

First Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 11-0882.02 Thomas Morris

SENATE BILL 11-269

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SENATE SPONSORSHIP

Schwartz,

HOUSE SPONSORSHIP

(None),

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Senate Committees

Agriculture, Natural Resources, and Energy

House Committees

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A BILL FOR AN ACT

101 CONCERNING THE RECYCLING OF ELECTRONIC DEVICES, AND, IN  
102 CONNECTION THEREWITH, REQUIRING PROCESSORS OF  
103 ELECTRONIC DEVICES TO BE CERTIFIED AND REQUIRING  
104 COLLECTORS OF ELECTRONIC DEVICES TO BE REGISTERED.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill creates the "Electronics Recycling Act". Processors of eligible electronic devices must be certified, pay the department of public

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

health and environment an annual fee, file annual reports, and comply with processing standards established by the solid and hazardous waste commission.

Collectors of eligible electronic devices must be registered and comply with processing standards established by the commission.

The commission will adopt rules. The department has enforcement authority.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** Article 17 of title 25, Colorado Revised Statutes, is  
3 amended BY THE ADDITION OF A NEW PART to read:

4 PART 3

5 ELECTRONIC DEVICE RECYCLING

6 **25-17-301. Short title.** THIS PART 3 SHALL BE KNOWN AND MAY  
7 BE CITED AS THE "ELECTRONICS RECYCLING ACT".

8 **25-17-302. Legislative declaration.** (1) THE GENERAL  
9 ASSEMBLY HEREBY FINDS THAT CONSUMER ELECTRONIC DEVICES AND  
10 OTHER CONSUMER PRODUCTS MAY CONTAIN HAZARDOUS MATERIALS AS  
11 WELL AS COMPONENTS AND MATERIALS THAT ARE VALUED AS  
12 COMMODITIES. IT IS IMPORTANT TO CREATE A VIABLE MEANS OF  
13 RECYCLING THESE MATERIALS FOR ALL COLORADO CITIZENS. THIS ACT  
14 WILL HELP COLORADO MAXIMIZE THE EXTRACTION OF VALUABLE  
15 RESOURCES FROM THE ELECTRONIC WASTE STREAM, THUS CREATING JOBS  
16 IN COLORADO; REDUCE THE THREAT TO OUR ENVIRONMENT POSED BY  
17 BURYING OR INCINERATING HARMFUL MATERIALS; AND HELP PREVENT THE  
18 EXPORT OF TOXIC MATERIALS TO COUNTRIES WITH INSUFFICIENT  
19 ENVIRONMENTAL CONTROLS IN PLACE TO RECYCLE THEM SAFELY.

20 (2) FURTHER, THE GENERAL ASSEMBLY'S INTENT IN ENACTING THIS  
21 PART 3 IS TO FOSTER ECONOMIC GROWTH WITHIN THIS STATE BY CREATING  
22 OPPORTUNITIES FOR LOCAL COMPANIES TO COLLECT AND PROCESS

1 MATERIALS COVERED BY THIS PART 3. RECYCLING, REUSE, AND  
2 RECONDITIONING OF OLD ELECTRONIC DEVICES CAPTURES VALUE PRESENT  
3 IN THE DEVICES TO THE BENEFIT OF COLORADO'S CITIZENS AND  
4 ENVIRONMENT BY KEEPING BOTH TOXIC AND VALUABLE MATERIALS OUT  
5 OF LANDFILLS, THUS CREATING JOBS AND STRENGTHENING LOCAL  
6 ECONOMIES.

7 (3) THE GENERAL ASSEMBLY FINDS THAT ENGAGING ALL  
8 STAKEHOLDERS AS PART OF THE SOLUTION RESULTS IN A SYSTEM OF  
9 RECYCLING ELECTRONIC DEVICES THAT SUPPORTS THE CREATION OF  
10 LOCAL JOBS AND REDUCES TOXIC MATERIALS IN OUR WASTE STREAM.

11 (4) THE GENERAL ASSEMBLY DECLARES THAT THE PURPOSE OF  
12 THIS PART 3 IS TO:

13 (a) ENSURE THAT CONSUMER ELECTRONICS PRODUCTS ARE  
14 RESPONSIBLY REUSED, RECONDITIONED, OR RECYCLED TO PROMOTE  
15 RESOURCE CONSERVATION THROUGH THE DEVELOPMENT OF AN EFFECTIVE  
16 AND EFFICIENT SYSTEM FOR COLLECTING AND RECYCLING SUCH  
17 PRODUCTS;

18 (b) REQUIRE COLLECTORS AND PROCESSORS TO BECOME  
19 REGISTERED, TO SUBMIT DATA, AND TO COMPLY WITH MINIMUM  
20 STANDARDS; AND

21 (c) PROVIDE INFORMATION TO CONSUMERS FOR MAKING INFORMED  
22 DECISIONS AS WELL AS ASSURING CONSUMERS THAT THEIR RECYCLED  
23 ELECTRONIC DEVICES ARE RECYCLED RESPONSIBLY.

24 **25-17-303. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
25 CONTEXT OTHERWISE REQUIRES:

26 (1) "COLLECT" OR "COLLECTION" MEANS THE RECOVERY, AFTER  
27 MANUFACTURE AND DISTRIBUTION OR INITIAL SALE, OF AN ELIGIBLE

1 ELECTRONIC DEVICE. THE TERMS INCLUDE COLLECTION THROUGH A  
2 MAIL-BACK PROGRAM, COLLECTION SITE, COLLECTION FACILITY,  
3 COLLECTION EVENT, OR CURBSIDE OR HOME COLLECTION.

4 (2) "COLLECTOR" MEANS A PERSON THAT RECEIVES, COLLECTS,  
5 HANDLES, BROKERS, OR RESELLS AN ELIGIBLE ELECTRONIC DEVICE AND  
6 ARRANGES FOR DELIVERY OF THE DEVICE TO A PROCESSOR OR OTHER  
7 ENTITY FOR RECYCLING, REUSE, OR RESALE.

8 (3) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE  
9 COMMISSION CREATED IN SECTION 25-15-302.

10 (4) "CONSUMER" MEANS A NATURAL PERSON WHO HAS PURCHASED  
11 AN ELIGIBLE ELECTRONIC DEVICE PRIMARILY FOR PERSONAL OR HOME  
12 BUSINESS USE.

13 (5) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH  
14 AND ENVIRONMENT.

15 (6) (a) "ELIGIBLE ELECTRONIC DEVICE" MEANS A DEVICE THAT IS  
16 MARKETED BY A MANUFACTURER FOR USE BY A CONSUMER AND THAT IS:

17 (I) A COMPUTER, PERIPHERAL, PRINTER, FACSIMILE MACHINE,  
18 DIGITAL VIDEO DISC PLAYER, VIDEO CASSETTE RECORDER, OR OTHER  
19 ELECTRONIC DEVICE SPECIFIED BY RULE PROMULGATED BY THE  
20 COMMISSION; OR

21 (II) A VIDEO DISPLAY DEVICE OR COMPUTER MONITOR, INCLUDING  
22 A LAPTOP COMPUTER, TELEVISION, TELEPHONE, TABLET COMPUTER,  
23 ELECTRONIC BOOK, NOTEBOOK COMPUTER, OR OTHER DEVICE DETERMINED  
24 BY THE COMMISSION BY RULE, THAT CONTAINS A CATHODE RAY TUBE OR  
25 FLAT PANEL SCREEN WITH A SCREEN SIZE THAT IS GREATER THAN FOUR  
26 INCHES, MEASURED DIAGONALLY.

27 (b) "ELIGIBLE ELECTRONIC DEVICE" DOES NOT INCLUDE:

1 (I) A DEVICE THAT IS PART OF A MOTOR VEHICLE OR ANY  
2 COMPONENT PART OF A MOTOR VEHICLE ASSEMBLED BY, OR FOR, A  
3 VEHICLE MANUFACTURER OR FRANCHISED MOTOR VEHICLE DEALER,  
4 INCLUDING REPLACEMENT PARTS FOR USE IN A MOTOR VEHICLE;

5 (II) A DEVICE, INCLUDING A TOUCH-SCREEN DISPLAY, THAT IS  
6 FUNCTIONALLY OR PHYSICALLY PART OF OR CONNECTED TO A SYSTEM OR  
7 EQUIPMENT DESIGNED AND INTENDED FOR USE IN ANY OF THE FOLLOWING  
8 SETTINGS, INCLUDING DIAGNOSTIC, MONITORING, OR CONTROL  
9 EQUIPMENT:

- 10 (A) INDUSTRIAL;
- 11 (B) COMMERCIAL, INCLUDING RETAIL;
- 12 (C) LIBRARY CHECKOUT;
- 13 (D) TRAFFIC CONTROL;
- 14 (E) SECURITY, SENSING, MONITORING, OR COUNTERTERRORISM;
- 15 (F) BORDER CONTROL;
- 16 (G) MEDICAL; OR
- 17 (H) GOVERNMENTAL OR RESEARCH AND DEVELOPMENT;

18 (III) A DEVICE THAT IS CONTAINED WITHIN ANY OF THE  
19 FOLLOWING:

- 20 (A) A CLOTHES WASHER OR DRYER;
- 21 (B) A REFRIGERATOR OR REFRIGERATOR AND FREEZER;
- 22 (C) A MICROWAVE OVEN OR CONVENTIONAL OVEN OR RANGE;
- 23 (D) A DISHWASHER; OR
- 24 (E) A ROOM AIR CONDITIONER, DEHUMIDIFIER, OR AIR PURIFIER; OR

25 (IV) EITHER OF THE FOLLOWING THAT DOES NOT CONTAIN A VIDEO  
26 DISPLAY AREA GREATER THAN FOUR INCHES, MEASURED DIAGONALLY:

- 27 (A) A TELEPHONE; OR

1 (B) A DEVICE CAPABLE OF USING COMMERCIAL MOBILE RADIO  
2 SERVICE AS DEFINED IN 47 CFR 20.3.

3 (7) "MATERIALS OF CONCERN" MEANS ANY OF THE FOLLOWING:

4 (a) ANY DEVICE, INCLUDING A FLUORESCENT LIGHT OR TUBE, THAT  
5 CONTAINS MERCURY OR POLYCHLORINATED BIPHENYLS;

6 (b) A BATTERY;

7 (c) A CATHODE RAY TUBE OR LEADED GLASS; AND

8 (d) A WHOLE OR SHREDDED CIRCUIT BOARD.

9 (8) "PERIPHERAL" MEANS A KEYBOARD, MOUSE, OR ANY OTHER  
10 DEVICE THAT IS SOLD EXCLUSIVELY FOR EXTERNAL USE WITH A COMPUTER  
11 AND PROVIDES INPUT OR OUTPUT INTO OR FROM A COMPUTER.

12 (9) "PERSON" MEANS AN INDIVIDUAL, BUSINESS ENTITY,  
13 PARTNERSHIP, LIMITED LIABILITY COMPANY, CORPORATION,  
14 NOT-FOR-PROFIT CORPORATION, ASSOCIATION, GOVERNMENTAL ENTITY,  
15 PUBLIC BENEFIT CORPORATION, OR PUBLIC AUTHORITY.

16 (10) "PROCESSING FOR REUSE" MEANS ANY METHOD, TECHNIQUE,  
17 OR PROCESS BY WHICH ELIGIBLE ELECTRONIC DEVICES THAT WOULD  
18 OTHERWISE BE DISPOSED OF OR DISCARDED ARE INSTEAD SEPARATED,  
19 PROCESSED, AND RETURNED TO THEIR ORIGINAL INTENDED PURPOSES OR  
20 TO OTHER USEFUL PURPOSES AS ELIGIBLE ELECTRONIC DEVICES.

21 (11) "PROCESSOR" MEANS A PERSON WHO PROCESSES MORE THAN  
22 ONE HUNDRED ELIGIBLE ELECTRONIC DEVICES FOR RECYCLING, REUSE, OR  
23 RESALE, BUT DOES NOT INCLUDE TELECOMMUNICATIONS CARRIERS,  
24 TELECOMMUNICATIONS MANUFACTURERS, OR COMMERCIAL MOBILE  
25 SERVICE PROVIDERS WITH AN EXISTING RECYCLING PROGRAM.

26 (12) "RECYCLE" OR "RECYCLING" MEANS PROCESSING, INCLUDING  
27 DISASSEMBLING, DISMANTLING, SHREDDING, AND SMELTING, AN ELIGIBLE

1 ELECTRONIC DEVICE OR ITS COMPONENTS TO RECYCLE A USEABLE  
2 COMPONENT, COMMODITY, OR PRODUCT, INCLUDING PROCESSING FOR  
3 REUSE. "RECYCLING", WITH RESPECT TO ELIGIBLE ELECTRONIC DEVICES,  
4 DOES NOT INCLUDE ANY PROCESS DEFINED AS INCINERATION UNDER  
5 APPLICABLE LAWS OR RULES.

6 (13) (a) "VIDEO DISPLAY DEVICE" MEANS:

7 (I) AN ELECTRONIC DEVICE WITH AN OUTPUT SURFACE THAT  
8 DISPLAYS OR IS CAPABLE OF DISPLAYING MOVING GRAPHICAL IMAGES OR  
9 VISUAL REPRESENTATIONS OF IMAGE SEQUENCES OR PICTURES THAT SHOW  
10 A NUMBER OF QUICKLY CHANGING IMAGES ON A SCREEN TO CREATE THE  
11 ILLUSION OF MOTION; AND

12 (II) AN ELECTRONIC DEVICE WITH A VIEWABLE SCREEN OF FOUR  
13 INCHES OR LARGER, MEASURED DIAGONALLY, THAT CONTAINS A TUNER  
14 THAT LOCKS ON TO A SELECTED CARRIER FREQUENCY OR CABLE SIGNAL  
15 AND IS CAPABLE OF RECEIVING AND DISPLAYING TELEVISION OR VIDEO  
16 PROGRAMMING VIA BROADCAST, CABLE, OR SATELLITE.

17 (b) "VIDEO DISPLAY DEVICE" INCLUDES A DEVICE THAT IS AN  
18 INTEGRAL PART OF THE DISPLAY AND CANNOT EASILY BE REMOVED FROM  
19 THE DISPLAY BY THE CONSUMER AND THAT PRODUCES THE MOVING IMAGE  
20 ON THE SCREEN. A VIDEO DISPLAY DEVICE MAY USE A CATHODE RAY  
21 TUBE, LIQUID CRYSTAL DISPLAY, GAS PLASMA, DIGITAL LIGHT PROCESSING,  
22 OR OTHER IMAGE-PROJECTION TECHNOLOGY.

23 **25-17-304. Applicability - liability.** (1) THE COLLECTION AND  
24 RECYCLING PROVISIONS OF THIS PART 3 APPLY TO ELIGIBLE ELECTRONIC  
25 DEVICES USED AND RECYCLED BY COLORADO CONSUMERS AND THE STATE.

26 (2) NOTHING IN THIS PART 3 EXEMPTS ANY PERSON FROM  
27 LIABILITY HE OR SHE WOULD OTHERWISE HAVE UNDER APPLICABLE LAW.

1           **25-17-305. Processors - registration - certification - standards**

2           **- fee - reports - immunity. (1) Registration.** A PERSON SHALL NOT ACT  
3 AS A PROCESSOR ON OR AFTER OCTOBER 1, 2012, UNLESS THE PERSON HAS  
4 REGISTERED WITH THE DEPARTMENT AS A PROCESSOR. THE DEPARTMENT  
5 SHALL MAINTAIN A PUBLICLY AVAILABLE LIST OF REGISTERED  
6 PROCESSORS. THE DEPARTMENT SHALL USE ITS BEST EFFORTS TO  
7 ESTABLISH AN ON-LINE REGISTRATION PROCESS.

8           **(2) Certification.** (a) (I) BY JANUARY 1, 2013, EACH PROCESSOR  
9 THAT EXISTS ON THE EFFECTIVE DATE OF THIS SECTION MUST BE CERTIFIED  
10 PURSUANT TO THIS SUBSECTION (2). A PROCESSOR THAT BEGINS  
11 PROCESSING AFTER THE EFFECTIVE DATE OF THIS SECTION HAS EIGHTEEN  
12 MONTHS AFTER BEGINNING PROCESSING TO COMPLY WITH THIS  
13 SUBSECTION (2).

14           **(II)** IF A PROCESSOR PROCESSES MATERIALS OF CONCERN, THE  
15 PROCESSOR MUST EITHER BE CERTIFIED TO PROCESS THE MATERIALS OR  
16 CONTRACT WITH A PROCESSOR FOR THE PROCESSING WITH A PROCESSOR  
17 THAT IS SO CERTIFIED.

18           (b) A PROCESSOR THAT HANDLES MORE THAN ONE HUNDRED  
19 THOUSAND POUNDS OF ELIGIBLE ELECTRONIC DEVICES ANNUALLY SHALL  
20 SUBMIT TO THE DEPARTMENT PROOF OF CERTIFICATION TO R2 OR  
21 E-STEWARDS RECYCLING STANDARDS BY AN INDEPENDENT THIRD-PARTY  
22 CERTIFICATION ENTITY.

23           (c) A PROCESSOR THAT HANDLES ONE HUNDRED THOUSAND  
24 POUNDS OR LESS OF ELIGIBLE ELECTRONIC DEVICES ANNUALLY SHALL  
25 SUBMIT TO THE DEPARTMENT PROOF OF CERTIFICATION AS REQUIRED BY  
26 THIS PARAGRAPH (c). THE COMMISSION SHALL DETERMINE, IN  
27 ACCORDANCE WITH RULES PROMULGATED PURSUANT TO SECTION



1 25-17-307 (2), WHETHER PROCESSORS THAT HANDLE ONE HUNDRED  
2 THOUSAND POUNDS OR LESS OF ELIGIBLE ELECTRONIC DEVICES ANNUALLY  
3 MUST SUBMIT TO THE DEPARTMENT PROOF OF CERTIFICATION TO R2 OR  
4 E-STEWARDS RECYCLING STANDARDS BY AN INDEPENDENT THIRD-PARTY  
5 CERTIFICATION ENTITY THROUGH A PROCESS THAT IS LISTED IN RULES  
6 PROMULGATED PURSUANT TO SECTION 25-17-307 (2) OR PROOF OF  
7 CERTIFICATION BY THE DEPARTMENT. IF THE COMMISSION ELECTS TO  
8 REQUIRE PROOF OF CERTIFICATION BY THE DEPARTMENT, THE RULES MUST  
9 ESTABLISH A CERTIFICATION PROGRAM THAT INCLUDES, AT A MINIMUM:

10 (I) STANDARDS THAT REQUIRE THAT ANY EXPORTS OF ELIGIBLE  
11 ELECTRONIC DEVICES WITH MATERIALS OF CONCERN DO NOT VIOLATE  
12 LAWS IN IMPORTING AND TRANSIT COUNTRIES THROUGH FINAL  
13 DISPOSITION;

14 (II) A PROHIBITION ON THE USE OF PRISON LABOR;

15 (III) ON-SITE HAZARD AND WORKER PROTECTIONS AND SAFETY  
16 TRAINING;

17 (IV) POLLUTION INSURANCE COVERAGE; AND

18 (V) SPECIFIC REQUIREMENTS FOR DOCUMENTING THE CHAIN OF  
19 CUSTODY FOR MATERIALS OF CONCERN.

20 (3) **Standards.** BY JULY 1, 2012, THE COMMISSION SHALL  
21 ESTABLISH, PURSUANT TO RULES PROMULGATED PURSUANT TO SECTION  
22 25-17-307 (2), MINIMUM STANDARDS FOR PROCESSORS OF ELIGIBLE  
23 ELECTRONIC DEVICES. THE RULES MUST REQUIRE COMPLIANCE WITH ALL  
24 APPLICABLE FEDERAL, STATE, AND LOCAL LAWS AND REQUIREMENTS.  
25 EACH PROCESSOR SHALL COMPLY WITH THE RULES.

26 (4) **Fee.** BY OCTOBER 1, 2012, EACH PROCESSOR SHALL PAY TO  
27 THE DEPARTMENT AN ANNUAL CERTIFICATION FEE DETERMINED BY RULES

1 PROMULGATED PURSUANT TO SECTION 25-17-307 (2), IN AN AMOUNT THAT  
2 IS SUFFICIENT TO COVER THE DEPARTMENT'S DIRECT ADMINISTRATIVE  
3 COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 3 WITH REGARD TO  
4 PROCESSORS. THE DEPARTMENT SHALL TRANSMIT THE FEES TO THE STATE  
5 TREASURER, WHO SHALL DEPOSIT THEM IN THE ELECTRONICS RECYCLING  
6 CASH FUND CREATED IN SECTION 25-17-307 (3).

7 (5) **Reports.** EFFECTIVE JANUARY 1, 2014, EACH PROCESSOR  
8 SHALL ANNUALLY REPORT TO THE DEPARTMENT BY A DATE DETERMINED  
9 BY RULE PROMULGATED PURSUANT TO SECTION 25-17-307 (2):

10 (a) THE TOTAL WEIGHT OF ELIGIBLE ELECTRONIC DEVICES THAT  
11 THE PROCESSOR PROCESSED OR CONTRACTED FOR PROCESSING;

12 (b) WHERE ALL MATERIALS OF CONCERN WERE SHIPPED OR  
13 OTHERWISE DISPOSED OF; AND

14 (c) THE NAME AND ADDRESS OF EACH COLLECTOR THAT  
15 DELIVERED AN ELIGIBLE ELECTRONIC DEVICE TO THE PROCESSOR.

16 (6) **Immunity.** A PROCESSOR IS NOT LIABLE IN ANY WAY FOR  
17 PERSONAL OR FINANCIAL DATA OR OTHER INFORMATION THAT A  
18 CONSUMER MAY LEAVE ON AN ELIGIBLE ELECTRONIC DEVICE THAT IS  
19 COLLECTED, PROCESSED, OR RECYCLED.

20 **25-17-306. Collectors - registration - list - immunity.** (1) A  
21 PERSON SHALL NOT ACT AS A COLLECTOR ON OR AFTER OCTOBER 1, 2012,  
22 UNLESS THE PERSON HAS REGISTERED WITH THE DEPARTMENT AS A  
23 COLLECTOR. THE DEPARTMENT SHALL USE ITS BEST EFFORTS TO  
24 ESTABLISH AN ON-LINE REGISTRATION PROCESS.

25 (2) A COLLECTOR SHALL:

26 (a) COMPLY WITH THE SOUND ENVIRONMENTAL MANAGEMENT  
27 RULES PROMULGATED PURSUANT TO SECTION 25-17-308; AND

1 (b) DELIVER ELIGIBLE ELECTRONIC DEVICES COLLECTED UNDER  
2 THIS PART 3 ONLY TO A PROCESSOR THAT IS CERTIFIED UNDER SECTION  
3 25-17-305.

4 (3) THE DEPARTMENT SHALL MAINTAIN A PUBLICLY AVAILABLE  
5 LIST OF REGISTERED COLLECTORS.

6 (4) A COLLECTOR IS NOT LIABLE IN ANY WAY FOR PERSONAL OR  
7 FINANCIAL DATA OR OTHER INFORMATION THAT A CONSUMER MAY LEAVE  
8 ON AN ELIGIBLE ELECTRONIC DEVICE THAT IS COLLECTED, PROCESSED, OR  
9 RECYCLED.

10 **25-17-307. Department's and commission's duties - rules -**  
11 **fund - repeal. (1) Recycling rate.** THE DEPARTMENT SHALL USE THE  
12 DATA SUBMITTED IN THE REPORTS REQUIRED PURSUANT TO THIS PART 3,  
13 AND MAY INCLUDE ANY OTHER NECESSARY AND RELIABLE DATA, TO  
14 CALCULATE AN ANNUAL COLORADO ELIGIBLE ELECTRONIC DEVICE  
15 PROCESSING RATE. IF THE RATE DOES NOT EQUAL OR EXCEED TWO POUNDS  
16 OF ELIGIBLE ELECTRONIC DEVICES PROCESSED PER COLORADO RESIDENT  
17 PER YEAR BY JULY 1, 2014, THE COMMISSION SHALL REPORT TO THE  
18 GENERAL ASSEMBLY ON STRATEGIES TO RAISE THE RATE TO AT LEAST  
19 THAT LEVEL.

20 (2) **Rules.** BY JULY 1, 2012, THE COMMISSION SHALL ADOPT SUCH  
21 RULES AS ARE NECESSARY TO IMPLEMENT THIS PART 3.

22 (3) **Cash fund.** THE DEPARTMENT SHALL TRANSMIT ALL FEES  
23 COLLECTED PURSUANT TO THIS PART 3 TO THE STATE TREASURER, WHO  
24 SHALL CREDIT THEM TO THE ELECTRONICS RECYCLING CASH FUND, WHICH  
25 FUND IS HEREBY CREATED IN THE STATE TREASURY. THE STATE  
26 TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE INVESTMENT  
27 OF REVENUES IN THE FUND TO THE FUND. THE DEPARTMENT SHALL USE

1 THE REVENUES CREDITED TO THE FUND TO IMPLEMENT THIS PART 3.

2 (4) **Enforcement.** THE DEPARTMENT MAY ADOPT PROCEDURES  
3 FOR THE ONGOING EVALUATION OF, AND ENFORCEMENT REGARDING,  
4 COLLECTORS' AND PROCESSORS' COMPLIANCE WITH THIS PART 3. THE  
5 DEPARTMENT MAY SUSPEND OR TERMINATE THE REGISTRATION OR  
6 CERTIFICATION OF A COLLECTOR OR PROCESSOR THAT VIOLATES THIS PART  
7 3. THE RULES PROMULGATED PURSUANT TO SUBSECTION (2) OF THIS  
8 SECTION MAY PROVIDE GRADUATED FINES FOR A PROCESSOR OR  
9 COLLECTOR THAT VIOLATES THE CERTIFICATION REQUIREMENTS OF THIS  
10 PART 3, WITH SECOND AND SUBSEQUENT VIOLATIONS BEING SUBJECT TO  
11 A GREATER FINE THAN AN INITIAL VIOLATION.

12 (5) **Reports.** THE DEPARTMENT SHALL POST ON ITS WEB SITE AND  
13 MAKE AVAILABLE TO THE GENERAL PUBLIC DATA REPORTED BY  
14 PROCESSORS, INCLUDING THE RECYCLING RATE AS CALCULATED IN  
15 SUBSECTION (1) OF THIS SECTION. THE DEPARTMENT SHALL MAINTAIN  
16 SEARCHABLE LISTS ON ITS WEB SITE OF REGISTERED COLLECTORS AND  
17 CERTIFIED PROCESSORS, AND MAY COORDINATE WITH THE GOVERNOR'S  
18 ENERGY OFFICE CREATED IN SECTION 24-38.5-101, C.R.S., IN CONNECTION  
19 WITH THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY'S ENERGY STAR  
20 PROGRAM. THE DEPARTMENT SHALL REPORT ANNUALLY TO THE GENERAL  
21 ASSEMBLY'S COMMITTEES THAT HAVE JURISDICTION OVER HEALTH.

22 **25-17-308. Sound environmental management standards -**  
23 **certification - rules.** (1) ALL ELIGIBLE ELECTRONIC DEVICES COLLECTED  
24 PURSUANT TO THIS PART 3 MUST BE COLLECTED AND RECYCLED IN A  
25 MANNER THAT COMPLIES WITH ALL APPLICABLE FEDERAL, STATE, AND  
26 LOCAL LAWS AND REQUIREMENTS.

27 (2) THE COMMISSION SHALL ADOPT RULES NO LATER THAN JULY

1 1, 2012, THAT ESTABLISH MINIMUM STANDARDS FOR COLLECTORS AND  
2 PROCESSORS. IN ESTABLISHING STANDARDS, THE COMMISSION SHALL  
3 REQUIRE THAT ANY EXPORTS OF ELIGIBLE ELECTRONIC DEVICES WITH  
4 MATERIALS OF CONCERN DO NOT VIOLATE LAWS IN IMPORTING,  
5 EXPORTING, AND TRANSIT COUNTRIES, THROUGH FINAL DISPOSITION.  
6 COLLECTORS AND PROCESSORS SHALL NOT USE PRISON LABOR. THE RULES  
7 MUST REQUIRE MINIMUM ON-SITE HAZARD AND WORKER PROTECTIONS,  
8 POLLUTION INSURANCE COVERAGE, ADEQUATE CONTROLS FOR ELIGIBLE  
9 ELECTRONIC DEVICES THAT ARE TO BE REUSED, AND SPECIFIC  
10 REQUIREMENTS FOR THE CHAIN OF CUSTODY FOR MATERIALS OF CONCERN.

11 **25-17-309. State government compliance.** (1) EFFECTIVE  
12 OCTOBER 1, 2012:

13 (a) A STATE GOVERNMENTAL AGENCY SHALL USE ONLY A  
14 COLLECTOR THAT IS REGISTERED WITH THE DEPARTMENT FOR THE  
15 DISPOSAL OR RECYCLING OF ITS ELIGIBLE ELECTRONIC DEVICES.

16 (b) A STATE GOVERNMENTAL AGENCY SHALL USE ONLY A  
17 PROCESSOR THAT IS CERTIFIED AND REGISTERED WITH THE DEPARTMENT  
18 FOR THE RECYCLING OF ITS ELIGIBLE ELECTRONIC DEVICES.

19 **SECTION 2. Act subject to petition - effective date.** This act  
20 shall take effect at 12:01 a.m. on the day following the expiration of the  
21 ninety-day period after final adjournment of the general assembly (August  
22 10, 2011, if adjournment sine die is on May 11, 2011); except that, if a  
23 referendum petition is filed pursuant to section 1 (3) of article V of the  
24 state constitution against this act or an item, section, or part of this act  
25 within such period, then the act, item, section, or part shall not take effect  
26 unless approved by the people at the general election to be held in

1 November 2012 and shall take effect on the date of the official  
2 declaration of the vote thereon by the governor.