manufacture electronic devices for delivery exclusively to or at the order of the licensor;
 - (B) Who sells or sold electronic devices manufactured by others under a brand that the seller owns or owned or is or was licensed to use, other than a license to manufacture electronic devices for delivery exclusively to or at the order of the licensor;
 - (C) Who manufactures or manufactured electronic devices without affixing a brand;
 - (D) Who manufactures or manufactured electronic devices to which it affixes or affixed a brand that it neither owns or owned nor is or was licensed to use; or
 - (E) For whose account electronic devices manufactured outside the United States are or were imported into the United States; provided that if at the time those electronic devices are or were imported into the United States and another person has

- registered as the manufacturer of the brand of the electronic devices, this subparagraph shall not apply; and
- (2) Shall not include persons who sold fewer than one hundred electronic devices in the State during the previous calendar year~~[-]~~ or who manufactures only electronic device peripherals and no other electronic devices.

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

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

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

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

- (1) The plan shall not permit the charging of a fee at the point of collection if the electronic device is brought by the electronic device owner to a central location for recycling; provided that the plan may include a reasonable transportation fee if the manufacturer or manufacturer’s agent removes the electronic device from the owner’s premises at the owner’s request and if the removal is not in conjunction with delivery of a new electronic device to the owner;
- (2) The plan shall include a description of the methods for the convenient collection of electronic devices at no cost to the owner, except as provided in paragraph (1). The recycling plan shall provide for collection services of electronic devices, at a minimum, in each county and zip code tabulation area, as defined by the United States Census Bureau, with a population greater than twenty-five thousand. The recycling plan shall include at least one of the following:
 - (A) Staffed drop-off sites;
 - (B) Alternative collection services, including on-site pick-up services; or
 - (C) Collection events held at an easily accessible, central location;
- (3) The plan shall provide collection services at a minimum of once per month;
- (4) The plan shall not contain only a mail-back option;
- (5) The plan shall specify the use of only collectors registered with the State pursuant to section 339D-28; ~~[and]~~
- (6) The plan shall specify the use of recyclers that have achieved and maintained third-party accredited certification from the Responsible Recycling Standard for Electronics Recyclers (R2), Standard for Responsible Recycling and Reuse of Electronic Equipment (e-Stewards), or an internationally accredited third-party environmental management standard for the safe and responsible handling of electronic devices~~[-]~~; and
- (7) The plan shall describe communication efforts with the State and counties to facilitate consumer education efforts to be conducted by the counties as required by section 339D-25.
- (c) The department shall review each manufacturer’s plan and, within sixty days of receipt of the plan, determine whether the plan complies with this

part. If the plan is approved, the department shall notify the manufacturer or group of manufacturers. Upon department approval, the manufacturer or group of manufacturers shall implement the plan. If the plan is rejected, the department shall notify the manufacturer or group of manufacturers and provide the reasons for the plan's rejection. Within thirty days after receipt of the department's rejection, the manufacturer or group of manufacturers may revise and resubmit the plan to the department for approval.

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

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

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

- (1) Beginning January 1, 2023, the equivalent of fifty per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91;
- (2) Beginning January 1, 2024, the equivalent of sixty per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91; ~~[and]~~
- (3) Beginning January 1, 2025, the equivalent of ~~[seventy]~~ sixty-three per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91[.];
- (4) Beginning January 1, 2026, the equivalent of sixty-six per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91; and
- (5) Beginning January 1, 2027, the equivalent of seventy per cent, by weight, of the manufacturer's electronic devices sold in the State two years prior, unless amended by rule pursuant to chapter 91.”

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

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

- (1) A list of all collection and recycling locations with corresponding days and hours of operation;
- (2) The types and amounts by weight of each type of electronic device collected by each collector for each month;
- (3) The names of recyclers and the amount in weight of electronic devices purchased from each recycler;
- (4) The names of collectors of the recycled electronic devices; and
- (5) The names of reuse facilities and the amount in weight of electronic devices sent for reuse for each facility.”

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

“~~[[[§339D-30]]]~~ **Collector reporting requirements.** By March 31, 2024, and annually thereafter, each collector shall report to the department the weight

of all electronic devices collected for recycling [Ø] and for reuse in the previous year. Reports shall be submitted on forms prescribed by the department and shall indicate the name of the recycler and weight of electronic devices sent to each recycler, and the name of the refurbisher and the number of and weight of electronic devices that were reused. Upon request, the department may require submission of bills of lading and recycler receiving reports for shipments to recyclers.”

SECTION 7. The department of health, in consultation with manufacturers, collectors, and other appropriate stakeholders, shall submit a report of its findings and recommendations, including any proposed legislation, to the legislature no later than twenty days prior to the convening of the regular session of 2028. The report shall include recommendations regarding:

- (1) The collection weights of electronic devices in Hawaii as reported by collectors and manufacturers, as well as whether there are any other weights of electronic devices available from other entities not currently registered as collectors, if this information is available;
- (2) Whether electronic device collection weights are capable of meeting manufacturer recycling obligations under the existing law; and
- (3) Whether the recycling obligations, including statewide recycling goals, for manufacturers under the existing law should be amended with consideration of the current method based on weight of sales, or other methods such as by weight of prior year collection averages, or other weight metrics adopted in other states.

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

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

(Approved June 3, 2025.)