

By: Naishtat

H.B. No. 2826

A BILL TO BE ENTITLED

AN ACT

relating to the Texas Commission on Environmental Quality and  
retailer responsibility regarding recycling of computer equipment.

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

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

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

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

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

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

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

(e) A person who is a retailer of computer equipment shall  
provide to consumers the information published by the commission  
regarding the recycling and reuse of computer equipment, including

1 information regarding computer equipment collection events,  
2 collection sites, and community computer equipment recycling and  
3 reuse programs. The information must be provided in writing, in  
4 clear English or any other language the commission determines is a  
5 primary language in the retailer's area of business. The  
6 information may be included with the sales receipt or as part of the  
7 packaging of the equipment. Alternatively, the retailer may  
8 provide the information required by this subsection through a  
9 toll-free telephone number or address of an Internet site provided  
10 to consumers.

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

13 (c) The commission shall remove recovery plans of  
14 manufacturers no longer in compliance with this subchapter from the  
15 Internet site once each calendar quarter.

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

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