

Regular Session, 2012

SENATE BILL NO. 450

BY SENATOR WALSWORTH

ENVIRONMENTAL CONTROL. Prohibits dumping of electronic waste such as computers, televisions, cellular phones and other electronic devices in landfills. (8/1/12)

1 AN ACT

2 To enact R.S. 30:2193.1, relative to environmental quality; to prohibit the dumping of
3 certain electronic waste items in landfills; to authorize the secretary of the
4 Department of Environmental Quality to promulgate rules and regulations for the
5 recycling of electronic wastes; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 30:2193.1 is hereby enacted to read as follows:

8 **§2193.1. Prohibition of electronic waste in landfills**

9 **A. No person shall knowingly dispose of any of the following items in**
10 **landfills: computers, peripherals, computer monitors, cathode ray tubes,**
11 **television, printers, personal electronics such as personal digital assistants and**
12 **personal music players, electronic game consoles, printers, fax machines,**
13 **wireless telephones, cellular telephones, answering machines, videocassette**
14 **recorders, digital versatile disc players, digital converter boxes, stereo**
15 **equipment, and power supply cords such as those used to charge electronic**
16 **devices.**

17 **B. As used in this Section, the following terms shall have the meanings**

1 ascribed to them in this Subsection, unless the context clearly indicates
2 otherwise:

3 (1) "Cathode-ray tube" means a vacuum tube or picture tube used to
4 convert an electronic signal into a visual image.

5 (2) "Collection" means the aggregation of electronic waste from covered
6 entities and includes all the activities up to the time the electronic waste is
7 delivered to a recycler.

8 (3) "Computer" means an electronic, magnetic, optical, electrochemical,
9 or other high-speed data processing device performing logical, arithmetic, or
10 storage functions, including a laptop computer, desktop computer, and central
11 processing unit. "Computer" does not include an automated typewriter or
12 typesetter or other similar device.

13 (4) "Computer peripheral" means a keyboard or any other device sold
14 exclusively for external use with a computer that provides input or output into
15 or from a computer.

16 (5) "Covered electronic device" means a computer, computer monitor,
17 device containing a cathode ray tube, printer, or television sold to a covered
18 entity. "Covered electronic device" does not include: any motor vehicle or any
19 part thereof; a camera or video camera; a portable or stationary radio; a land-
20 line telephone; a household appliance, such as a clothes washer, clothes dryer,
21 water heater, refrigerator, freezer, microwave oven, oven, range, or dishwasher;
22 equipment that is functionally or physically part of a larger piece of equipment
23 intended for use in an industrial, research and development or commercial
24 setting, security or anti-terrorism equipment, monitoring and control
25 instruments or systems; thermostats; hand-held transceiver; a portable digital
26 assistant or similar device; a calculator; a global positioning system receiver or
27 similar navigation device, commercial medical equipment that contains a
28 cathode ray tube device, a flat panel display, or similar video display that is not
29 separate from the larger piece of equipment; or other medical devices, as the

1 term "device" is defined under 21 U.S.C. §321(h) of the Federal Food, Drug,
2 and Cosmetic Act.

3 (6) "Electronic waste" means; computer, computer monitor, computer
4 peripheral, device containing a cathode ray tube, printer, or television sold to
5 a covered entity. "Electronic waste" does not include: any motor vehicle or any
6 part thereof; a camera or video camera; a portable or stationary radio; a land-
7 line telephone; a household appliance, such as a clothes washer, clothes dryer,
8 water heater, refrigerator, freezer; microwave oven, oven, range, or
9 dishwasher; equipment that is functionally or physically part of a larger piece
10 of equipment intended for use in an industrial, library, research and
11 development, or commercial setting; security or antiterrorism equipment;
12 monitoring and control instruments or systems; thermostats; handheld
13 transceivers; a portable digital assistant or similar device; commercial medical
14 equipment that contains a cathode ray tube, a cathode ray tube device, a flat
15 panel display, or similar video display that is not separate from the larger piece
16 of equipment; or other medical devices, as the term "device" is defined under
17 21 U.S.C. §321(h) of the Federal Food, Drug, and Cosmetic Act.

18 (7) "Printer" means desktop printers, multifunction printer copiers, and
19 printer fax combination taken out of service that are designed to reside on a
20 work surface, and include various print technologies, including, without
21 limitation, laser and LED electro graphics, ink jet, dot matrix, thermal and
22 digital sublimation and "multi-function" or "all-in-one" devices that perform
23 different tasks, including copying, scanning, faxing, and printing. "Printer"
24 does not include floor-standing printers, printers with an optional floor stand,
25 point of sale receipt printers, household printers such as a calculator with
26 printing capabilities or label makers, or nonstand-alone printers that are
27 embedded into products that are not covered electronic devices.

28 (8) "Television" means any telecommunications system or device
29 containing a cathode ray tube or other type of display system with a viewable

1 area of greater than four inches when measured diagonally that can broadcast
2 or receive moving pictures and sound over a distance and includes a television
3 tuner or a display device peripheral to a computer that contains a television
4 tuner.

5 (9) "Secretary" means the secretary of the Department of
6 Environmental Quality.

7 C. The secretary shall adopt a plan and promulgate standards for the
8 collection and recycling of all electronic waste in the state. The plan shall be
9 adopted prior to March 10, 2014. The secretary shall promulgate rules and
10 regulation in accordance with the Administrative Procedure Act to carry out
11 the provisions of this Session.

12 D. The secretary shall submit an annual report to the president of the
13 Senate, the speaker of the House of Representatives, the Senate Committee on
14 Environmental Quality, and to the House Committee on Natural Resources and
15 Environment and appear before each committee during each regular session to
16 present the report detailing the progress of the electronic waste program for the
17 preceding year.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Heyward Jeffers.

DIGEST

Proposed law prohibits the knowingly disposal of certain electronic items into landfills.

Proposed law provides definitions.

Proposed law provides that the secretary adopt a plan and promulgate standards for the collection and recycling of all electronic waste in the state. Further provides that the plan be adopted prior to March 10, 2014.

Proposed law authorizes the secretary of DEQ to promulgate rules in accordance with the APA.

Proposed law requires the secretary to submit an annual report to the legislature and to appear before the environmental committee during session to present the report.

Effective August 1, 2012.

(Adds R.S. 30:2193.1)