

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: 2/26/25

Referred: Finance

Sponsor(s): SENATOR TOBIN

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

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

8 (1) AS 06.05.235 and 06.05.570;

9 (2) AS 10.15; [AND]

10 (3) AS 31.05.110; **and**

11 **(4) AS 46.06.200 - 46.06.290.**

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

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

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

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

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

24 (2) a peace officer.

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

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

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

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

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

6 (2) purchase and erection of roadside signs;

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

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

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

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

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

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

21 (9) the purchase of litter receptacles;

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

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

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

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

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

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

1 for grants under AS 46.06.120; and

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

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

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

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

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

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

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

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

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

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

27 **(3)** [(4) "DEPARTMENT" MEANS THE DEPARTMENT OF
28 ENVIRONMENTAL CONSERVATION;

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

1 sawmilling, farming, or manufacturing;

2 (4) [(6)] "litter bag" means a bag, sack, or other container made of any
3 material **that** [WHICH] is large enough and suitable to serve as a receptacle for litter
4 inside a vehicle or vessel;

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

14 (6) [(8)] "vehicle" means a mechanically driven device of any kind that
15 is used for the transportation of a person or property on a public highway, trail, or
16 path;

17 (7) [(9)] "vessel" means all descriptions of watercraft used or capable
18 of being used as a means of transportation on the water.

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

20 **Article 2. Electronic Product Stewardship Program.**

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

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

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

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

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

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

10 **Sec. 46.06.210. Manufacturer e-scrap program plans; manufacturer and**
11 **electronics producer responsibility organization responsibilities.** (a) Beginning in
12 2028, a manufacturer of covered electronic devices in the state shall submit a proposed
13 manufacturer e-scrap program plan to the electronics recycling advisory council by
14 March 31 for the upcoming calendar year. Upon receiving feedback from the council,
15 the manufacturer shall make any necessary changes based on the feedback and submit
16 a manufacturer e-scrap program plan to the department at the time of submission of
17 the manufacturer's registration under AS 46.06.200. A manufacturer may satisfy the
18 requirements of this subsection through an electronics producer responsibility
19 organization. A manufacturer e-scrap program plan must include

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (5) the outreach efforts that were undertaken;

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

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

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

23 (A) program delivery, including

24 (i) education and promotional efforts;

25 (ii) collection;

26 (iii) transportation; and

27 (iv) processing and labor; and

28 (B) program administration; and

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

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

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

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

11 (1) 15 collection sites in each community that has a population of
12 250,000 or more, including at least five year-round collection sites;

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

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

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

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

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

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

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

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

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

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

10 (3) separate collected devices from other material;

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

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

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

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

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

19 (3) all other covered televisions;

20 (4) computers;

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

22 and

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

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

30 (1) the retailer;

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

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

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

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

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

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

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

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

25 (e) The department shall adopt regulations to establish the amount and manner
26 of payment of a program administration fee for manufacturers and electronics
27 producer responsibility organizations covered by AS 46.06.200 - 46.06.290. Fee levels
28 must be reasonably calculated to ensure that the total amount of fees collected from all
29 manufacturers and electronics producer responsibility organizations approximately
30 equals the costs to the department for administering and enforcing AS 46.06.200 -
31 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

1 though a toll-free telephone number.

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

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

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

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

18 (1) the device is labeled with a brand;

19 (2) the label is permanently affixed to and readily visible on the
20 device; and

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

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

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

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

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

5 (c) Except as otherwise provided in this section, a person who violates a
6 provision of AS 46.06.200 - 46.06.290 or a regulation adopted under AS 46.06.200 -
7 46.06.290 is liable to the state for a civil penalty of up to \$250 for a first or second
8 violation and up to \$10,000 for each subsequent violation. The amount of the penalty
9 shall be adjusted to the seriousness of the violation.

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

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

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

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

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

31 (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.

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

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

4 (i) The council shall

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24 (3) "community" means

25 (A) an incorporated city;

26 (B) a unified municipality;

27 (C) an incorporated borough; or

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

30 (4) "computer" means a desktop computer, notebook computer, or
31 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;

1 (11) "educational institution" means

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

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

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

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

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

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

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

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

31 (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

1 for sale to the public;

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

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

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

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

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

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

26 **Article 3. General Provisions.**

27 **Sec. 46.06.990. Definitions.** In this chapter,

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

30 (2) "department" means the Department of Environmental
31 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).