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CS FOR SENATE BILL NO. 61(RES)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY THE SENATE RESOURCES COMMITTEE

**Offered:
Referred:**

Sponsor(s): SENATOR TOBIN

A BILL

FOR AN ACT ENTITLED

"An Act relating to an electronic product stewardship program; relating to collection, recycling, and disposal of electronic equipment; establishing the electronics recycling advisory council; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:

LEGISLATIVE FINDINGS AND INTENT. The activities authorized by AS 46.06.200 - 46.06.290, added by sec. 9 of this Act, require collaboration among manufacturers, electronics producer responsibility organizations, and other entities that perform activities directly related to manufacturer e-scrap programs. These activities will enable collection, recycling, and disposal of covered electronic devices in a safe and effective manner, which is in the best interest of the public. The benefits of collaboration, together with the active state supervision provided by the Department of Environmental Conservation under AS 46.06.200 - 46.06.290, outweigh potential adverse effects. Therefore, the legislature

intends to provide immunity through the state action doctrine from federal antitrust laws for participating in manufacturer e-scrap programs as required by AS 46.06.200 - 46.06.290.

* **Sec. 2.** AS 45.50.572(b) is amended to read:

(b) AS 45.50.562 - 45.50.596 do not forbid actions or arrangements authorized or regulated under the laws of the United States that exempt these actions or arrangements from application of the antitrust laws of the United States or under the following statutes of this state:

(1) AS 06.05.235 and 06.05.570;

(2) AS 10.15; [AND]

(3) AS 31.05.110; and

(4) AS 46.06.200 - 46.06.290.

* **Sec. 3.** AS 46.06.100 is amended to read:

Sec. 46.06.100. Notice to public. The penalties imposed for littering shall be posted along the public highways of the state, at visitor centers, at entrances to state parks and recreational areas, at public beaches, and at other publicly owned public places the commissioner determines necessary to accomplish the purposes of AS 46.06.010 - 46.06.150 [THIS CHAPTER]. The state agency or municipality responsible for litter removal from a public place shall post the notice required by this section.

* **Sec. 4.** AS 46.06.110 is amended to read:

Sec. 46.06.110. Enforcement authority. (a) The following persons are authorized to enforce the provisions of AS 46.06.010 - 46.06.150 [THIS CHAPTER]:

(1) a state employee authorized by the commissioner; and

(2) a peace officer.

(b) The department shall prescribe a citation form, which shall be used by all peace officers and persons in the state who are authorized to enforce the provisions of AS 46.06.010 - 46.06.150 [THIS CHAPTER]. The citation form must meet the requirements of AS 12.25.175 - 12.25.230.

* **Sec. 5.** AS 46.06.120 is amended to read:

Sec. 46.06.120. Grants. The department may make grants to state agencies, to municipalities, and to private organizations including nonprofit organizations for the

establishment and operation of programs authorized under AS 46.06.010 - 46.06.150 [THIS CHAPTER]. A grant under this section may not exceed 18 months. A program qualifying for a grant under this section may include

(1) courses of instruction at, or the distribution of informative materials to, elementary and secondary schools;

(2) purchase and erection of roadside signs;

(3) organization and operation of litter removal activities conducted by municipalities, private organizations or, service groups using volunteer help;

(4) a public information program to inform the public concerning the reduction of litter using the media including use of the electronic media;

(5) expansion of existing, and planning, design, and construction of new, facilities for the recovery of materials and energy from litter;

(6) research and evaluation of markets for the materials and energy recovered from litter;

(7) advice and assistance, including information and consultation on available technology, operating procedures, organizational arrangements, markets for materials or energy obtained from litter, transportation alternatives, and publicity techniques;

(8) surveys by public agencies or recognized research organizations to assess the amount and composition of litter [,] and rates of littering;

(9) the purchase of litter receptacles;

(10) the creation or expansion of litter law enforcement programs;

(11) the initial purchase or lease of recycling equipment, the cost of operating that equipment, and the cost of storing and transporting materials before and after those materials are recycled.

* **Sec. 6.** AS 46.06.130(a) is amended to read:

(a) The department shall adopt regulations under AS 44.62 (Administrative Procedure Act) that establish

(1) eligibility requirements for applicants for a grant under AS 46.06.120;

(2) standards for the evaluation of proposals submitted by applicants

for grants under AS 46.06.120; and

(3) other conditions for the receipt of a grant under AS 46.06.120 that are necessary to achieve the purposes of AS 46.06.010 - 46.06.150 [THIS CHAPTER].

* **Sec. 7.** AS 46.06.140 is amended to read:

Sec. 46.06.140. Federal requirements. If a federal department or agency issues a formal ruling that a section of AS 46.06.010 - 46.06.150 [THIS CHAPTER] will prevent the state from receiving federal financial participation in a program or activity established under AS 46.06.010 - 46.06.150 [THIS CHAPTER], the section does not apply to the extent that it causes the program or activity to lose federal funding.

* **Sec. 8.** AS 46.06.150 is amended to read:

Sec. 46.06.150. Definitions. In AS 46.06.010 - 46.06.150 [THIS CHAPTER],

(1) "beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing beer or other malt beverages or carbonated soft drinks, in liquid form;

(2) ["COMMISSIONER" MEANS THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION;

(3)] "degradable" means a characteristic of a material that allows the material to be broken down by biological, chemical, photochemical, or other physical processes

(A) within two years upon exposure to natural elements; and

(B) to a particle size and chemical composition that may be assimilated harmlessly and aesthetically into the environment without producing a residue or by-product determined by the department to be hazardous;

(3) [(4) "DEPARTMENT" MEANS THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION;

(5)] "litter" means all waste material including disposable packages or containers disposed of in a manner prohibited by AS 46.06.080, but does not include the wastes of the primary processes of mining or other extraction process, logging,

sawmilling, farming, or manufacturing;

(4) [(6)] "litter bag" means a bag, sack, or other container made of any material **that** [WHICH] is large enough and suitable to serve as a receptacle for litter inside a vehicle or vessel;

(5) [(7)] "public place" means public or private property that is used or held out for use by the public, whether owned or operated by public or private interests, including [BUT NOT LIMITED TO] highways or other roads **on** [UPON] which vehicles are moved, parks, campgrounds, trailer parks, drive-in and fast food restaurants, gasoline service stations, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches, bathing areas, school grounds, sporting event sites with seating capacity for more than 200 spectators, business district sidewalks, parking lots for taverns, shopping centers and grocery stores, and other parking lots if they have a capacity for more than 50 vehicles;

(6) [(8)] "vehicle" means a mechanically driven device of any kind that is used for the transportation of a person or property on a public highway, trail, or path;

(7) [(9)] "vessel" means all descriptions of watercraft used or capable of being used as a means of transportation on the water.

* **Sec. 9.** AS 46.06 is amended by adding new sections to read:

Article 2. Electronic Product Stewardship Program.

Sec. 46.06.200. Manufacturer registration. (a) By June 30, 2028, and annually thereafter, a manufacturer of covered electronic devices sold in the state shall register with the department, for a period to cover the upcoming calendar year, by completing and submitting to the department the registration form prescribed by the department. The registration must include

(1) a list of all brands and labels under which the manufacturer's covered electronic devices are offered for sale in the state;

(2) the weight of all individual covered electronic devices by covered electronic device category sold or offered for sale under any of the manufacturer's brands or labels in the United States during the previous two calendar years before the applicable calendar year; and

(3) any other information required by the department to implement AS 46.06.200 - 46.06.290.

(b) If a manufacturer's covered electronic devices are sold or offered for sale in the state during a calendar year under a brand that is not listed in the manufacturer's registration, the manufacturer shall amend the registration to add the brand within 30 days after the first sale or offer for sale under that brand.

(c) A manufacturer subject to this section shall pay the program administration fee established under AS 46.06.230(e) to the department at the time of submission of the manufacturer's registration under (a) of this section.

Sec. 46.06.210. Manufacturer e-scrap program plans; manufacturer and electronics producer responsibility organization responsibilities. (a) Beginning in 2028, a manufacturer of covered electronic devices in the state shall submit a proposed manufacturer e-scrap program plan to the electronics recycling advisory council by March 31 for the upcoming calendar year. Upon receiving feedback from the council, the manufacturer shall make any necessary changes based on the feedback and submit a manufacturer e-scrap program plan to the department at the time of submission of the manufacturer's registration under AS 46.06.200. A manufacturer may satisfy the requirements of this subsection through an electronics producer responsibility organization. A manufacturer e-scrap program plan must include

(1) contact information for the manufacturer or electronics producer responsibility organization and a comprehensive list of all manufacturers participating in the plan for the upcoming calendar year and the contact information for all participants;

(2) a description of the transportation and recycling systems, service providers, collectors, and processors used;

(3) a description of how the manufacturer or electronics producer responsibility organization communicated with and sought input from local governments and tribes operating electronics recycling programs;

(4) a description of how the manufacturer or electronics producer responsibility organization will

(A) work with local governments and tribes as collectors;

(B) seek to use businesses or organizations in the state, including retailers, charities, processors, local organizations, local health care facilities, and collection and transportation services; and

(C) provide fair financial compensation to collection sites for services, including collecting, storing, managing, and transporting covered electronic devices;

(5) the methods for the reasonably convenient collection of all types of covered electronic devices in rural and urban areas throughout the state, including the quantity and locations of the program collection sites and single-day collection events required under AS 46.06.220(a);

(6) a description of how the plan will provide service to all covered entities in the state;

(7) the processes and methods used to recycle covered electronic devices and eligible electronic devices, including a description of the processing that will be used and the facility location;

(8) a description of how covered electronic devices and eligible electronic devices that are suitable for reuse will be identified and diverted for reuse;

(9) documentation of audits of each processor used in the plan and compliance with the plan's processing standards;

(10) a description of the accounting and reporting systems that will be employed;

(11) a timeline that describes startup, implementation, and progress toward milestones with anticipated results;

(12) a description of the public information campaign that will be used to inform covered entities, communities, and consumers about how to recycle covered electronic devices at the end of the life of the product and examples of outreach materials for the campaign;

(13) a description of how manufacturers participating in the plan will communicate and work with processors to promote and encourage design of electronic products and components for recycling; and

(14) if two or more manufacturers are participating in an electronics

producer responsibility organization, a certification that the methodology used to allocate responsibility among participating manufacturers will comply with (c) of this section.

(b) If the department determines that a manufacturer e-scrap program plan fails to meet the requirements in this section, the manufacturer or electronics producer responsibility organization shall submit an updated plan to the department within 30 days after the date of disapproval.

(c) A manufacturer shall assume financial responsibility for all costs associated with implementing a manufacturer e-scrap program plan after approval. An electronics producer responsibility organization shall allocate a participating manufacturer's financial responsibility by

(1) calculating the manufacturer's market share for each covered electronic device category based on the total weight of all individual covered electronic devices sold or offered for sale in each category under any of the manufacturer's brands or labels in the United States during the previous two calendar years before the applicable calendar year; and

(2) adding the percentages calculated under (1) of this subsection.

(d) If a manufacturer e-scrap program fails to provide collection site services in each community as required under AS 46.06.220(a) or meet other plan requirements, the manufacturer or electronics producer responsibility organization shall submit a revised plan to the department within 60 days after the failure that addresses how the manufacturer e-scrap program will be adjusted to meet the requirements.

(e) A manufacturer or electronics producer responsibility organization shall notify the department of any modification to the manufacturer e-scrap program plan. If the department determines that the manufacturer or electronics producer responsibility organization significantly modified the plan, the manufacturer or electronics producer responsibility organization shall submit a revised plan that describes the modifications within 60 days after the department's determination.

(f) Beginning in 2030, a manufacturer or electronics producer responsibility organization with an approved manufacturer e-scrap program plan for the previous

calendar year shall file an annual report with the department on or before March 31 that covers the previous calendar year. The annual report must include

(1) the collection services provided in each community, including a list of all collection sites and services operating in the state in the previous calendar year and who operated the sites;

(2) a list of processors used, including subcontractors that further process or recycle covered electronic devices or electronic components used, the weight of covered electronic devices and eligible electronic devices processed by each processor, and a description of the processes and methods used to recycle the devices, including a description of the processing and facility locations;

(3) an estimate of the weight of each type of material recovered from the processing of recycled collected devices; types of material recovered must include, at a minimum, cathode ray tube glass, circuit boards, batteries, mercury-containing devices, plastics, and metals;

(4) an estimate of the percentage, by weight, of all collected devices that are reused, recycled, or become residual waste disposed of in another manner;

(5) the outreach efforts that were undertaken;

(6) a list of manufacturers that participated in the plan;

(7) a description of program revenue and costs, including the total cost of the program and the average cost of the program per pound of covered electronic devices and eligible electronic devices collected;

(8) a detailed accounting of the following costs of the program:

(A) program delivery, including

(i) education and promotional efforts;

(ii) collection;

(iii) transportation; and

(iv) processing and labor; and

(B) program administration; and

(9) a description of the methods used by the program to collect, transport, recycle, and process collected devices.

(g) To the extent feasible, manufacturers and electronics producer

responsibility organizations shall collaborate with electronic product retailers, utilities furnishing solid waste material collection and disposal services, recyclers, charities, tribes, local governments, and other businesses in the state in the development and implementation of the program plan.

Sec. 46.06.220. Collection site requirements; collector responsibilities. (a) Beginning in 2029, a manufacturer or electronics producer responsibility organization shall, at a minimum, operate program collection sites and collection events in the following quantities during a calendar year depending on community populations as determined by the most recent decennial census conducted by the United States Bureau of the Census:

(1) 15 collection sites in each community that has a population of 250,000 or more, including at least five year-round collection sites;

(2) five year-round collection sites in each community that has a population of at least 30,000 but less than 250,000;

(3) three year-round collection sites in each community that has a population of at least 15,000 but less than 30,000;

(4) two year-round collection sites in each community that has a population of at least 10,000 but less than 15,000;

(5) one year-round collection site in each community that has a population of at least 5,500 but less than 10,000; and

(6) one single-day collection event for each calendar year in each community that has a population of less than 5,500.

(b) The council may approve a lower quantity of collection sites or collection events than required under (a) of this section for a community if a manufacturer or electronics producer responsibility organization demonstrates to the council that the community has a safe, adequate, and easily accessible collection site in which to store covered electronic devices throughout the interim periods between collection events.

(c) A community may enter into a written agreement with a manufacturer or electronics producer responsibility organization to substitute a program collection site required under (a) of this section with four or more single-day collection events in the community.

(d) A collector that operates a program collection site or single-day collection event during a calendar year shall, unless otherwise provided for by an agreement between the collector and the manufacturer or electronics producer responsibility organization,

(1) accept all covered electronic devices delivered to the collection site or collection event during the calendar year;

(2) ensure that collected devices are sorted and loaded in compliance with federal, state, and local law, and with the best practices agreed to by the electronics recycling advisory council for the calendar year;

(3) separate collected devices from other material;

(4) package collected devices in a structurally sound manner to prevent breakage during transportation; and

(5) load collected devices onto pallets secured with plastic wrap or in pallet-sized bulk containers before shipping.

(e) A collector shall sort collected devices into the following categories:

(1) computer monitors and televisions containing a cathode-ray tube, other than televisions with wooden exteriors;

(2) computer monitors and televisions containing a flat panel screen;

(3) all other covered televisions;

(4) computers;

(5) all other covered electronic devices and eligible electronic devices;

and

(6) any electronic device not part of the manufacturer e-scrap program that the collector has arranged to have picked up in addition to covered electronic devices and for which a financial arrangement has been made to cover the recycling costs outside of the manufacturer e-scrap program.

(f) A manufacturer e-scrap program may use retail collection sites to satisfy some or all of the collection site obligations under this section. A retailer may serve as a collector and a site may serve as a retail collection site only by agreement of

(1) the retailer;

(2) the operators of the manufacturer e-scrap program; and

(3) the community in which the retailer or retail collection site is located.

Sec. 46.06.230. Department responsibilities. (a) Within 60 days after receiving a manufacturer e-scrap program plan, the department shall review and approve or disapprove the plan and provide written notification of the department's decision, including the reasons for the approval or disapproval, to the designated point of contact for the manufacturer or electronics producer responsibility organization. The department shall approve the plan if the department determines the plan satisfies AS 46.06.210.

(b) Within 90 days after receiving an annual report from a manufacturer or electronics producer responsibility organization, the department shall review the report and provide written notification to the designated point of contact for the manufacturer or electronics producer responsibility organization of any need for additional information or documentation or any deficiency identified by the department in the manufacturer e-scrap program.

(c) Every four years, beginning in 2029, the department shall conduct

(1) a study to determine whether the definition of "covered electronic device" should be expanded to include additional electronic products, such as those from emerging technological waste streams; and

(2) a survey of household generation of e-scrap in the state to evaluate the waste stream and the effectiveness of manufacturer e-scrap programs.

(d) Every two years, beginning in 2031, the department shall evaluate the manufacturer e-scrap program and report the results of the evaluation to the legislature.

(e) The department shall adopt regulations to establish the amount and manner of payment of a program administration fee for manufacturers and electronics producer responsibility organizations covered by AS 46.06.200 - 46.06.290. Fee levels must be reasonably calculated to ensure that the total amount of fees collected from all manufacturers and electronics producer responsibility organizations approximately equals the costs to the department for administering and enforcing AS 46.06.200 - 46.06.290. The department shall review the fee amounts annually and reasonably

1 calculate adjustments as necessary to ensure the total revenue collected from the fees
2 approximately equals the department's costs in subsequent calendar years. The
3 commissioner shall separately account for the revenue from the fees received by the
4 department, and the revenue may be appropriated by the legislature to the department
5 for the administration and enforcement of AS 46.06.200 - 46.06.290.

6 (f) The department shall publish on the department's Internet website

7 (1) best practices provided by the electronics recycling advisory
8 council;

9 (2) a list of all registered manufacturers;

10 (3) approved manufacturer e-scrap program plans; and

11 (4) annual reports submitted to the department.

12 (g) The department shall keep confidential all proprietary information
13 submitted to the department by a manufacturer or electronics producer responsibility
14 organization under AS 46.06.200 - 46.06.290. The department may release
15 information kept confidential under this section in summary or aggregated form that
16 does not directly or indirectly identify financial, production, or sales data of a covered
17 manufacturer or electronics producer responsibility organization.

18 (h) The department shall present regulations proposed to implement
19 AS 46.06.200 - 46.06.290 to the electronics recycling advisory council for review and
20 address feedback from the council before adoption.

21 **Sec. 46.06.240. Outreach requirements.** (a) A manufacturer or electronics
22 producer responsibility organization with an approved manufacturer e-scrap program
23 plan shall inform covered entities and retailers about where and how to reuse and
24 recycle covered electronic devices at the end of the product's life, including by
25 providing an Internet website or toll-free telephone number that provides information
26 about the recycling program in sufficient detail to educate covered entities on how to
27 return covered electronic devices for recycling.

28 (b) The department shall promote recycling of covered electronic devices by

29 (1) posting information that describes where to recycle unwanted
30 covered electronic devices on the department's Internet website; and

31 (2) providing information about recycling covered electronic devices

though a toll-free telephone number.

(c) A community shall promote recycling of covered electronic devices, including providing a list of local collection sites and services through existing communication methods typically used by the community.

(d) A retailer that sells a new covered electronic device to a covered entity shall provide information to the entity that describes how to recycle the covered electronic device and the locations for convenient collection of the device. A retailer may satisfy this requirement by providing the manufacturer e-scrap program plan and the plan's Internet website, or the department's toll-free telephone number and website to the covered entity or, if the retailer sells the device from the retailer's Internet website, in a visible location on the website.

(e) Manufacturers, communities, retailers, collectors, and the department shall collaborate in the development and implementation of the outreach requirements of this section.

Sec. 46.06.250. Prohibited acts. (a) On or after January 1, 2029, a retailer who first sells a covered electronic device to a covered entity may not sell or offer for sale a covered electronic device in the state unless

(1) the device is labeled with a brand;
(2) the label is permanently affixed to and readily visible on the device; and

(3) the manufacturer of the device is registered with the department when the retailer purchases the device; if a manufacturer is not registered with the department when a retailer purchases the device, the retailer shall be considered in compliance with this requirement if the manufacturer registers with the department within 30 days after the retailer takes possession of the device.

(b) A manufacturer e-scrap program may not charge fees to covered entities when a covered electronic device or eligible electronic device is collected.

Sec. 46.06.260. Penalties and enforcement. (a) A person who knowingly makes a materially false or fraudulent statement orally or in writing to the department in connection with the requirements of AS 46.06.200 - 46.06.290 or a regulation adopted under AS 46.06.200 - 46.06.290 is guilty of a class A misdemeanor for a first

conviction, a class C felony for a second conviction, and a class B felony for a third or subsequent conviction. Each statement is a separate offense.

(b) A person who fails to register or pay the registration fee required under AS 46.06.200 is liable to the state for a civil penalty of twice the registration fee.

(c) Except as otherwise provided in this section, a person who violates a provision of AS 46.06.200 - 46.06.290 or a regulation adopted under AS 46.06.200 - 46.06.290 is liable to the state for a civil penalty of up to \$250 for a first or second violation and up to \$10,000 for each subsequent violation. The amount of the penalty shall be adjusted to the seriousness of the violation.

(d) The attorney general may bring a civil action in the superior court to recover the amount of a civil penalty under this section or to obtain an injunction to restrain violations of AS 46.06.200 - 46.06.290 or require actions that may be necessary to address violations of AS 46.06.200 - 46.06.290. Penalties recovered under this section shall be deposited in the general fund and may be appropriated by the legislature to the department for the administration and enforcement of AS 46.06.200 - 46.06.290.

(e) An electronics producer responsibility organization may not enforce manufacturer compliance with the requirements of AS 46.06.200 - 46.06.290, but shall refer potential manufacturer noncompliance to the department after providing notice of the potential noncompliance to the manufacturer. An electronics producer responsibility organization may develop and implement policies and procedures that exclude from participation in the organization a manufacturer that is found by the department or a court of competent jurisdiction to have failed to comply with the requirements of AS 46.06.200 - 46.06.290.

(f) The penalties and enforcement mechanisms in this section are in addition to relief provided under any other law.

Sec. 46.06.270. Electronics recycling advisory council. (a) The electronics recycling advisory council is established in the department.

(b) The council consists of 13 members appointed by the commissioner for two-year terms as follows:

(1) two members of the public residing in different communities with

1 at least one member residing in a community located off the interconnected road
2 system;

3 (2) two members representing recycling companies or incorporated
4 recycling centers;

5 (3) two members representing the electronic manufacturing or retail
6 industry;

7 (4) one member representing a tribal or municipal government that
8 operates a recycling program in a rural community with a population of less than
9 1,000;

10 (5) two members, each of whom represents a municipal government
11 that operates a recycling program in a community with a population of 25,000 or
12 more;

13 (6) one member representing a statewide tribal organization that assists
14 tribes with recycling issues;

15 (7) one member representing the transportation industry;

16 (8) one member representing a waste collection company or program;
17 and

18 (9) one member representing a job training or economic development
19 organization or program.

20 (c) The council shall elect a chair from among its members to serve a two-year
21 term. The council shall meet at the call of the chair. The council shall meet at least
22 quarterly until the initial round of manufacturer e-scrap program plans are approved
23 and then at least semiannually thereafter.

24 (d) A majority of the council members constitutes a quorum. The council shall
25 approve actions and recommendations by majority vote of the members present and
26 provide an opportunity for minority reports. The council may adopt bylaws and a
27 charter if desired to fulfill its duties under this section.

28 (e) A vacancy on the council shall be filled in the same manner as the original
29 selection or appointment for the remainder of the current term.

30 (f) The department shall provide administrative support to the council as
31 needed.

(g) Members of the council serve without compensation but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

(h) The council may meet in person or electronically.

(i) The council shall

(1) review and comment on a proposed manufacturer e-scrap program plan before submission of the plan to the department;

(2) make recommendations to the department regarding the approval or disapproval of a manufacturer e-scrap program plan;

(3) make recommendations to the department regarding the need for plan amendments or other requirements based on annual reports;

(4) review and comment on regulations proposed by the department under AS 46.06.230; and

(5) by November 1 of each year, beginning in 2027, provide to the department a list of best practices for program collection sites and single-day collection events under manufacturer e-scrap program plans submitted during the following year; best practices must, to the extent practicable, preserve existing collection programs and relationships.

Sec. 46.06.280. Exclusions. (a) The provisions of AS 46.06.200 - 46.06.290 do not apply to an electronic device that is

(1) part of a motor vehicle or any component part of a motor vehicle assembled by or for a vehicle manufacturer or franchised dealership, including replacement parts for use in a motor vehicle; in this paragraph, "dealership," "franchised," "manufacturer," and "motor vehicle" have the meanings given in AS 45.25.990;

(2) functionally or physically part of a larger piece of equipment or that is taken out of service from an industrial, commercial, retail, library checkout, traffic control, kiosk, nonhousehold security, governmental, agricultural, or medical setting, including diagnostic, monitoring, and control equipment;

(3) a device as defined in 21 U.S.C. 321(h)(1); or

(4) contained within a clothes washer, clothes dryer, refrigerator, freezer, conventional oven, conventional range, dishwasher, room air conditioner,

dehumidifier, water pump, sump pump, or air purifier.

(b) A manufacturer e-scrap program may collect an electronic device that meets the criteria in (a)(2) of this section. Notwithstanding (a) of this section, AS 46.06.200 - 46.06.290 apply to any device collected under this subsection.

(c) AS 46.06.200 - 46.06.290 do not apply to a manufacturer that assembles and sells fewer than 1,000 units of covered electronic devices annually in the state or that primarily sells covered electronic devices that are substantially composed of rebuilt, refurbished, or used components.

(d) Nothing in AS 46.06.200 - 46.06.290 prevents a manufacturer from accepting, through a manufacturer e-scrap program, covered electronic devices collected through a pre-existing collection program that is operated under a collection agreement between a third party and a community.

(e) To the extent allowed by law, a covered electronic device or eligible electronic device collected by a manufacturer e-scrap program is not considered hazardous waste, household waste, solid waste, or special waste.

Sec. 46.06.290. Definitions. In AS 46.06.200 - 46.06.290,

(1) "best practices" means standards for collecting and preparing covered electronic devices for shipment and recycling markets, including packaging, transport, load size, acceptable load contamination levels, and noncovered electronic devices included in a load;

(2) "collector" means a person who collects covered electronic devices at any program collection site or single-day collection event and prepares the devices for transport;

(3) "community" means

(A) an incorporated city;

(B) a unified municipality;

(C) an incorporated borough; or

(D) a place in the unorganized borough in which 15 or more individuals reside as a social unit;

(4) "computer" means a desktop computer, notebook computer, or tablet computer; "computer" does not include an automated typewriter, printer, mobile

1 telephone, hand-held calculator, battery-operated portable digital music player,
2 computer keyboard, computer mouse, or associated cables;

3 (5) "computer monitor" means an electronic device that contains a
4 cathode-ray tube or flat panel screen greater than four inches in size when measured
5 diagonally and is intended to display information from a computer;

6 (6) "council" means the electronics recycling advisory council;

7 (7) "covered electronic device" means a computer, small-scale server,
8 computer monitor, television, printer, facsimile machine, scanner, battery-operated
9 portable digital music player with memory capability, digital video disc player, digital
10 video disc recorder, videocassette recorder, video game console, digital converter box,
11 cable receiver, satellite receiver, computer keyboard, computer mouse, or associated
12 cables sold at retail;

13 (8) "covered electronic device category" means the following
14 categories of covered electronic devices:

15 (A) computers and small-scale servers;

16 (B) computer monitors;

17 (C) televisions;

18 (D) printers, facsimile machines, and scanners;

19 (E) digital video disc players, digital video disc recorders, and
20 videocassette recorders;

21 (F) video game consoles;

22 (G) digital converter boxes, cable receivers, and satellite
23 receivers; and

24 (H) battery-operated portable digital music players, computer
25 keyboards, computer mice, and cables;

26 (9) "covered entity" means any household, nonprofit, educational
27 institution, community, or small business located in the state;

28 (10) "desktop computer" means a computer that is controlled by a
29 stand-alone computer keyboard, stand-alone computer mouse or other pointing device,
30 computer monitor or other display unit, and that has a main unit that is not designed
31 for portability and is intended to be persistently located in a single location;

(11) "educational institution" means

(A) a public or private institution located in the state for grades kindergarten through 12; or

(B) a nonprofit institution located in the state that provides postsecondary or vocational education;

(12) "electronics producer responsibility organization" means an entity that prepares and submits a manufacturer e-scrap program plan to the department and oversees an e-scrap program on behalf of two or more manufacturers cooperating with each other to collectively establish and operate an e-scrap program for the purpose of complying with AS 46.06.200 - 46.06.290;

(13) "eligible electronic device" means any mobile telephone that is taken out of service in the state, regardless of purchase location;

(14) "household" means a single detached dwelling unit or a single unit of a multiple dwelling unit and appurtenant structures;

(15) "manufacturer" means a person or successor in interest to a person under whose brand or label a covered electronic device is sold at retail; if a covered electronic device is sold at retail under a brand or label that is licensed from a person who is the owner of the brand or label but does not sell or produce the device, or if a covered electronic device is sold at retail under the brand or label of both the retail seller and the person that produced the device, the person that produced the device or that person's successor in interest, is the manufacturer;

(16) "manufacturer e-scrap program" means any program established, financed, and operated by a manufacturer, individually or as part of an electronics producer responsibility organization, to collect, transport, and otherwise prepare for recycling covered electronic devices and eligible electronic devices collected at program sites and single-day collection events in accordance with the requirements of AS 46.06.200 - 46.06.290;

(17) "market share" means a manufacturer's percentage of all covered electronic devices by weight sold within a covered electronic device category during a specified period;

(18) "notebook computer" means a computer that is controlled by a

1 computer keyboard, trackpad or other pointing device, and video display greater than
2 four inches in size when measured diagonally that are all contained within the
3 construction of the unit;

4 (19) "participating manufacturer" means a manufacturer that an
5 electronics producer responsibility organization has listed under AS 46.06.210(a)(1) as
6 a participant in the electronics producer responsibility organization for a calendar year;

7 (20) "person" means an individual, partnership, co-partnership, firm,
8 company, limited liability company, corporation, association, joint stock company,
9 trust, estate, political subdivision, state agency, unit of local government, or any other
10 legal entity, including a trustee, agent, assignee, or similar legal representative;

11 (21) "printer" means a desktop printer, multifunction printer copier,
12 printer and facsimile combination, or an all-in-one device that performs a combination
13 of printing, copying, scanning, and related tasks, that is designed to reside on a work
14 surface; "printer" does not include a floor-standing printer, a printer with optional
15 floor stand, a point-of-sale receipt printer, a calculator with printing capabilities, or a
16 label maker;

17 (22) "program collection site" means a physical location that is
18 included in a manufacturer e-scrap program and at which covered electronic devices
19 are collected and prepared for transport by a collector during a calendar year;

20 (23) "recycler" means any person who transports or later recycles
21 covered electronic devices that have been collected and prepared for transport by a
22 collector at any program collection site or single-day collection event;

23 (24) "recycling" means any process by which covered electronic
24 devices that would otherwise be disposed of or discarded are collected, separated, or
25 processed and returned to the economic mainstream in the form of raw materials or
26 products;

27 (25) "retail collection site" means a private sector collection site
28 operated by a retailer collecting on behalf of a manufacturer;

29 (26) "retailer" means a person who first sells, through a sales outlet,
30 catalog, or Internet website, a covered electronic device at a retail or permanent
31 establishment where covered electronic devices are displayed, held, stored, or offered

for sale to the public;

(27) "sale" means any retail transfer of title for consideration, including transactions conducted through sales outlets, catalogs, or an Internet website or by any similar means; "sale" does not include financing or leasing;

(28) "single-day collection event" means a single-day event used as a substitute for a program collection site;

(29) "small business" means a business operating in the state that employs fewer than 50 people;

(30) "small-scale server" means a computer that typically uses desktop components in a desktop form designed primarily to serve as a storage host for other computers and that is designed in a pedestal, tower, or other form similar to that of a desktop computer so all data processing, storage, and network interfacing is contained within one box or product; designed to be operational 24 hours a day and 7 days a week; designed to have very little unscheduled downtime, including on the order of hours each year; capable of operating in a simultaneous multi-user environment serving several users through networked client units; and designed for an industry-accepted operating system for home or low-end server applications;

(31) "tablet computer" means a computer that is controlled by a touch screen and video display greater than six inches in size when measured diagonally that is contained within the construction of the unit;

(32) "television" means an electronic device that contains a cathode-ray tube or flat panel screen greater than four inches in size when measured diagonally and is intended to receive video programming through broadcast, cable, satellite, Internet connection, or other method of video transmission or that is intended to receive video from surveillance cameras or other similar equipment.

Article 3. General Provisions.

Sec. 46.06.990. Definitions. In this chapter,

(1) "commissioner" means the commissioner of environmental conservation;

(2) "department" means the Department of Environmental Conservation.

1 * **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION. The commissioner of environmental conservation shall appoint
4 members of the electronics recycling advisory council under AS 46.06.270(b), added by sec. 9
5 of this Act, as soon as practicable. Notwithstanding AS 46.06.270(b), added by sec. 9 of this
6 Act, the commissioner shall appoint seven initial members of the electronics recycling
7 advisory council to serve four-year terms and the remaining six initial members to serve
8 three-year terms. Initial members may be appointed to subsequent two-year terms thereafter.

9 * **Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).