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Section 1: Definitions

For the purposes of this Act, the following terms have the following meanings:

“Consumer” means an individual who purchases a covered electronic device in a transaction that is a retail sale.

“Manufacturer” means any person who, either as of the effective date of this legislation or thereafter, and irrespective of the selling technique used, including by means of remote sale:

- 1) Manufactures covered electronic devices under its own brand for sale in this State;
- 2) Manufactures covered electronic devices for sale in this State without affixing a brand;
- 3) Resells in this State covered electronic devices produced by other suppliers under its own brand or label;
- 4) Imports or exports covered electronic devices into the United States for sale in this state. However, if a company from whom an importer purchases the merchandise has a U.S. presence and/or assets, that company shall be deemed to be the manufacturer; or
- 5) Manufactures covered electronic devices, supplies them to any person or persons within a distribution network that includes wholesalers or retailers in this State, and benefits from the sale in this State of those covered electronic devices through that distribution network.

"Retail sales" includes sales of products to a consumer through sales outlets, via the Internet, mail order, or other means, whether or not the seller has a physical presence in this state.

"Retailer" means a person who owns or operates a business that sells new covered electronic devices in the state by any means to any consumer.

Section 6: Financing Mechanism

- (1) For every unit of covered electronic devices sold in [STATE] during each fiscal quarter, the manufacturer shall pay to the [Corporation] [Agency] a fee.
- (2) That fee shall be paid quarterly and will cover the units sold in the state in the previous quarter.
 - a. A statement of the total amount owed shall be sent to each manufacturer, complete with the data supporting such fee assessment, on a quarterly basis.
- (3) The unit fee shall be established by the [Agency] [Legislature][Corporation].
- (4) No more frequently than annually, and no less frequently than biennially, the [Agency] [Legislature], in cooperation with the Corporation, shall review, at a public hearing, the covered electronic device recycling fee(s).

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Section 8: Retailer Responsibility

(1) On a quarterly basis, retailers shall provide to the [Agency] [Corporation] a report on the number of units of retail sales of covered devices sold in the state in the previous quarter.

(2) A retailer must clearly post and provide information that describes where and how to reuse and recycle the covered electronic device and opportunities and locations for the collection or return of the device, through the use of either a toll-free telephone number or Web site, information included in the packaging, or information provided accompanying the sale of the covered electronic device.

- a. This information shall be provided in clear written form in English and any other languages deemed to be primary languages by the state Department of Education.

(3) Any information submitted to the [Agency] [Corporation] shall be considered to be proprietary in nature or a trade secret and shall be subject to protection under State laws and regulations governing that information.

Section 11: Fees for the Collection, Reuse or Recycling of Covered Electronic Products

No fees may be charged to consumers for the collection, reuse or recycling of covered electronic products by any person or entity.

Section 15: Reimbursement for Collection, Transportation, Reuse & Recycling

(1) For covered electronic devices collected for reuse or recycling on and after the effective date of this Act, the Corporation shall make electronic device recovery payments and electronic device reuse or recycling payments for the collection, transportation, reuse and recycling of covered electronic devices to an authorized or approved entity upon receipt of a completed and verified invoice submitted to the Corporation by the authorized entity in the form and manner determined by the Corporation.

- a. In order to receive payment, proof will be required:
 - i. That the covered electronic device was collected from an individual resident of the State after the effective date of this Act.
 - ii. That the collection, transportation and reuse or recycling of the device was conducted in accordance with all local, state, and federal laws, including the requirements created by this Act, its associated regulations and the Corporation.
 - iii. No fees or costs were charged to the consumer.