

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 12-0460.01 Thomas Morris x4218

SENATE BILL 12-133

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SENATE SPONSORSHIP

Schwartz, Aguilar, King S., Newell, White

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 DIVERSION OF ELECTRONIC DEVICES FROM  
102 LANDFILLS.

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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 prohibits the disposal of certain consumer electronic devices in landfills, effective by a date established by the solid and hazardous waste commission. Disposal in landfills located in communities that are not well-served by electronic device recycling facilities may be exempted from the ban. Beginning July 1, 2013, state

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.*

agencies must arrange for the recycling of such devices with a certified recycler. The department of public health and environment must coordinate with existing public and private efforts pertaining to the development and implementation of a public education program regarding electronic device recycling.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article  
3 17 of title 25 as follows:

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 "ELECTRONIC RECYCLING JOBS ACT".

8 **25-17-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE  
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "COMMISSION" MEANS THE SOLID AND HAZARDOUS WASTE  
11 COMMISSION CREATED IN SECTION 25-15-302.

12 (2) "CONSUMER" MEANS A PERSON WHO HAS PURCHASED AN  
13 ELECTRONIC DEVICE PRIMARILY FOR PERSONAL OR HOME BUSINESS USE.

14 (3)(a) "ELECTRONIC DEVICE" MEANS A DEVICE THAT IS MARKETED  
15 BY A MANUFACTURER FOR USE BY A CONSUMER AND THAT IS:

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

20 (II) A VIDEO DISPLAY DEVICE OR COMPUTER MONITOR, INCLUDING  
21 A LAPTOP, NOTEBOOK, ULTRABOOK, OR NETBOOK COMPUTER, TELEVISION,  
22 TABLET OR SLATE COMPUTER, ELECTRONIC BOOK, OR OTHER ELECTRONIC  
23 DEVICE SPECIFIED BY RULE PROMULGATED BY THE COMMISSION THAT

1 CONTAINS A CATHODE RAY TUBE OR FLAT PANEL SCREEN WITH A SCREEN  
2 SIZE THAT IS GREATER THAN FOUR INCHES, MEASURED DIAGONALLY.

3 (b) "ELECTRONIC DEVICE" DOES NOT INCLUDE:

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

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

13 (A) INDUSTRIAL;

14 (B) COMMERCIAL, INCLUDING RETAIL;

15 (C) LIBRARY CHECKOUT;

16 (D) TRAFFIC CONTROL;

17 (E) SECURITY, SENSING, MONITORING, OR COUNTERTERRORISM;

18 (F) BORDER CONTROL;

19 (G) MEDICAL; OR

20 (H) GOVERNMENTAL OR RESEARCH AND DEVELOPMENT;

21 (III) A DEVICE THAT IS CONTAINED WITHIN ANY OF THE  
22 FOLLOWING:

23 (A) A CLOTHES WASHER OR DRYER;

24 (B) A REFRIGERATOR, FREEZER, OR REFRIGERATOR AND FREEZER;

25 (C) A MICROWAVE OVEN OR CONVENTIONAL OVEN OR RANGE;

26 (D) A DISHWASHER;

27 (E) A ROOM AIR CONDITIONER, DEHUMIDIFIER, OR AIR PURIFIER; OR

- 1 (F) EXERCISE EQUIPMENT;
- 2 (IV) A DEVICE CAPABLE OF USING COMMERCIAL MOBILE RADIO  
3 SERVICE, AS DEFINED IN 47 CFR 20.3, THAT DOES NOT CONTAIN A VIDEO  
4 DISPLAY AREA GREATER THAN FOUR INCHES, MEASURED DIAGONALLY; OR
- 5 (V) A TELEPHONE.
- 6 (4) "LANDFILL" MEANS A SOLID WASTES DISPOSAL SITE AND  
7 FACILITY, AS THAT TERM IS DEFINED IN SECTION 30-20-101 (8), C.R.S.
- 8 (5) "PERIPHERAL" MEANS A KEYBOARD, MOUSE, OR OTHER DEVICE  
9 THAT IS SOLD EXCLUSIVELY FOR EXTERNAL USE WITH A COMPUTER AND  
10 PROVIDES INPUT OR OUTPUT INTO OR FROM A COMPUTER.
- 11 (6) "PROCESSING FOR REUSE" MEANS A METHOD, TECHNIQUE, OR  
12 PROCESS BY WHICH ELECTRONIC DEVICES THAT WOULD OTHERWISE BE  
13 DISPOSED OF OR DISCARDED ARE INSTEAD SEPARATED, PROCESSED, AND  
14 RETURNED TO THEIR ORIGINAL INTENDED PURPOSES OR TO OTHER USEFUL  
15 PURPOSES AS ELECTRONIC DEVICES.
- 16 (7) "RECYCLE" OR "RECYCLING" MEANS PROCESSING, INCLUDING  
17 DISASSEMBLING, DISMANTLING, SHREDDING, AND SMELTING, AN  
18 ELECTRONIC DEVICE OR ITS COMPONENTS TO RECYCLE A USEABLE  
19 COMPONENT, COMMODITY, OR PRODUCT, INCLUDING PROCESSING FOR  
20 REUSE. "RECYCLING", WITH RESPECT TO ELECTRONIC DEVICES, DOES NOT  
21 INCLUDE ANY PROCESS DEFINED AS INCINERATION UNDER APPLICABLE  
22 LAWS OR RULES.
- 23 (8) "STATE AGENCY" MEANS ANY DEPARTMENT, COMMISSION,  
24 COUNCIL, BOARD, BUREAU, COMMITTEE, INSTITUTION OF HIGHER  
25 EDUCATION, AGENCY, OR OTHER GOVERNMENTAL UNIT OF THE EXECUTIVE,  
26 LEGISLATIVE, OR JUDICIAL BRANCH OF STATE GOVERNMENT.
- 27 (9) (a) "VIDEO DISPLAY DEVICE" MEANS:

1 (I) AN ELECTRONIC DEVICE WITH AN OUTPUT SURFACE THAT  
2 DISPLAYS OR IS CAPABLE OF DISPLAYING MOVING GRAPHICAL IMAGES OR  
3 VISUAL REPRESENTATIONS OF IMAGE SEQUENCES OR PICTURES THAT SHOW  
4 A NUMBER OF QUICKLY CHANGING IMAGES ON A SCREEN TO CREATE THE  
5 ILLUSION OF MOTION; OR

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

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

17 (c) "VIDEO DISPLAY DEVICE" DOES NOT INCLUDE A DEVICE THAT  
18 IS PART OF A MOTOR VEHICLE OR ANY COMPONENT PART OF A MOTOR  
19 VEHICLE ASSEMBLED BY, OR FOR, A VEHICLE MANUFACTURER OR  
20 FRANCHISED DEALER, INCLUDING REPLACEMENT PARTS FOR USE IN A  
21 MOTOR VEHICLE.

22 **25-17-303. Landfill ban - rules.** BY A DATE ESTABLISHED BY THE  
23 COMMISSION BY RULE, A PERSON SHALL NOT DISPOSE OF AN ELECTRONIC  
24 DEVICE OR A COMPONENT OF AN ELECTRONIC DEVICE IN A LANDFILL IN  
25 THIS STATE; EXCEPT THAT THE COMMISSION SHALL ADOPT CRITERIA FOR  
26 EXEMPTING A COMMUNITY FROM THE REQUIREMENTS OF THIS SECTION.  
27 THE CRITERIA MUST INCLUDE THE DISTANCE FROM THE COMMUNITY TO A

1 RECYCLING FACILITY THAT ACCEPTS ELECTRONIC WASTE AND THE  
2 FREQUENCY IN THE COMMUNITY OF AVAILABLE COLLECTION SERVICES.

3 **25-17-304. State electronic device recycling - rules.**

4 (1) EFFECTIVE JULY 1, 2013, EACH STATE AGENCY SHALL RECYCLE ITS  
5 ELECTRONIC DEVICES. THE AGENCY SHALL USE ONLY A RECYCLER THAT  
6 IS CERTIFIED TO A NATIONAL ENVIRONMENTAL CERTIFICATION STANDARD  
7 SUCH AS THE R2 OR E-STEWARD STANDARDS OR OTHER COMPARABLE  
8 RECYCLING OR DISPOSAL STANDARD. THE COMMISSION MAY ADOPT RULES  
9 TO AVOID THE USE OF CERTIFICATIONS THAT ARE NOT COMPARABLE.

10 (2) UPON RECEIPT OF A DEVICE, A RECYCLER THAT ACCEPTS AN  
11 ELECTRONIC DEVICE FROM A STATE AGENCY SHALL PROVIDE THE AGENCY  
12 WITH APPROPRIATE DOCUMENTATION VERIFYING THE RECYCLER'S  
13 CERTIFICATION AS REQUIRED IN SUBSECTION (1) OF THIS SECTION.

14 **25-17-305. Immunity.** (1) A RECYCLER IS NOT LIABLE FOR  
15 PERSONAL OR FINANCIAL DATA OR OTHER INFORMATION THAT A  
16 CONSUMER OR STATE AGENCY MAY LEAVE ON AN ELECTRONIC DEVICE  
17 THAT IS COLLECTED, PROCESSED, OR RECYCLED UNLESS THE RECYCLER  
18 ACTED IN A GROSSLY NEGLIGENT MANNER.

19 (2) A WASTE HAULER, AS THAT TERM IS DEFINED IN SECTION  
20 30-20-1001 (16), C.R.S., OR OWNER OR OPERATOR OF A LANDFILL OR  
21 TRANSFER STATION DOES NOT VIOLATE THIS PART 3 IF THE HAULER,  
22 OWNER, OR OPERATOR HAS MADE A GOOD-FAITH EFFORT TO COMPLY WITH  
23 THIS PART 3 BY:

24 (a) POSTING AND MAINTAINING, IN A CONSPICUOUS LOCATION AT  
25 THE WASTE HAULER'S FACILITY, TRANSFER STATION, OR THE LANDFILL, A  
26 SIGN STATING THAT ELECTRONIC DEVICES WILL NOT BE ACCEPTED AT THE  
27 FACILITY, TRANSFER STATION, OR LANDFILL; AND

1 (b) FOR AN OWNER OR OPERATOR OF A LANDFILL OR TRANSFER  
2 STATION, NOTIFYING, IN WRITING ONCE A YEAR, ALL WASTE HAULERS WHO  
3 HAVE CONTRACTED WITH THE OWNER OR OPERATOR TO HAUL SOLID  
4 WASTE TO THE LANDFILL OR TRANSFER STATION THAT ELECTRONIC  
5 DEVICES ARE NOT ACCEPTED AT THE LANDFILL OR TRANSFER STATION.

6 **25-17-306. Public education.** THE DEPARTMENT OF PUBLIC  
7 HEALTH AND ENVIRONMENT SHALL COORDINATE WITH EXISTING PUBLIC  
8 AND PRIVATE EFFORTS REGARDING THE DEVELOPMENT AND  
9 IMPLEMENTATION OF A PUBLIC EDUCATION PROGRAM ABOUT THE  
10 RECYCLING OF ELECTRONIC DEVICES, THE REMOVAL OF DATA FROM AN  
11 ELECTRONIC DEVICE BEING OFFERED FOR RECYCLING, THE BENEFITS OF  
12 ELECTRONIC DEVICE RECYCLING, HOW TO FIND ELECTRONIC DEVICE  
13 RECYCLERS, AND IMPLEMENTATION OF THE LANDFILL BAN PURSUANT TO  
14 SECTION 25-17-303. THE DEPARTMENT SHALL PERFORM THESE FUNCTIONS  
15 WITHIN ITS EXISTING RESOURCES.

16 **25-17-307. Rules.** THE COMMISSION SHALL ADOPT RULES  
17 NECESSARY TO IMPLEMENT THIS PART 3.

18 **SECTION 2. Act subject to petition - effective date -**  
19 **applicability.** (1) This act takes effect January 1, 2013; except that, if a  
20 referendum petition is filed pursuant to section 1 (3) of article V of the  
21 state constitution against this act or an item, section, or part of this act  
22 within the ninety-day period after final adjournment of the general  
23 assembly, then the act, item, section, or part will not take effect unless  
24 approved by the people at the general election to be held in November  
25 2012 and, in such case, will take effect on January 1, 2013, or on the date  
26 of the official declaration of the vote thereon by the governor, whichever  
27 is later.

1           (2) The provisions of this act apply to acts occurring on or after  
2   the applicable effective date of this act.