

JAN 21 2022

A BILL FOR AN ACT

RELATING TO SUSTAINABLE ELECTRONICS MANAGEMENT.

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

1 SECTION 1. The legislature finds that use of electronic
2 devices has grown substantially over the past two decades.
3 According to the United States Environmental Protection Agency,
4 Americans have generated approximately three million tons of
5 waste in consumer electronics goods per year during the last
6 decade.

7 The legislature further finds that while recycling of
8 electronic devices prevents valuable materials from going into
9 the waste stream, preventing waste in the first place is
10 preferable to any waste management option. Refurbishing used
11 but still functioning electronic devices for reuse extends the
12 lives of valuable products and keeps them out of the waste
13 stream for a longer duration. Refurbishing used electronic
14 devices also allows new users, such as schools, nonprofit
15 organizations, and lower-income families, to obtain equipment
16 that they otherwise cannot afford.



1 The purpose of this Act is to promote electronics
2 stewardship and reduce electronic waste in the State by
3 requiring state departments and agencies to transfer certain
4 electronic devices to the department of accounting and general
5 services, which will refurbish and distribute these devices to
6 eligible entities in the State.

7 SECTION 2. The Hawaii Revised Statutes is amended by
8 adding a new chapter to be appropriately designated and to read
9 as follows:

10 **"CHAPTER A**

11 **SUSTAINABLE STATE ELECTRONICS ACT**

12 **§A-1 Short title.** This chapter shall be known as the
13 "Sustainable State Electronics Act".

14 **§A-2 Definitions.** As used in this chapter, unless the
15 context requires otherwise:

16 "Covered electronic device" has the same meaning as defined
17 in section 339D-1. "Covered electronic device" includes
18 enterprise information technology hardware, including data
19 storage devices, network equipment, servers, and server racks.

20 "Covered entity" means any department, unit, or agency of
21 the state government.



"Covered refurbisher" means an organization that:

- (1) Is exempt from taxation under section 501(c)(3) of the United States Internal Revenue Code;
- (2) Is registered with the business registration division of the department of commerce and consumer affairs to conduct business in this State;
- (3) Maintains a physical place of operation in this State to receive and distribute excess electronic devices;
- (4) Has the ability to repair, upgrade, and refurbish excess electronic devices for use under this chapter;
- (5) Is registered with the department as a covered refurbisher under this chapter; and
- (6) Satisfies other criteria to operate as a covered refurbisher under this chapter, as determined by the department.

"Covered television" has the same meaning as defined in section 339D-1.

"Department" means the department of accounting and general services.

"Excess electronic device" means any covered electronic device or covered television that is:



(1) Owned and controlled by the State;

(2) No longer necessary for the operations of the State,
as determined by the covered entity; and

(3) Properly functioning or may be repaired, upgraded, or
refurbished for use, as determined by the covered
entity.

"Lease" means any transfer of the right to possession and
use of goods for a term in return for consideration.

"Nonpublic information" means information that is not:

(1) Public record as defined in rule 1001(5), Hawaii Rules
of Evidence, as set forth in of section 626-1; or

(2) A government record that must be disclosed under
section 92F-12.

"Person" means any individual, business, partnership,
limited liability company, corporation, nonprofit organization,
association, government entity, public benefit corporation, or
public authority.

"Personal information" means the same as defined under
section 487R-1.



1 "Refurbished device" means an excess electronic device or
2 covered television that is not functioning properly that has
3 been refurbished.

4 "Sell" or "sale" means any transfer of title to goods in
5 return for consideration.

6 **§A-3 Covered entity responsibility.** (a) No later than
7 January 1, 2023, and at minimum, each year thereafter, each
8 covered entity shall:

9 (1) Identify any excess electronic devices and covered
10 televisions that are not working properly; and

11 (2) Transfer possession of the excess electronic devices
12 and covered televisions that are not working properly
13 to the department.

14 (b) A covered entity, prior to the transfer of an excess
15 electronic device under this section, shall remove data from the
16 device, including but not limited to personal information and
17 nonpublic information, according to the rules adopted by the
18 department under this chapter. To the maximum extent
19 practicable, the covered entity shall remove data using a means
20 that does not remove, disable, or destroy critical functions, or
21 otherwise render the excess electronic device unusable. The



1 covered entity shall be allowed to remove any data storage
2 devices from any excess electronic device before transferring
3 the device to the department.

4 **§A-4 Department responsibility.** (a) Beginning January 1,
5 2023, the department shall maintain and update a website with
6 current information on covered refurbishers available in the
7 State. The department shall notify all covered entities of
8 their new responsibilities under this chapter.

9 (b) No later than April 1, 2023, and each year thereafter,
10 the department shall compile information regarding the excess
11 electronic devices that were received, refurbished, recycled,
12 and distributed during the previous year and submit a report to
13 the legislature.

14 (c) Upon receipt of an excess electronic device or covered
15 television that is not functioning properly, the department
16 shall examine the excess electronic device or covered television
17 that is not functioning properly and determine if it may be
18 repaired, updated, or refurbished for use. The department may
19 request a covered refurbisher to examine the excess electronic
20 device or covered television that is not functioning properly



1 and determine if it may be repaired, updated, or refurbished for
2 use.

3 (d) Upon repair, update, or refurbishment of a device, the
4 department may transfer the possession of the refurbished
5 device, in the following order of priority, to:

6 (1) The covered entity that transferred the device to the
7 department;

8 (2) Other covered entities in need of the refurbished
9 device; and

10 (3) A person who is:

11 (A) A resident of this State; and

12 (B) Determined to be in need in accordance with rules
13 adopted by the department under this chapter.

14 The department shall document and keep records of all
15 transfers of property made pursuant to this section. No person
16 who received title to and possession of a refurbished device
17 under this chapter shall sell or lease the refurbished device.

18 **§A-5 Covered refurbisher responsibility.** (a) A covered
19 refurbisher, upon request from the department under this
20 chapter, shall examine an excess electronic device or covered
21 television and determine if the excess electronic device or



1 covered television is functioning properly or may be repaired,
2 updated, or refurbished for use; provided that:

3 (1) Upon the determination that the covered electronic
4 device or covered television can be repaired, updated,
5 or refurbished for use, the department shall refurbish
6 the excess electronic device or covered television
7 that is not working properly for use; or

8 (2) Upon the determination that the covered electronic
9 device or covered television that is not working
10 properly cannot be repaired, updated, or refurbished
11 for use, the department shall recycle the covered
12 electronic device or covered television that is not
13 working properly in compliance with applicable law.

14 (b) A covered refurbisher shall not be liable for
15 electronic data or other information remaining on an excess
16 electronic device under this chapter.

17 **§A-6 Sustainable state electronics special fund. (a)**

18 There is established in the state treasury the sustainable state
19 electronics special fund, to be administered by the department,
20 into which shall be deposited:

21 (1) All revenues from the operations of this chapter; and



(2) All administrative penalties or fees collected by the department under section A-7.

(b) Moneys in the sustainable state electronics special fund shall be used for the administration of this chapter.

SA-7 Administrative rules; enforcement; fees. (a) The department shall establish rules pursuant to chapter 91 to implement the purposes of this chapter, including any administrative penalties or fees.

(b) The attorney general may file suit in the name of the State to enjoin an activity related to the sale or lease of excess electronic devices in violation of this chapter.

(c) Any person found in violation of this chapter may be assessed a penalty not to exceed \$1,000 for the first violation and not to exceed \$2,000 for the second and each subsequent violation."

SECTION 3. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.



1 SECTION 4. This Act shall take effect on July 1, 2022.

2 INTRODUCED BY: Bennette J. Mizulach



S.B. NO. 2203

Report Title:

Sustainable Electronics Management; Excess Electronic Devices;
Covered Televisions; Reuse

Description:

Requires state departments and agencies to transfer certain electronic devices to the Department of Accounting and General Services, which may refurbish and distribute these devices to eligible entities in the State or eligible private persons, as determined by rule.

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