

By: Anchia

H.B. No. 284

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reporting of international shipments of electronic
3 waste.

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

5 SECTION 1. Section 361.954, Health and Safety Code, is
6 amended to read as follows:

7 Sec. 361.954. APPLICABILITY. (a) Except as provided by
8 Section 361.9553, the [~~The~~] collection, recycling, and reuse
9 provisions of this subchapter apply to computer equipment used and
10 returned to the manufacturer by a consumer in this state and do not
11 impose any obligation on an owner or operator of a solid waste
12 facility.

13 (b) Except as provided by Section 361.9553, this [~~This~~]
14 subchapter does not apply to:

15 (1) a television, any part of a motor vehicle, a
16 personal digital assistant, or a telephone;

17 (2) a consumer's lease of computer equipment or a
18 consumer's use of computer equipment under a lease agreement; or

19 (3) the sale or lease of computer equipment to an
20 entity when the manufacturer and the entity enter into a contract
21 that effectively addresses the collection, recycling, and reuse of
22 computer equipment that has reached the end of its useful life.

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

1 Sec. 361.9553. REPORTS ON INTERNATIONAL SHIPMENTS OF
2 ELECTRONIC WASTE. (a) A business entity that operates in this state
3 and ships for recycling, reuse, or disposal any sort of electronic
4 parts or electronic equipment from this state to an ultimate
5 destination that is located outside the United States shall provide
6 a quarterly report to the commission. The report must include:

7 (1) the business entity's name, address, and telephone
8 number;

9 (2) the name of the chief executive officer or chief
10 financial officer of the business entity;

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

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

14 (5) each shipment's destination country.

15 (b) The commission shall make the report's information
16 publicly available on the commission's website in a timely manner.

17 (c) The commission may adopt rules to implement this
18 section. The rules may provide for exemptions from compliance with
19 this section for shipments made for humanitarian reasons or for de
20 minimis shipments.

21 SECTION 3. (a) Section 361.9553, Health and Safety Code, as
22 added by this Act, applies only to a shipment made on or after the
23 effective date of this Act. A shipment made before that date is
24 subject to the law in effect on the date the shipment was made, and
25 that law is continued in effect for that purpose.

26 (b) The first report required by Section 361.9553, Health
27 and Safety Code, as added by this Act, must cover the period

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1 beginning on the effective date of this Act and ending on December
2 31, 2009, and must be submitted to the Texas Commission on
3 Environmental Quality not later than January 15, 2010.

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