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H.B. No. 284

A BILL TO BE ENTITLED

AN ACT

relating to reporting of international shipments of electronic waste.

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

SECTION 1. Section 361.954(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Section 361.9553, the [The] collection, recycling, and reuse provisions of this subchapter apply to computer equipment used and returned to the manufacturer by a consumer in this state and do not impose any obligation on an owner or operator of a solid waste facility.

SECTION 2. Subchapter Y, Chapter 361, Health and Safety Code, is amended by adding Section 361.9553 to read as follows:

Sec. 361.9553. REPORTS ON INTERNATIONAL SHIPMENTS OF USED ELECTRONICS. (a) This section is intended to provide consumers of electronic equipment in this state and other residents of this state who may give to a business entity in this state electronic parts or electronic equipment for recycling, reuse, or disposal a means to inform themselves of the probable destination of the parts or equipment.

(b) A business entity that operates in this state and ships for recycling, reuse, or disposal any sort of electronic parts or electronic equipment to which this subchapter is applicable from this state to an ultimate destination that is located outside of the

1 United States but is not located in a country that is a member of the
2 European Union or of the Organization for Economic Cooperation and
3 Development shall provide a report to the commission annually. The
4 reporting requirement does not apply to electronic equipment that
5 is being shipped for reuse unless the equipment is not functional
6 and is packaged accordingly and does not apply to electronic
7 equipment that is being shipped for reuse by returning it to a
8 manufacturer or the manufacturer's agent. The commission shall
9 provide a means for the report to be filed electronically. The
10 report must include:

11 (1) the business entity's name, address, and telephone
12 number;

13 (2) the name of the chief executive officer or chief
14 financial officer of the business entity;

15 (3) the type and amount of each shipment of electronic
16 parts or electronic equipment transported;

17 (4) the date of each shipment's debarkation; and

18 (5) each shipment's destination country.

19 (c) The commission shall make the report's information
20 publicly available on the commission's website in a timely manner.

21 (d) The commission may adopt rules to implement this
22 section. The rules may provide for exemptions from compliance with
23 this section for shipments made for humanitarian reasons or for de
24 minimis shipments.

25 SECTION 3. (a) Section 361.9553, Health and Safety Code, as
26 added by this Act, applies only to a shipment made on or after the
27 effective date of this Act. A shipment made before that date is

1 subject to the law in effect on the date the shipment was made, and
2 that law is continued in effect for that purpose.

3 (b) The first report required by Section 361.9553, Health
4 and Safety Code, as added by this Act, must cover the period
5 September 1, 2009, to August 31, 2010. That report must be
6 submitted to the Texas Commission on Environmental Quality not
7 later than September 30, 2010.

8 SECTION 4. This Act takes effect September 1, 2009.