

By: Naishtat

H.B. No. 2826

Substitute the following for H.B. No. 2826:

By: Legler

C.S.H.B. No. 2826

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the Texas Commission on Environmental Quality and
3 retailer responsibility regarding recycling of computer equipment.

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

5 SECTION 1. Section 361.956, Health and Safety Code, is
6 amended by amending Subsection (a) and adding Subsections (a-1),
7 (d), and (e) to read as follows:

8 (a) A person who is a retailer of computer equipment may not
9 sell or offer to sell new computer equipment in this state unless:

10 (1) the equipment is labeled with the manufacturer's
11 label; and

12 (2) the manufacturer is included on the commission's
13 list of manufacturers that have recovery plans.

14 (a-1) A person who is a retailer of computer equipment is
15 considered in compliance with the requirements of Subsection (a)(2)
16 if, on the date the computer equipment is ordered from the
17 manufacturer or its agent, the manufacturer is included on the
18 commission's Internet site as a manufacturer with a recovery plan.

19 (d) The commission shall retain historical records that
20 contain the list of manufacturers with recovery plans retrievable
21 by date.

22 (e) A person who is a retailer of computer equipment shall
23 provide to consumers the information published by the commission
24 regarding the legal disposition and recycling and reuse of computer

1 equipment, including information regarding computer equipment
2 collection events, collection sites, and community computer
3 equipment recycling and reuse programs. The information must be
4 provided in writing. The information may be included with the sales
5 receipt or as part of the packaging of the equipment.
6 Alternatively, the retailer may provide the information required by
7 this subsection through a toll-free telephone number or address of
8 an Internet site provided to consumers.

9 SECTION 2. Section 361.958, Health and Safety Code, is
10 amended by adding Subsection (c) to read as follows:

11 (c) The commission shall remove manufacturers no longer in
12 compliance with this subchapter from the Internet site once each
13 fiscal quarter.

14 SECTION 3. A retailer of computer equipment is not required
15 to provide the information described by Section 361.956(e), Health
16 and Safety Code, as added by this Act, before January 1, 2010.

17 SECTION 4. This Act takes effect immediately if it receives
18 a vote of two-thirds of all the members elected to each house, as
19 provided by Section 39, Article III, Texas Constitution. If this
20 Act does not receive the vote necessary for immediate effect, this
21 Act takes effect September 1, 2009.