
A BILL FOR AN ACT

RELATING TO RECYCLING.

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

SECTION 1. Section 339D-1, Hawaii Revised Statutes, is amended as follows:

1. By amending the definition of "electronic device" to read:

"Electronic device":

(1) Means:

(A) A computer, computer printer, computer monitor, facsimile machine, videocassette recorder, portable digital music player that has memory capability and is battery powered, digital video disc player, digital video disc recorder, router designed for household use, modem designed for household use, or portable computer with a screen size greater than four inches measured diagonally; ~~and~~

(B) Any device that is capable of receiving broadcast, cable, or satellite signals and



1 displaying television or video programing,
2 including any direct view or projection
3 television with a viewable screen of nine inches
4 or larger with display technology based on
5 cathode ray tube, plasma, liquid crystal, digital
6 light processing, liquid crystal on silicon,
7 silicon crystal reflective display, light
8 emitting diode, or similar technology; and

9 (C) Electronic device peripherals, including:

10 (i) A keyboard, mouse, or other device sold
11 exclusively for external use with an
12 electronic device as a wireless or corded
13 device that provides input into, or output
14 from, an electronic device;

15 (ii) Cords used with an electronic device or
16 other electronic device peripheral;

17 (iii) Power supplies and adapters designed to
18 support an electronic device;

19 (iv) Speakers used with a computer or television
20 and television sound bars; and

21 (v) Video game consoles; and



1 (2) Shall not include:

2 (A) An electronic device that is a part of a motor
3 vehicle or any component part of a motor vehicle
4 assembled by or for a motor vehicle manufacturer
5 or franchised dealer, including replacement parts
6 for use in a motor vehicle;

7 (B) An electronic device that is functionally or
8 physically required as a part of a larger piece
9 of equipment designed and intended for use in an
10 industrial, commercial, or medical setting,
11 including diagnostic, monitoring, or control
12 equipment;

13 (C) An electronic device that is contained within a
14 clothes washer, clothes dryer, refrigerator,
15 refrigerator and freezer, microwave oven,
16 conventional oven or range, dishwasher, room air
17 conditioner, dehumidifier, or air purifier;

18 (D) A telephone of any type including a mobile
19 telephone; or

20 (E) A global positioning system."

21 2. By amending the definition of "manufacturer" to read:



1 ""Manufacturer":

2 (1) Means any person:

3 (A) Who manufactures or manufactured electronic
4 devices under a brand that it owns or owned or is
5 or was licensed to use, other than a license to
6 manufacture electronic devices for delivery
7 exclusively to or at the order of the licensor;

8 (B) Who sells or sold electronic devices manufactured
9 by others under a brand that the seller owns or
10 owned or is or was licensed to use, other than a
11 license to manufacture electronic devices for
12 delivery exclusively to or at the order of the
13 licensor;

14 (C) Who manufactures or manufactured electronic
15 devices without affixing a brand;

16 (D) Who manufactures or manufactured electronic
17 devices to which it affixes or affixed a brand
18 that it neither owns or owned nor is or was
19 licensed to use; or

20 (E) For whose account electronic devices manufactured
21 outside the United States are or were imported



1 into the United States; provided that if at the
2 time those electronic devices are or were
3 imported into the United States and another
4 person has registered as the manufacturer of the
5 brand of the electronic devices, this
6 subparagraph shall not apply; and

7 (2) Shall not include persons who sold fewer than one
8 hundred electronic devices in the State during the
9 previous calendar year[+] or who manufactures only
10 electronic device peripherals and no other electronic
11 devices."

12 SECTION 2. Section 339D-8, Hawaii Revised Statutes, is
13 amended by amending subsections (f) and (g) to read as follows:

14 "(f) The department [~~shall~~] may determine additional
15 penalties based on adverse impact to the environment, unfair
16 competitive advantage, and other considerations that the
17 department deems appropriate.

18 (g) If a manufacturer fails to meet its recycling goals
19 pursuant to section 339D-23.1(c), the department [~~shall~~] may
20 impose a penalty of \$1.50 per pound for each pound not
21 recycled."



1 SECTION 3. Section 339D-23, Hawaii Revised Statutes, is
2 amended by amending subsections (b) to (d) to read as follows:

3 "(b) By September 1, 2022, and annually thereafter, each
4 manufacturer shall submit a plan to the department to establish,
5 conduct, and manage a program for the recycling of electronic
6 devices sold in the State, which shall be subject to the
7 following conditions:

8 (1) The plan shall not permit the charging of a fee at the
9 point of collection if the electronic device is
10 brought by the electronic device owner to a central
11 location for recycling; provided that the plan may
12 include a reasonable transportation fee if the
13 manufacturer or manufacturer's agent removes the
14 electronic device from the owner's premises at the
15 owner's request and if the removal is not in
16 conjunction with delivery of a new electronic device
17 to the owner;

18 (2) The plan shall include a description of the methods
19 for the convenient collection of electronic devices at
20 no cost to the owner, except as provided in paragraph
21 (1). The recycling plan shall provide for collection



1 services of electronic devices, at a minimum, in each
2 county and zip code tabulation area, as defined by the
3 United States Census Bureau, with a population greater
4 than twenty-five thousand. The recycling plan shall
5 include at least one of the following:

6 (A) Staffed drop-off sites;

7 (B) Alternative collection services, including on-
8 site pick-up services; or

9 (C) Collection events held at an easily accessible,
10 central location;

11 (3) The plan shall provide collection services at a
12 minimum of once per month;

13 (4) The plan shall not contain only a mail-back option;

14 (5) The plan shall specify the use of only collectors
15 registered with the State pursuant to section 339D-28;
16 [~~and~~]

17 (6) The plan shall specify the use of recyclers that have
18 achieved and maintained third-party accredited
19 certification from the Responsible Recycling Standard
20 for Electronics Recyclers (R2), Standard for
21 Responsible Recycling and Reuse of Electronic



1 Equipment (e-Stewards), or an internationally
2 accredited third-party environmental management
3 standard for the safe and responsible handling of
4 electronic devices[-]; and

5 (7) The plan shall describe communication efforts with the
6 State and counties to facilitate consumer education
7 efforts to be conducted by the counties as required by
8 section 339D-25.

9 (c) The department shall review each manufacturer's plan
10 and, within sixty days of receipt of the plan, determine whether
11 the plan complies with this part. If the plan is approved, the
12 department shall notify the manufacturer or group of
13 manufacturers. Upon department approval, the manufacturer or
14 group of manufacturers shall implement the plan. If the plan is
15 rejected, the department shall notify the manufacturer or group
16 of manufacturers and provide the reasons for the plan's
17 rejection. Within thirty days after receipt of the department's
18 rejection, the manufacturer or group of manufacturers may revise
19 and resubmit the plan to the department for approval.



1 (d) Each manufacturer may develop its own recycling plan
2 or may collaborate with other manufacturers[~~; provided that the~~
3 ~~plan is implemented and fully operational by January 1, 2023~~]."

4 SECTION 4. Section 339D-23.1, Hawaii Revised Statutes, is
5 amended by amending subsection (c) to read as follows:

6 "(c) Each manufacturer shall, at a minimum, collect and
7 recycle electronic devices according to the following:

8 (1) Beginning January 1, 2023, the equivalent of fifty per
9 cent, by weight, of the manufacturer's electronic
10 devices sold in the State two years prior, unless
11 amended by rule pursuant to chapter 91;

12 (2) Beginning January 1, 2024, the equivalent of sixty per
13 cent, by weight, of the manufacturer's electronic
14 devices sold in the State two years prior, unless
15 amended by rule pursuant to chapter 91; ~~[and]~~

16 (3) Beginning January 1, 2025, the equivalent of ~~[seventy]~~
17 sixty-three per cent, by weight, of the manufacturer's
18 electronic devices sold in the State two years prior,
19 unless amended by rule pursuant to chapter 91~~[;]~~;

20 (4) Beginning January 1, 2026, the equivalent of sixty-six
21 per cent, by weight, of the manufacturer's electronic



1 devices sold in the State two years prior, unless

2 amended by rule pursuant to chapter 91; and

3 (5) Beginning January 1, 2027, the equivalent of seventy

4 per cent, by weight, of the manufacturer's electronic

5 devices sold in the State two years prior, unless

6 amended by rule pursuant to chapter 91."

7 SECTION 5. Section 339D-23.3, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

9 "(c) By March 31, 2023, and annually thereafter, each
10 manufacturer shall report to the department the total weight of
11 all electronic devices recycled or reused, by county, in the
12 previous calendar year. Reports shall be submitted on forms
13 prescribed by the department. For reports submitted containing
14 information for calendar years 2025, 2026, and 2027, the
15 following additional information shall be provided:

16 (1) A list of all collection and recycling locations with
17 corresponding days and hours of operation;

18 (2) The types and amounts by weight of each type of
19 electronic device collected by each collector for each
20 month;



1 (3) The names of recyclers and the amount in weight of
2 electronic devices purchased from each recycler;

3 (4) The names of collectors of the recycled electronic
4 devices; and

5 (5) The names of reuse facilities and the amount in weight
6 of electronic devices sent for reuse for each
7 facility."

8 SECTION 6. Section 339D-30, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "~~[§]~~**\$339D-30**~~[§]~~ **Collector reporting requirements.** By
11 March 31, 2024, and annually thereafter, each collector shall
12 report to the department the weight of all electronic devices
13 collected for recycling ~~[or]~~ and for reuse in the previous year.
14 Reports shall be submitted on forms prescribed by the department
15 and shall indicate the name of the recycler and weight of
16 electronic devices sent to each recycler, and the name of the
17 refurbisher and the number of and weight of electronic devices
18 that were reused. Upon request, the department may require
19 submission of bills of lading and recycler receiving reports for
20 shipments to recyclers."



1 SECTION 7. The department of health, in consultation with
2 manufacturers, collectors, and other appropriate stakeholders,
3 shall submit a report of its findings and recommendations,
4 including any proposed legislation, to the legislature no later
5 than twenty days prior to the convening of the regular session
6 of 2028. The report shall include recommendations regarding:

7 (1) The collection weights of electronic devices in Hawaii
8 as reported by collectors and manufacturers, as well
9 as whether there are any other weights of electronic
10 devices available from other entities not currently
11 registered as collectors, if this information is
12 available;

13 (2) Whether electronic device collection weights are
14 capable of meeting manufacturer recycling obligations
15 under the existing law; and

16 (3) Whether the recycling obligations, including statewide
17 recycling goals, for manufacturers under the existing
18 law should be amended with consideration of the
19 current method based on weight of sales, or other
20 methods such as by weight of prior year collection



1 averages, or other weight metrics adopted in other
2 states.

3 SECTION 8. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 9. This Act shall take effect on July 1, 3000.



Report Title:

DOH; Electronic Devices; Peripherals; Legacy Devices;
Collection; Recycling; Manufacturers; Recycling Plans; Recycling
Obligations; Reports

Description:

Expands the types of electronic devices subject to the Electronic Device Recycling and Recovery Act to include electronic device peripherals and certain legacy devices. Excludes manufacturers of only electronic device peripherals and no other electronic devices. Allows, rather than requires, the Department of Health to determine additional penalties and impose certain fines. Requires manufacturers' recycling plans to describe communication efforts with the State and counties to facilitate consumer education efforts. Repeals the requirement that recycling plans be implemented and fully operational by 1/1/2023 in order for manufacturer collaboration authority to apply. Extends manufacturer recycling goals to 2027. Requires additional information to be included in manufacturers' reports containing information for calendar years 2025, 2026, and 2027. Requires collectors to report certain information regarding recyclers and refurbishers and allows the Department of Health to require submission of bills of lading and recycler receiving reports. Requires a report to the Legislature. Effective 7/1/3000. (HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

