

A BILL TO BE ENTITLED

AN ACT

relating to the sale, recovery, and recycling of certain television equipment; providing administrative penalties.

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

SECTION 1. Chapter 361, Health and Safety Code, is amended by adding Subchapter Z to read as follows:

SUBCHAPTER Z. TELEVISION EQUIPMENT RECYCLING PROGRAM

Sec. 361.971. DEFINITIONS. In this subchapter:

(1) "Brand" has the meaning assigned by Section 361.952.

(2) "Consumer" means an individual who uses covered television equipment that is purchased primarily for personal or home business use.

(3) "Covered television equipment" means the following equipment marketed to and intended for consumers:

(A) a direct view or projection television with a viewable screen of nine inches or larger whose display technology is based on cathode ray tube, plasma, liquid crystal, digital light processing, liquid crystal on silicon, silicon crystal reflective display, light-emitting diode, or similar technology; or

(B) a display device that is peripheral to a computer that contains a television tuner.

(4) "Market share allocation" means the quantity of covered television equipment, by weight, that an individual

1 television manufacturer submitting a recovery plan under Section  
2 361.977 is responsible for collecting, reusing, and recycling, as  
3 computed by the commission under Section 361.983(g).

4 (5) "Recycling" means any process by which equipment  
5 that would otherwise become solid waste or hazardous waste is  
6 collected, separated, and refurbished for reuse or processed to be  
7 returned to use in the form of raw material or products. The term  
8 does not include incineration.

9 (6) "Retailer" means a person who owns or operates a  
10 business that sells new covered television equipment by any means  
11 directly to a consumer. The term does not include a person who, in  
12 the ordinary course of business, regularly leases, offers to lease,  
13 or arranges for the leasing of merchandise under a rental-purchase  
14 agreement.

15 (7) "Television" means an electronic device that  
16 contains a tuner that locks onto a selected carrier frequency and is  
17 capable of receiving and displaying video programming from a  
18 broadcast, cable, or satellite source.

19 (8) "Television manufacturer" means a person that:

20 (A) manufactures covered television equipment  
21 under a brand the person owns or is licensed to use;

22 (B) manufactures covered television equipment  
23 without affixing a brand;

24 (C) resells covered television equipment  
25 produced by other suppliers under a brand the person owns or is  
26 licensed to use;

27 (D) manufactures covered television equipment,

1 supplies it to any person within a distribution network that  
2 includes a wholesaler or retailer, and benefits from the sale of the  
3 covered television equipment through that distribution network; or

4 (E) assumes the responsibilities of a television  
5 manufacturer under this subchapter.

6 Sec. 361.972. LEGISLATIVE FINDINGS AND PURPOSE. The  
7 purpose of this subchapter is to establish a comprehensive,  
8 convenient, and environmentally sound program for the collection  
9 and recycling of television equipment. The program is based on  
10 individual television manufacturer responsibility and shared  
11 responsibility among consumers, retailers, and the government of  
12 this state.

13 Sec. 361.973. APPLICABILITY. (a) Except as provided by  
14 this section and Section 361.991, this subchapter applies only to  
15 covered television equipment that is:

16 (1) offered for sale or sold to a consumer in this  
17 state; or

18 (2) used by a consumer in this state and returned for  
19 recycling.

20 (b) This subchapter does not apply to:

21 (1) computer equipment as that term is defined by  
22 Section 361.952;

23 (2) a manufacturer of a display device that is  
24 peripheral to a computer and contains a television tuner, if that  
25 manufacturer collects and recycles the device in accordance with  
26 Subchapter Y;

27 (3) any part of a motor vehicle, including a

1 replacement part;

2 (4) a device that is functionally or physically part  
3 of or connected to another system or piece of equipment:

4 (A) designed and intended for use in an  
5 industrial, governmental, commercial, research and development, or  
6 medical setting, including diagnostic monitoring or control  
7 equipment; or

8 (B) used for security, sensing, monitoring,  
9 antiterrorism, or emergency services purposes;

10 (5) a device that is contained in exercise equipment  
11 intended for home use or an appliance intended for home use  
12 including a clothes washer, clothes dryer, refrigerator,  
13 refrigerator and freezer, microwave oven, conventional oven or  
14 range, dishwasher, room air conditioner, dehumidifier, and air  
15 purifier;

16 (6) a telephone of any type;

17 (7) a personal digital assistant;

18 (8) a global positioning system;

19 (9) a consumer's lease of covered television equipment  
20 or a consumer's use of covered television equipment under a lease  
21 agreement; or

22 (10) the sale or lease of covered television equipment  
23 to an entity when the television manufacturer and the entity enter  
24 into a contract that effectively addresses the recycling of  
25 equipment that has reached the end of its useful life.

26 Sec. 361.974. SALES PROHIBITION. A person may not offer for  
27 sale in this state new covered television equipment unless the

1 equipment has been labeled in compliance with Section 361.975.

2 Sec. 361.975. MANUFACTURER'S LABELING REQUIREMENT. A  
3 television manufacturer may sell or offer for sale in this state  
4 only covered television equipment that is labeled with the  
5 television manufacturer's brand. The label must be permanently  
6 affixed and readily visible.

7 Sec. 361.976. MANUFACTURERS' REGISTRATION AND REPORTING.

8 (a) A television manufacturer of covered television equipment  
9 shall register with the commission and, except as provided by  
10 Section 361.978, pay a registration fee of \$2,500. A registered  
11 television manufacturer shall renew the registration and, except as  
12 provided by Section 361.978, pay the fee on or before July 1 of each  
13 year. The registration or registration renewal must include:

14 (1) a list of all brands the television manufacturer  
15 uses in this state on covered television equipment regardless of  
16 whether the television manufacturer owns or is licensed to use the  
17 brand; and

18 (2) contact information for the person the commission  
19 may contact regarding the television manufacturer's activities to  
20 comply with this subchapter.

21 (b) Except as provided by Section 361.978, not later than  
22 July 1 of each year, each registered television manufacturer of  
23 covered television equipment shall report to the commission:

24 (1) the total weight of covered television equipment  
25 for which the television manufacturer is responsible that was sold  
26 in this state during the preceding calendar year or, if the  
27 manufacturer does not track the weight of covered television

1 equipment it sells by state, the television manufacturer may report  
2 the total amount of covered television equipment the television  
3 manufacturer sold nationally in the preceding calendar year; and

4 (2) the total weight of covered television equipment  
5 the television manufacturer collected and recycled in this state  
6 during the preceding calendar year.

7 Sec. 361.977. MANUFACTURER'S RECOVERY PLAN AND RELATED  
8 RESPONSIBILITIES. (a) This section does not apply to a television  
9 manufacturer that participates in a recycling leadership program  
10 described by Section 361.978.

11 (b) Each television manufacturer of covered television  
12 equipment sold in this state shall, individually or as a member of a  
13 group of television manufacturers, submit to the commission a  
14 recovery plan to collect, reuse, and recycle covered television  
15 equipment.

16 (c) An individual television manufacturer that submits a  
17 recovery plan under Subsection (b) shall collect, reuse, and  
18 recycle covered television equipment. Beginning with the  
19 television manufacturer's second year of registration, the  
20 individual television manufacturer shall collect, reuse, and  
21 recycle the quantity of covered television equipment computed by  
22 the commission as the television manufacturer's market share  
23 allocation.

24 (d) A group of television manufacturers that submits a  
25 recovery plan under Subsection (b) shall collect, reuse, and  
26 recycle covered television equipment. Beginning the second year of  
27 registration for a group of television manufacturers, the group of

1 television manufacturers shall collect, reuse, and recycle a  
2 quantity of covered television equipment equal to the sum of the  
3 combined market share allocations of the group's participants.

4 (e) A recovery plan under Subsection (b) must include at a  
5 minimum:

6 (1) a statement of whether the television manufacturer  
7 intends to collect and recycle its market share allocation through  
8 operation of its program, individually or in partnership with other  
9 television manufacturers;

10 (2) beginning with the television manufacturer's  
11 second year of registration, the total weight of covered television  
12 equipment collected, reused, and recycled by or on behalf of the  
13 television manufacturer during the preceding year; and

14 (3) collection methods that allow a consumer to  
15 recycle covered television equipment without paying a separate fee  
16 at the time of recycling.

17 (f) The commission shall review the recovery plan for  
18 satisfaction of the requirements of this subchapter. If the  
19 registration and recovery plan are complete, the commission shall  
20 include the television manufacturer on the commission's Internet  
21 website listing as provided by Section 361.983(a). The commission  
22 may reject the recovery plan if it does not meet all requirements of  
23 this subchapter.

24 Sec. 361.978. MANUFACTURER RECYCLING LEADERSHIP PROGRAM.

25 (a) A group of television manufacturers may establish a recycling  
26 leadership program to provide collection, transportation, and  
27 recycling infrastructure for covered television equipment in this

1 state.

2 (b) A recycling leadership program must:

3 (1) provide at least 200 individual collection sites  
4 or programs in this state in a manner described by Subsection (d)  
5 where a consumer may return covered television equipment for reuse  
6 or recycling; and

7 (2) include television manufacturers that  
8 cumulatively represent at least five percent of the television  
9 equipment industry in terms of the total amount of television  
10 equipment sold in this state.

11 (c) A television manufacturer may not charge a separate fee  
12 at the time of recycling under this section unless at the time of  
13 recycling a financial incentive of equal or greater value to the fee  
14 charged is provided by the television manufacturer.

15 (d) Collection methods that may be used by a recycling  
16 leadership program under Subsection (b) for the recycling of  
17 covered television equipment include:

18 (1) a system by which the television manufacturer, an  
19 entity designated by the television manufacturer, or another  
20 private or public sector entity associated with the television  
21 manufacturer offers a consumer a physical collection site to return  
22 covered television equipment;

23 (2) a system by which the television manufacturer, an  
24 entity designated by the television manufacturer, or another  
25 private or public sector entity associated with the television  
26 manufacturer offers the consumer a method for returning covered  
27 television equipment by mail; and



1           (3) a system by which the television manufacturer, an  
2 entity designated by the television manufacturer, or another  
3 private or public sector entity associated with the television  
4 manufacturer holds a collection event where the consumer may return  
5 covered television equipment.

6           (e) A television manufacturer of covered television  
7 equipment sold in this state that is participating in a recycling  
8 leadership program for covered television equipment as of January 1  
9 of any year is not subject during that year to:

10           (1) the registration fees and renewal fees required by  
11 Section 361.976(a); and

12           (2) the reporting requirements of Section 361.976(b).

13           (f) A television manufacturer of covered television  
14 equipment that is sold in this state that participates in a  
15 recycling leadership program shall individually or through the  
16 recycling leadership program establish and implement a public  
17 education program regarding collection, reuse, and recycling  
18 opportunities that exist in this state for covered television  
19 equipment. The public education program must:

20           (1) inform consumers about the collection, reuse, and  
21 recycling opportunities for covered television equipment available  
22 in this state;

23           (2) work with the commission and other interested  
24 parties to develop educational materials that inform consumers  
25 about collection, reuse, and recycling opportunities available in  
26 this state; and

27           (3) use television manufacturer-developed customer

1 outreach materials, such as packaging inserts, television  
2 manufacturers' Internet websites, and other communication methods,  
3 to inform consumers about collection, reuse, and recycling  
4 opportunities for covered television equipment available in this  
5 state.

6 Sec. 361.979. RECYCLING LEADERSHIP PROGRAM COLLECTION  
7 REPORT. (a) Not later than March 1 of each year, a television  
8 manufacturer of covered television equipment sold in this state  
9 that is participating in a recycling leadership program under  
10 Section 361.978 shall, individually or as a member of the recycling  
11 leadership program, submit to the commission and to the committee  
12 in each house of the legislature that has primary jurisdiction over  
13 environmental matters a collection report regarding the television  
14 manufacturer's collection, reuse, and recycling of covered  
15 television equipment.

16 (b) The collection report must include:

17 (1) an inventory of covered television equipment  
18 collection, reuse, and recycling opportunities that are currently  
19 available to consumers through the individual television  
20 manufacturer or the recycling leadership program in this state; and

21 (2) documentation of collection opportunities  
22 available to consumers in counties with populations of less than  
23 50,000, including an analysis of the number of collection sites  
24 available to consumers in those counties compared to the number of  
25 opportunities available to consumers in those counties to purchase  
26 new covered television equipment.

27 (c) The inventory of covered television equipment

1 collection, reuse, and recycling opportunities required by  
2 Subsection (b)(1) may be submitted in the form of a map noting the  
3 location of the opportunities.

4 (d) The collection report may include:

5 (1) a listing of other existing collection and  
6 recycling infrastructure for covered television equipment not  
7 associated with the recycling leadership program, including  
8 electronic recyclers and repair shops, recyclers of other  
9 appropriate commodities, reuse organizations, not-for-profit  
10 corporations, retailers, and other suitable operations, including  
11 local government collection events, if available; and

12 (2) the amount by weight of the covered television  
13 equipment that the individual television manufacturer or the  
14 recycling leadership program has collected in the preceding year.

15 Sec. 361.980. RETAILER RESPONSIBILITY. (a) A retailer may  
16 order and sell only products from a television manufacturer that is  
17 included on the list published under Section 361.983(a). A  
18 retailer shall consult that list before ordering covered television  
19 equipment in this state. A retailer is considered to have complied  
20 with this subsection and may sell a product in the retailer's  
21 inventory if, on the date the product was ordered from the  
22 television manufacturer, the television manufacturer was listed on  
23 the Internet website described by Section 361.983(a).

24 (b) A person who is a retailer of covered television  
25 equipment shall provide to consumers in writing the information  
26 published by the commission regarding the legal disposition and  
27 recycling of television equipment. The information may be included

1 with the sales receipt or as part of the packaging of the equipment.  
2 Alternatively, the retailer may provide the information required by  
3 this subsection through a toll-free telephone number and address of  
4 an Internet website provided to consumers.

5 (c) This subchapter does not require a retailer to collect  
6 covered television equipment for recycling.

7 Sec. 361.981. RECYCLER RESPONSIBILITIES. A person who is  
8 engaged in the business of recycling covered television equipment  
9 in this state shall:

10 (1) register with the commission and certify that the  
11 person is in compliance with the standards adopted under Section  
12 361.990;

13 (2) on or before January 31 of each year renew the  
14 registration with the commission and certify the person's continued  
15 compliance with the standards adopted under Section 361.990;

16 (3) recycle all covered television equipment accepted  
17 for recycling in accordance with the standards adopted under  
18 Section 361.990;

19 (4) maintain a written log recording the weight of all  
20 covered television equipment received by the person and the  
21 disposition of that equipment; and

22 (5) annually report to the commission the total weight  
23 of covered television equipment received and recycled by the person  
24 in the preceding 12 months.

25 Sec. 361.982. LIABILITY. (a) A television manufacturer,  
26 retailer, or person who recycles covered television equipment is  
27 not liable in any way for information in any form that a consumer

1 leaves on covered television equipment that is collected or  
2 recycled under this subchapter.

3 (b) This subchapter does not exempt a person from liability  
4 under other law.

5 Sec. 361.983. COMMISSION RESPONSIBILITIES. (a) The  
6 commission shall publish on a publicly accessible Internet website:

7 (1) a list of television manufacturers who have  
8 registered with the commission; and

9 (2) a list of television manufacturers who are in full  
10 compliance with this subchapter.

11 (b) The commission shall remove television manufacturers no  
12 longer in compliance with this subchapter from the Internet website  
13 once each calendar quarter.

14 (c) The commission shall educate consumers regarding the  
15 collection and recycling of covered television equipment.

16 (d) The commission shall host or designate another person to  
17 host an Internet website and shall provide a toll-free telephone  
18 number to provide consumers with information about the recycling of  
19 covered television equipment, including best management practices  
20 and information about or links to information about:

21 (1) television manufacturers' collection and  
22 recycling programs, including television manufacturers' recovery  
23 plans; and

24 (2) covered television equipment collection events,  
25 collection sites, and community television equipment recycling  
26 programs.

27 (e) Information about collection and recycling provided on

1 a television manufacturer's publicly available Internet website  
2 and through a toll-free telephone number does not constitute a  
3 determination by the commission that the television manufacturer's  
4 recovery plan or actual practices are in compliance with this  
5 subchapter or other law.

6 (f) Not later than February 15 of each year, the commission  
7 shall establish the state recycling rate by computing the ratio of  
8 the weight of total returns of covered television equipment in this  
9 state by television manufacturers submitting a recovery plan under  
10 Section 361.977 to the total weight of covered television equipment  
11 sold in this state by television manufacturers submitting a  
12 recovery plan under Section 361.977 during the preceding year.

13 (g) Not later than March 1 of each year, the commission  
14 shall compute and provide to each registered television  
15 manufacturer submitting a recovery plan under Section 361.977 the  
16 television manufacturer's market share allocation for collection,  
17 reuse, and recycling for that year. A television manufacturer's  
18 market share allocation equals the weight of the television  
19 manufacturer's covered television equipment sold in this state  
20 during the preceding calendar year multiplied by the state  
21 recycling rate determined under Subsection (f).

22 (h) In any year in which more than one recycling leadership  
23 program is implemented under Section 361.978, the commission shall  
24 review all active recycling leadership programs established under  
25 this subchapter to ensure the programs are operating in a manner  
26 consistent with the goals of this subchapter, including a balanced  
27 recycling effort. Based on the commission's review, the commission

1 may make recommendations to the legislature on ways to improve the  
2 balance of the recycling effort.

3 (i) The commission shall provide to each county and  
4 municipality of this state information regarding the legal disposal  
5 and recycling of covered television equipment. The information  
6 must be provided in writing.

7 Sec. 361.984. ENFORCEMENT. (a) The commission may conduct  
8 audits and inspections to ensure compliance with this subchapter  
9 and rules adopted under this subchapter.

10 (b) The commission and the attorney general, as  
11 appropriate, shall enforce this subchapter and, except as provided  
12 by Subsections (d) and (e), take enforcement action against a  
13 television manufacturer, a retailer, or a person who recycles  
14 covered television equipment.

15 (c) The executive director or the attorney general may  
16 institute a suit under Section 7.032, Water Code, to enjoin an  
17 activity related to the sale of covered television equipment in  
18 violation of this subchapter.

19 (d) The commission shall issue a warning notice to a person  
20 on the person's first violation of this subchapter. The person must  
21 comply with this subchapter not later than the 60th day after the  
22 date the warning notice is issued.

23 (e) A retailer who receives a warning notice from the  
24 commission that the retailer's inventory violates this subchapter  
25 because it includes covered television equipment from a television  
26 manufacturer that is not in compliance with this subchapter must  
27 bring the inventory into compliance with this subchapter not later

1 than the 60th day after the date the warning notice is issued.

2 Sec. 361.985. FINANCIAL AND PROPRIETARY INFORMATION.

3 Financial or proprietary information submitted to the commission  
4 under this subchapter is exempt from public disclosure under  
5 Chapter 552, Government Code.

6 Sec. 361.986. ANNUAL REPORT TO LEGISLATURE. (a) The

7 commission shall compile information from television manufacturers  
8 and issue an electronic report to the committee in each house of the  
9 legislature having primary jurisdiction over environmental matters  
10 not later than March 1 of each year.

11 (b) The report must include:

12 (1) collection information provided to the commission  
13 by each television manufacturer's annual report required by Section  
14 361.976(b) or 361.979(a), as applicable;

15 (2) a summary of comments that have been received from  
16 stakeholders such as television manufacturers, electronic  
17 equipment recyclers, local governments, and nonprofit  
18 organizations;

19 (3) any recommendations under Section 361.983(h); and

20 (4) any other information that would assist the  
21 legislature in evaluating the effectiveness of this subchapter.

22 Sec. 361.987. PROGRESS REPORT. (a) Not later than

23 September 1, 2017, the commission shall submit a report to the  
24 lieutenant governor, the speaker of the house of representatives,  
25 and the committees in each house of the legislature having primary  
26 jurisdiction over:

27 (1) environmental matters;



1           (2) state affairs; and

2           (3) business.

3           (b) The report must include:

4           (1) an evaluation of the effectiveness of covered  
5 television equipment collection, reuse, and recycling efforts  
6 under this subchapter; and

7           (2) any recommendations for improvement of the  
8 collection, reuse, and recycling efforts under this subchapter.

9           (c) In order to prepare the report required under Subsection  
10 (a), the commission shall require any recycling leadership program  
11 established under Section 361.978 to submit the program's  
12 collection amount in weight for the preceding six years.

13           (d) This section expires September 1, 2018.

14           Sec. 361.988. FEES. (a) Except as provided by Section  
15 361.976(a), this subchapter does not authorize the commission to  
16 impose a fee, including a recycling fee, on a consumer, television  
17 manufacturer, retailer, or person who recycles covered television  
18 equipment.

19           (b) Fees or costs collected under this subchapter may be  
20 used by the commission only to implement this subchapter.

21           Sec. 361.989. CONSUMER RESPONSIBILITIES. (a) A consumer  
22 is responsible for any information in any form left on the  
23 consumer's covered television equipment that is collected or  
24 recycled.

25           (b) A consumer is encouraged to learn about recommended  
26 methods for recycling covered television equipment that has reached  
27 the end of its useful life by visiting the commission's and

1 television manufacturers' Internet websites or calling their  
2 toll-free telephone numbers.

3 Sec. 361.990. MANAGEMENT OF COLLECTED TELEVISION  
4 EQUIPMENT. (a) Covered television equipment collected under this  
5 subchapter must be disposed of or recycled in a manner that complies  
6 with federal, state, and local law.

7 (b) For the purposes of recycling, reusing, or otherwise  
8 disposing of collected covered television equipment, a television  
9 manufacturer must follow the standards established under  
10 "Responsible Recycling Practices for Use in Accredited  
11 Certification Programs for Electronic Recyclers," "e-Stewards  
12 Standard for Responsible Recycling and Reuse of Electronic  
13 Equipment," or the recycling standards adopted by the commission or  
14 use a recycler that follows those standards.

15 Sec. 361.991. STATE PROCUREMENT REQUIREMENTS. (a) In  
16 this section, "state agency" has the meaning assigned by Section  
17 2052.101, Government Code.

18 (b) A person who submits a bid for a contract with a state  
19 agency for the purchase or lease of covered television equipment  
20 must be in compliance with this subchapter.

21 (c) A state agency that purchases or leases covered  
22 television equipment shall require a prospective bidder to certify  
23 the bidder's compliance with this subchapter before the agency may  
24 accept the prospective bidder's bid.

25 (d) In considering bids for a contract for covered  
26 television equipment, in addition to any other preferences provided  
27 under other laws of this state, the state shall give special

1 preference to a television manufacturer that:

2 (1) through its recovery plan collects more than its  
3 market share allocation; or

4 (2) provides collection sites or recycling events in  
5 any county located in a council of governments region in which there  
6 are fewer than six permanent collection sites open at least twice  
7 each month.

8 (e) The comptroller shall adopt rules to implement this  
9 section.

10 Sec. 361.992. FEDERAL PREEMPTION; EXPIRATION. (a) If  
11 federal law establishes a national program for the collection and  
12 recycling of covered television equipment and the commission  
13 determines that the federal law substantially meets the purposes of  
14 this subchapter, the commission may adopt an agency statement that  
15 interprets the federal law as preemptive of this subchapter.

16 (b) This subchapter expires on the date the commission  
17 issues a statement under this section.

18 SECTION 2. Subsections (b-1) and (b-2), Section 7.052,  
19 Water Code, are amended to read as follows:

20 (b-1) The amount of the penalty assessed against a  
21 manufacturer that does not label its computer equipment or covered  
22 television equipment or adopt and implement a recovery plan as  
23 required by Section 361.955, 361.975, or 361.977, Health and Safety  
24 Code, as applicable, may not exceed \$10,000 for the second  
25 violation or \$25,000 for each subsequent violation. A penalty  
26 under this subsection is in addition to any other penalty that may  
27 be assessed for a violation of Subchapter Y or Z, Chapter 361,

1 Health and Safety Code.

2 (b-2) Except as provided by Subsection (b-1), the amount of  
3 the penalty for a violation of Subchapter Y or Z, Chapter 361,  
4 Health and Safety Code, may not exceed \$1,000 for the second  
5 violation or \$2,000 for each subsequent violation. A penalty under  
6 this subsection is in addition to any other penalty that may be  
7 assessed for a violation of Subchapter Y or Z, Chapter 361, Health  
8 and Safety Code.

9 SECTION 3. (a) The Texas Commission on Environmental  
10 Quality shall adopt any rules required to implement this Act not  
11 later than May 1, 2012.

12 (b) This Act may not be enforced before July 1, 2012.

13 (c) A report required under Section 361.976, Health and  
14 Safety Code, as added by this Act, is not required to be prepared or  
15 submitted for the first time before July 1, 2013.

16 (d) A recovery plan required under Section 361.977, Health  
17 and Safety Code, as added by this Act, is not required to be  
18 prepared and submitted before July 1, 2013.

19 (e) To qualify as a member of a recycling leadership program  
20 for 2013 under Section 361.978, Health and Safety Code, as added by  
21 this Act, a television manufacturer must provide documentation to  
22 the Texas Commission on Environmental Quality that the manufacturer  
23 is participating in a program before January 1, 2013.

24 (f) A collection report required under Section 361.979,  
25 Health and Safety Code, as added by this Act, is not required to be  
26 prepared and submitted for the first time before March 1, 2013.

27 (g) A retailer of covered television equipment is not

1 required to provide the information described by Subsection (b),  
2 Section 361.980, Health and Safety Code, as added by this Act,  
3 before the date on which the Texas Commission on Environmental  
4 Quality rules implementing this Act take effect.

5 (h) Not later than September 1, 2013, the Texas Commission  
6 on Environmental Quality shall prepare and post for the first time  
7 the list required under Section 361.983, Health and Safety Code, as  
8 added by this Act.

9 (i) Notwithstanding Section 361.984, Health and Safety  
10 Code, as added by this Act, a retailer of television equipment may  
11 sell television equipment inventory that the retailer acquired  
12 before September 1, 2013, without incurring a penalty.

13 (j) The Texas Commission on Environmental Quality is not  
14 required to prepare or submit for the first time the report required  
15 under Section 361.986, Health and Safety Code, as added by this Act,  
16 before March 1, 2014.

17 SECTION 4. This Act takes effect September 1, 2011.