

HOUSE BILL NO. HB0240

Retail electronic waste collection.

Sponsored by: Representative(s) Petroff

A BILL

for

1 AN ACT relating to retailers; requiring large retailers to  
 2 recycle electronic waste as specified; providing  
 3 definitions; prohibiting large retailers from offering  
 4 specified electronics for sale without a recycling program;  
 5 providing a penalty; and providing for an effective date.

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7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 40-25-101 is created to read:

10

11 ARTICLE 25

12 RETAIL ELECTRONIC WASTE COLLECTION ACT

13

14 **40-25-101. Recycling of electronic waste required;**  
 15 **definitions; prohibition.**

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1           (a) This act shall be known as the "Wyoming Retail  
2 Electronic Waste Collection Act."

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4           (b) No large retailer shall offer for sale covered  
5 electronic goods unless the large retailer:

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7                   (i) Accepts, at no charge, electronic waste from  
8 any person during the normal business hours of such  
9 business; or

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11                   (ii) Offers to any person at no charge, the  
12 shipping of electronic waste to a recycling program  
13 conducted by the retailer. Information about the retailer's  
14 program shall be readily available at the retailer's  
15 locations and on its website.

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17           (c) Every large retailer required to accept  
18 electronic waste pursuant to subsection (b) of this section  
19 shall conspicuously post a sign open to public view,  
20 clearly indicating that electronic waste is accepted. The  
21 signs may also state that electronic waste shall only be  
22 accepted during normal business hours and may state those  
23 hours.

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1           (d) Every large retailer required to accept  
2 electronic waste shall take reasonable steps to work with  
3 brand owners of electronic products to ensure all  
4 electronic waste accepted pursuant to this section shall  
5 either be recycled, reused or disposed of in an  
6 environmentally sound manner.

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8           (e) Violation of this section is a misdemeanor  
9 subject to a fine of not more than five thousand dollars  
10 (\$5,000.00).

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12           (f) As used in this section:

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14           (i) "Cathode ray tube" means a vacuum tube or  
15 picture tube used to convert an electronic signal into a  
16 visual image;

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18           (ii) "Computer" means an electronic, magnetic,  
19 optical, electrochemical or other high speed data  
20 processing device performing a logical, arithmetic or  
21 storage function, including a laptop computer and desktop  
22 computer, and includes any cable, cord or wiring  
23 permanently affixed to or incorporated into the product,  
24 and may include both a computer central processing unit and

1 a monitor. The term "computer" shall not include an  
2 automated typewriter or typesetter, a portable hand held  
3 calculator, a portable digital assistant, server or other  
4 similar device;

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6 (iii) "Computer peripheral" means a monitor,  
7 electronic keyboard, electronic mouse or similar pointing  
8 device, facsimile machine, document scanner or printer  
9 intended for use with a computer, and includes any cable,  
10 cord or wiring permanently affixed to or incorporated into  
11 the product. "Computer peripheral" shall not include any  
12 document scanner or printer which weighs one hundred (100)  
13 pounds or more;

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15 (iv) "Consumer" means a person located in this  
16 state who owns or uses covered electronic equipment, but  
17 does not include a person involved in a wholesale  
18 transaction between a distributor and retailer;

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20 (v) "Covered electronic equipment" means a  
21 computer, computer peripheral, small electronic equipment,  
22 small-scale server, cathode ray tube or television, as  
23 defined in this section. "Covered electronic equipment"  
24 does not include any motor vehicle or any part thereof,

1 camera or video camera, portable or stationary radio,  
2 household appliances such as clothes washers, clothes  
3 dryers, refrigerators, freezers, microwave ovens, ovens,  
4 ranges or dishwashers, equipment that is functionally or  
5 physically part of a larger piece of equipment intended for  
6 use in an industrial, research and development or  
7 commercial setting, security or anti-terrorism equipment,  
8 monitoring and control instrument or system; thermostat,  
9 hand held transceiver, telephone of any type, portable  
10 digital assistant or similar device, calculator, a server  
11 other than a small scale server, a cash register or retail  
12 self checkout system, a stand alone storage product  
13 intended for use in industrial, research and development or  
14 commercial settings, commercial medical equipment that  
15 contains within it a cathode ray tube, a flat panel display  
16 or similar video display device, and is not separate from  
17 the larger piece of equipment or other medical devices as  
18 that term is defined under the Federal Food, Drug and  
19 Cosmetic Act;

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21 (vi) "Electronic waste" means covered electronic  
22 equipment that has been discarded or is no longer wanted by  
23 its owner, or for any other reason enters the waste

1 collection, recovery, treatment, processing or recycling  
2 system;

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4 (vii) "Monitor" means a separate visual display  
5 component of a computer, whether sold separately or  
6 together with a computer central processing unit, and  
7 includes a cathode ray tube, liquid crystal display, gas  
8 plasma, digital light processing or other image projection  
9 technology, greater than four (4) inches when measured  
10 diagonally, and its case, interior wires and circuitry, and  
11 any cable cord or wiring permanently affixed thereto or  
12 incorporated into such product;

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14 (viii) "Large retailer" means a commercial  
15 enterprise or establishment, including a sole  
16 proprietorship, joint venture, partnership, corporation, or  
17 other legally recognizable entity, whether for profit or  
18 not-for-profit, that:

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20 (A) Is a full-line, self-service retail  
21 store that sells new covered electronic equipment by any  
22 means directly to a consumer but does not include  
23 businesses that regularly lease, offers to lease, or

1 arranges for leasing of merchandise under a rental purchase  
2 agreement;

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4 (B) Has annual sales of five million  
5 dollars (\$5,000,000.00) or more, not including sales of  
6 motor fuel; and

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8 (C) Has over seventy-five thousand (75,000)  
9 square feet of retail space in Wyoming.

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11 (ix) "Small electronic equipment" means any  
12 portable digital music player that has memory capability  
13 and is battery powered, video cassette recorder, a digital  
14 video disc player, digital video recorder, digital  
15 converter box, cable or satellite receiver, or electronic  
16 or video game console, and includes any cable, cord, or  
17 wiring permanently affixed to or incorporated into any such  
18 product;

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20 (x) "Small-scale server" means a computer that  
21 typically uses desktop components in a desktop form factor,  
22 but is designed primarily to be a storage host for other  
23 computers. To be considered a small-scale server, a  
24 computer must have the following characteristics:

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(A) Is designed in a pedestal, tower, or other form factor similar to those of desktop computers such that all data processing, storage, and network interfacing is contained within one (1) box or product;

(B) Is intended to be operational twenty-four (24) hours per day and seven (7) days a week, and unscheduled downtime is extremely low, such as on the order of hours per year;

(C) Is capable of operating in a simultaneous multi-user environment serving several users through networked client units; and

(D) Is designed for an industry accepted operating system for home or low end server applications.

(xi) "Television" means a display system containing a cathode ray tube or any other type of display primarily intended to receive video programming via broadcast, cable or satellite transmission, having a viewable area greater than four (4) inches when measured diagonally.



