

SENATE BILL NO. 175

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY SENATOR TOBIN

Introduced: 1/16/24

Referred: Prefiled

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

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

3 * **Sec. 2.** AS 29.10.200 is amended by adding a new paragraph to read:

4 (68) AS 29.35.142 (electronic device recycling).

5 * **Sec. 3.** AS 29.35 is amended by adding a new section to read:

6 **Sec. 29.35.142. Regulation of electronic device recycling.** (a) The authority
7 to regulate electronics recycling is reserved to the state, and, except as specifically
8 provided by statute, a municipality may not enact or enforce an ordinance governing
9 electronics recycling, including the collection or recycling of covered electronic
10 devices and eligible electronic devices under AS 46.06.200 - 46.06.290.

11 (b) This section applies to home rule and general law municipalities.

12 * **Sec. 4.** AS 45.50.572(b) is amended to read:

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

17 (1) AS 06.05.235 and 06.05.570;

18 (2) AS 10.15; [AND]

19 (3) AS 31.05.110; and

20 (4) AS 46.06.200 - 46.06.290.

21 * **Sec. 5.** AS 46.06.010 is amended to read:

22 **Sec. 46.06.010. Powers of the department.** The department shall

23 (1) serve as the coordinating agency among public and private
24 organizations in the state that are involved in the control, reduction, and recycling of
25 litter;

26 (2) assist local governments in the adoption and amendment of
27 ordinances relating to the control, reduction, and recycling of litter;

28 (3) promote voluntary local programs and information campaigns that
29 encourage the public to refrain from littering and to participate in efforts to clean up
30 and recycle litter;

31 (4) inform the public of, and encourage the public to comply with, the

provisions of AS 46.06.010 - 46.06.150 [THIS CHAPTER] and regulations adopted under AS 46.06.010 - 46.06.150 [THIS CHAPTER];

(5) encourage federal, state, and local agencies to assist programs for the recycling of litter by allowing the use of publicly owned land, buildings, or equipment for those programs whenever possible;

(6) apply for, receive, and expend grants, loans, and other monetary and nonmonetary assistance for use in programs established under AS 46.06.010 - 46.06.150 [THIS CHAPTER];

(7) determine the types of materials or energy that may be profitably recovered from litter, and adopt regulations under AS 44.62 (Administrative Procedure Act) that require the recovery of the materials or energy;

(8) adopt other regulations under AS 44.62 (Administrative Procedure Act) necessary to implement AS 46.06.010 - 46.06.150 [THIS CHAPTER].

* **Sec. 6.** AS 46.06.031(c) is amended to read:

(c) This section does not diminish the responsibility of a person to comply with AS 46.06.010 - 46.06.150 [THIS CHAPTER], AS 46.03, AS 46.04, or AS 46.09.

* **Sec. 7.** 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. 8.** 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

1 **AS 46.06.010 - 46.06.150** [THIS CHAPTER]. The citation form must meet the
 2 requirements of AS 12.25.175 - 12.25.230.

3 * **Sec. 9.** AS 46.06.120 is amended to read:

4 **Sec. 46.06.120. Grants.** The department may make grants to state agencies, to
 5 municipalities, and to private organizations including nonprofit organizations for the
 6 establishment and operation of programs authorized under **AS 46.06.010 - 46.06.150**
 7 [THIS CHAPTER]. A grant under this section may not exceed 18 months. A program
 8 qualifying for a grant under this section may include

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

11 (2) purchase and erection of roadside signs;

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

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

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

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

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

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

26 (9) the purchase of litter receptacles;

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

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

31 * **Sec. 10.** 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. 11.** 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. 12.** 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;

1 (4) "department" means the Department of Environmental
2 Conservation;

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

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

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

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

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

23 * **Sec. 13.** AS 46.06 is amended by adding new sections to read:

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

25 **Sec. 46.06.200. Manufacturer registration.** (a) By June 30, 2027, and
26 annually thereafter, a manufacturer of covered electronic devices sold in the state shall
27 register with the department, for a period to cover the upcoming calendar year, by
28 completing and submitting to the department the registration form prescribed by the
29 department. The registration must include

30 (1) a list of all brands and labels under which the manufacturer's
31 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 manufacturer clearinghouse responsibilities. (a) Beginning in 2027, 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 a manufacturer clearinghouse. A manufacturer e-scrap program plan must include

(1) contact information for the manufacturer or manufacturer clearinghouse 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, including a description of how the manufacturer or manufacturer clearinghouse will

(A) seek to use businesses or organizations in the state, including retailers, charities, processors, local or tribal organizations, local

1 health care facilities, and collection and transportation services; and

2 (B) fairly compensate collectors and processors for services;

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

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

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

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

14 (7) a description of the accounting and reporting systems that will be
15 employed;

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

18 (9) a description of the public information campaign that will be used
19 to inform consumers about how to recycle their covered electronic devices at the end
20 of the life of the product;

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

24 (11) if two or more manufacturers are participating in a manufacturer
25 clearinghouse, a certification that the methodology used to allocate responsibility
26 among participating manufacturers will comply with (c) of this section.

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

31 (c) A manufacturer shall assume financial responsibility for all costs

1 associated with implementing a manufacturer e-scrap program plan after approval. A
 2 manufacturer clearinghouse shall allocate a participating manufacturer's financial
 3 responsibility by

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

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

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

15 (e) A manufacturer or manufacturer clearinghouse shall notify the department
 16 of any modification to the manufacturer e-scrap program plan. If the department
 17 determines that the manufacturer or manufacturer clearinghouse significantly modified
 18 the plan, the manufacturer or manufacturer clearinghouse shall submit a revised plan
 19 that describes the modifications within 60 days after the department's determination.

20 (f) Beginning in 2029, a manufacturer with an approved manufacturer e-scrap
 21 program plan for the previous calendar year shall file an annual report with the
 22 department on or before March 31 that covers the previous calendar year. A
 23 manufacturer may satisfy this requirement through a manufacturer clearinghouse if the
 24 manufacturer used a clearinghouse to submit the manufacturer e-scrap program plan
 25 for the previous calendar year. The annual report must include

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

29 (2) a list of processors used, including subcontractors that further
 30 process or recycle covered electronic devices or electronic components used, the
 31 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 manufacturer clearinghouses 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 2028, a manufacturer or manufacturer clearinghouse shall, at a minimum, operate program collection sites in the following quantities during a calendar year depending on community populations as determined by the most recent

1 decennial census conducted by the United States Bureau of the Census:

2 (1) 15 collection sites in each community that has a population of
3 250,000 or more, including at least five year-round collection sites;

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

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

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

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

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

14 (b) A community may enter into a written agreement with a manufacturer or
15 manufacturer clearinghouse to substitute a program collection site required under (a)
16 of this section with four or more single-day collection events in the community.

17 (c) A collector that operates a program collection site or single-day collection
18 event during a calendar year shall

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

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

24 (3) separate collected devices from other material;

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

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

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

30 (1) computer monitors and televisions containing a cathode-ray tube,
31 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.

(e) 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 manufacturer clearinghouse. 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 manufacturer clearinghouse, the department shall review the report and provide written notification to the designated point of contact for the manufacturer or manufacturer clearinghouse 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 2028, 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

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

3 (d) Every two years, beginning in 2030, the department shall evaluate the
4 manufacturer e-scrap program and report the results of the evaluation to the
5 legislature.

6 (e) The department shall adopt regulations to establish the amount and manner
7 of payment of a program administration fee for manufacturers and manufacturer
8 clearinghouses covered by AS 46.06.200 - 46.06.290. Fee levels must be reasonably
9 calculated to ensure that the total amount of fees collected from all manufacturers and
10 manufacturer clearinghouses cover the costs to the department for administering and
11 enforcing AS 46.06.200 - 46.06.290. The department shall review the fee amounts
12 annually and reasonably calculate adjustments as necessary to ensure the total revenue
13 collected from the fees covers the department's costs in subsequent calendar years.
14 The commissioner shall separately account for the revenue from the fees received by
15 the department, and the revenue may be appropriated by the legislature to the
16 department for the administration and enforcement of AS 46.06.200 - 46.06.290.

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

18 (1) best practices provided by the electronics recycling advisory
19 council;

20 (2) a list of all registered manufacturers;

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

22 (4) annual reports submitted to the department.

23 (g) The department shall keep confidential all proprietary information
24 submitted to the department by a manufacturer or manufacturer clearinghouse under
25 AS 46.06.200 - 46.06.290. The department may release information kept confidential
26 under this section in summary or aggregated form that does not directly or indirectly
27 identify financial, production, or sales data of a covered manufacturer or manufacturer
28 clearinghouse.

29 (h) The department may adopt regulations to implement, administer, and
30 enforce AS 46.06.200 - 46.06.290. The department shall present regulations proposed
31 to the electronics recycling advisory council for review and address feedback from the

1 council before adoption.

2 **Sec. 46.06.240. Outreach requirements.** (a) A manufacturer or manufacturer
3 clearinghouse with an approved manufacturer e-scrap program plan shall inform
4 covered entities about where and how to reuse and recycle covered electronic devices
5 at the end of the product's life, including by providing an Internet website or toll-free
6 telephone number that provides information about the recycling program in sufficient
7 detail to educate covered entities on how to return covered electronic devices for
8 recycling.

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

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

12 (2) providing information about recycling covered electronic devices
13 though a toll-free telephone number.

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

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

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

26 **Sec. 46.06.250. Prohibited acts.** (a) On or after January 1, 2029, a person may
27 not knowingly cause or allow

28 (1) the mixing of a covered electronic device with municipal waste that
29 is intended for disposal at a landfill;

30 (2) the disposal of a covered electronic device in a landfill;

31 (3) the mixing of a covered electronic device with waste that is

1 intended for disposal by burning; or

2 (4) the burning of a covered electronic device.

3 (b) On or after January 1, 2028, a retailer who first sells a covered electronic
4 device to a covered entity may not sell or offer for sale a covered electronic device in
5 the state unless

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

7 (2) the label is permanently affixed to and readily visible on the
8 device; and

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

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

16 **Sec. 46.06.260. Penalties and enforcement.** (a) A person who knowingly
17 makes a materially false or fraudulent statement orally or in writing to the department
18 in connection with the requirements of AS 46.06.200 - 46.06.290 or a regulation
19 adopted under AS 46.06.200 - 46.06.290 is guilty of a class A misdemeanor for a first
20 conviction, a class C felony for a second conviction, and a class B felony for a third or
21 subsequent conviction. Each statement is a separate offense.

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

24 (c) Except as otherwise provided in this section, a person who violates a
25 provision of AS 46.06.200 - 46.06.290 or a regulation adopted under AS 46.06.200 -
26 46.06.290 is liable to the state for a civil penalty of up to \$10,000 for each violation.
27 The amount of the penalty shall be adjusted to the seriousness of the violation.

28 (d) The attorney general may bring a civil action in the superior court to
29 recover the amount of a civil penalty under this section or to obtain an injunction to
30 restrain violations of AS 46.06.200 - 46.06.290 or require actions that may be
31 necessary to address violations of AS 46.06.200 - 46.06.290. Penalties recovered

1 under this section shall be deposited in the general fund and may be appropriated by
 2 the legislature to the department for the administration and enforcement of
 3 AS 46.06.200 - 46.06.290.

4 (e) A manufacturer clearinghouse may not enforce manufacturer compliance
 5 with the requirements AS 46.06.200 - 46.06.290, but shall refer potential manufacturer
 6 noncompliance to the department after providing notice of the potential
 7 noncompliance to the manufacturer. A manufacturer clearinghouse may develop and
 8 implement policies and procedures that exclude from participation in the
 9 clearinghouse a manufacturer that is found by the department or a court of competent
 10 jurisdiction to have failed to comply with the requirements of AS 46.06.200 -
 11 46.06.290.

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

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

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

18 (1) two members of the public residing in different communities with
 19 at least one member residing in a community located off the interconnected road
 20 system;

21 (2) two members representing recycling companies or incorporated
 22 recycling centers;

23 (3) two members representing the electronic manufacturing or retail
 24 industry;

25 (4) one member representing a tribal or municipal government that
 26 operates a recycling program in a rural community with a population of less than
 27 1,000;

28 (5) one member representing a tribal or municipal government that
 29 operates a recycling program in an urban community with a population of 25,000 or
 30 more;

31 (6) one member representing a statewide tribal organization that assists

1 tribes with recycling issues;

2 (7) one member representing the transportation industry;

3 (8) one member representing a waste collection company or program;

4 (9) one member representing a job training or economic development
5 organization or program; and

6 (10) one member representing a statewide environmental or public
7 health organization.

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

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

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

18 (f) The department shall provide administrative support to the council as
19 needed.

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

22 (h) The council shall

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

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

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

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

31 (5) by November 1 of each year, beginning in 2026, provide to the

1 department a list of best practices for program collection sites and single-day
 2 collection events under manufacturer e-scrap program plans submitted during the
 3 following year; best practices must, to the extent practicable, preserve existing
 4 collection programs and relationships.

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

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

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

16 (3) contained within a clothes washer, clothes dryer, refrigerator,
 17 freezer, conventional oven, conventional range, dishwasher, room air conditioner,
 18 dehumidifier, water pump, sump pump, or air purifier.

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

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

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

30 (e) To the extent allowed by law, a covered electronic device or eligible
 31 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, 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) "commissioner" means the commissioner of environmental conservation;

(4) "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;

(5) "computer" means a desktop computer, notebook computer, or tablet computer; "computer" does not include an automated typewriter, printer, mobile telephone, hand-held calculator, battery-operated portable digital music player, computer keyboard, computer mouse, or associated cables;

(6) "computer monitor" 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 display information from a computer;

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

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

1 (9) "covered electronic device category" means the following
 2 categories of covered electronic devices:

- 3 (A) computers and small-scale servers;
- 4 (B) computer monitors;
- 5 (C) televisions;
- 6 (D) printers, facsimile machines, and scanners;
- 7 (E) digital video disc players, digital video disc recorders, and
 8 videocassette recorders;
- 9 (F) video game consoles;
- 10 (G) microwave ovens;
- 11 (H) digital converter boxes, cable receivers, and satellite
 12 receivers; and
- 13 (I) battery-operated portable digital music players, computer
 14 keyboards, computer mice, and cables;

15 (10) "covered entity" means any household, nonprofit, educational
 16 institution, community, or small business located in the state;

17 (11) "department" means the Department of Environmental
 18 Conservation;

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

23 (13) "educational institution" means

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

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

28 (14) "eligible electronic device" means any mobile telephone, battery-
 29 containing electronic, or electronic device that meets the criteria in AS 46.06.280(a)(2)
 30 that is taken out of service in the state, regardless of purchase location;

31 (15) "household" means a single detached dwelling unit or a single

1 unit of a multiple dwelling unit and appurtenant structures;

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

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

14 (18) "manufacturer e-scrap program" means any program established,
15 financed, and operated by a manufacturer, individually or as part of a manufacturer
16 clearinghouse, to collect, transport, and otherwise prepare for recycling covered
17 electronic devices and eligible electronic devices collected at program sites and single-
18 day collection events in accordance with the requirements of AS 46.06.200 -
19 46.06.290;

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

23 (20) "notebook computer" means a computer that is controlled by a
24 computer keyboard, trackpad or other pointing device, and video display greater than
25 four inches in size when measured diagonally that are all contained within the
26 construction of the unit;

27 (21) "participating manufacturer" means a manufacturer that a
28 manufacturer clearinghouse has listed under AS 46.06.210(a)(1) as a participant in the
29 manufacturer clearinghouse for a calendar year;

30 (22) "person" means an individual, partnership, co-partnership, firm,
31 company, limited liability company, corporation, association, joint stock company,

1 trust, estate, political subdivision, state agency, unit of local government, or any other
2 legal entity, including a trustee, agent, assignee, or similar legal representative;

3 (23) "printer" means a desktop printer, multifunction printer copier,
4 printer and facsimile combination, or an all-in-one device that performs a combination
5 of printing, copying, scanning, and related tasks, that is designed to reside on a work
6 surface; "printer" does not include a floor-standing printer, a printer with optional
7 floor stand, a point-of-sale receipt printer, a calculator with printing capabilities, or a
8 label maker;

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

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

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

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

21 (28) "retailer" means a person who first sells, through a sales outlet,
22 catalog, or Internet website, a covered electronic device at a retail or permanent
23 establishment where covered electronic devices are displayed, held, stored, or offered
24 for sale to the public;

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

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

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

(32) "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;

(33) "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;

(34) "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.

* **Sec. 14.** The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION. The commissioner of environmental conservation shall appoint members of the electronics recycling advisory council under AS 46.06.270(b), added by sec. 13 of this Act, as soon as practicable. Notwithstanding AS 46.06.270(b), added by sec. 13 of this Act, the commissioner shall appoint seven initial members of the electronics recycling advisory council to serve four-year terms and the remaining six initial members to serve three-year terms. Initial members may be appointed to subsequent two-year terms thereafter.

* **Sec. 15.** This Act takes effect immediately under AS 01.10.070(c).