

1 3. PRODUCT. "PRODUCT" MEANS AN ITEM INTENDED FOR SALE WITHIN THE STATE
2 THAT IS IDENTIFIED PURSUANT TO SECTION 27-2903 OF THIS TITLE AS APPRO-
3 PRIATE FOR A PRODUCT STEWARDSHIP PROGRAM.

4 4. PRODUCT CATEGORY. "PRODUCT CATEGORY" MEANS A GROUP OF SIMILAR
5 PRODUCTS DESIGNATED PURSUANT TO SECTION 27-2903 OF THIS TITLE FOR THE
6 PURPOSE OF ESTABLISHING PRODUCT STEWARDSHIP PROGRAMS.

7 5. PRODUCT STEWARDSHIP. "PRODUCT STEWARDSHIP" MEANS A PRODUCER'S
8 TAKING RESPONSIBILITY FOR MANAGING AND REDUCING THE LIFE-CYCLE IMPACTS
9 OF THE PRODUCER'S PRODUCT, FROM PRODUCT DESIGN TO END-OF-LIFE MANAGE-
10 MENT.

11 6. PRODUCT STEWARDSHIP PROGRAM. "PRODUCT STEWARDSHIP PROGRAM" MEANS A
12 PROGRAM, FINANCED WITHOUT A FEE TO CONSUMERS, EITHER MANAGED OR PROVIDED
13 BY PRODUCERS AND INCLUDES, BUT IS NOT LIMITED TO, THE COLLECTION, TRANS-
14 PORTATION, REUSE AND RECYCLING OR DISPOSAL, OR BOTH, OF UNWANTED
15 PRODUCTS.

16 7. RECYCLE. "RECYCLE" MEANS TO SEPARATE, DISMANTLE OR PROCESS THE
17 MATERIALS, COMPONENTS OR COMMODITIES CONTAINED IN WASTE FOR THE PURPOSE
18 OF PREPARING THE MATERIALS, COMPONENTS OR COMMODITIES FOR USE OR REUSE
19 IN NEW PRODUCTS OR COMPONENTS THEREOF, BUT NOT FOR ENERGY RECOVERY OR
20 ENERGY GENERATION BY MEANS OF COMBUSTION, GASIFICATION, PYROLYSIS OR
21 OTHER MEANS. RECYCLING INCLUDES THE MANUAL AND MECHANICAL SEPARATION OF
22 ELECTRONIC WASTE TO RECOVER MATERIALS, COMPONENTS OR COMMODITIES
23 CONTAINED THEREIN FOR THE PURPOSE OF REUSE OR RECYCLING, AND CHANGING
24 THE PHYSICAL OR CHEMICAL COMPOSITION OF WASTE TO SEGREGATE COMPONENTS
25 FOR PURPOSES OF RECYCLING THOSE COMPONENTS.

26 8. REUSE. "REUSE" MEANS THE USE OF WASTE, WHICH IS TESTED AND CERTI-
27 FIED TO BE IN GOOD WORKING ORDER AND WHICH WAS REMOVED FROM THE WASTE
28 STREAM, FOR THE SAME PURPOSE FOR WHICH IT WAS MANUFACTURED, INCLUDING
29 THE CONTINUED USE OF WHOLE SYSTEMS OR COMPONENTS.

30 9. UNWANTED PRODUCT. "UNWANTED PRODUCT" MEANS A PRODUCT THAT IS NO
31 LONGER WANTED BY ITS OWNER OR THAT HAS BEEN ABANDONED OR DISCARDED OR IS
32 INTENDED TO BE DISCARDED BY ITS OWNER.
33 S 27-2903. IDENTIFICATION OF CANDIDATE PRODUCTS; REPORT.

34 1. BY JANUARY FIFTEENTH, TWO THOUSAND THIRTEEN, AND ANNUALLY THEREAFT-
35 ER, THE DEPARTMENT SHALL SUBMIT TO THE LEGISLATURE A REPORT ON PRODUCTS
36 AND PRODUCT CATEGORIES THAT WHEN GENERATED AS WASTE MAY BE APPROPRIATELY
37 MANAGED UNDER A PRODUCT STEWARDSHIP PROGRAM.

38 2. THE REPORT SHALL INCLUDE RECOMMENDATIONS FOR ESTABLISHING NEW PROD-
39 UCT STEWARDSHIP PROGRAMS AND SHALL IDENTIFY POTENTIAL FUNDING SOURCES
40 FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION PROGRAM. THE REPORT MAY
41 INCLUDE RECOMMENDATIONS FOR CHANGES TO EXISTING PRODUCT STEWARDSHIP
42 PROGRAMS. THE DEPARTMENT MAY IDENTIFY A PRODUCT OR PRODUCT CATEGORY AS A
43 CANDIDATE FOR A PRODUCT STEWARDSHIP PROGRAM IF THE DEPARTMENT DETERMINES
44 ONE OR MORE OF THE FOLLOWING CRITERIA ARE MET:

45 (A) THE PRODUCT OR PRODUCT CATEGORY IS FOUND TO CONTAIN TOXINS THAT
46 POSE THE RISK OF AN ADVERSE IMPACT TO THE ENVIRONMENT OR PUBLIC HEALTH
47 AND SAFETY;

48 (B) A PRODUCT STEWARDSHIP PROGRAM FOR THE PRODUCT WILL INCREASE THE
49 RECOVERY OF MATERIALS FOR REUSE AND RECYCLING;

50 (C) A PRODUCT STEWARDSHIP PROGRAM WILL REDUCE THE COSTS OF WASTE
51 MANAGEMENT TO LOCAL GOVERNMENTS AND TAXPAYERS;

52 (D) THERE IS SUCCESS IN COLLECTING AND PROCESSING SIMILAR PRODUCTS IN
53 PROGRAMS IN OTHER STATES OR COUNTRIES; OR

54 (E) EXISTING VOLUNTARY PRODUCT STEWARDSHIP PROGRAMS FOR THE PRODUCT IN
55 THE STATE ARE NOT EFFECTIVE IN ACHIEVING THE SOLID WASTE AND RECYCLING
56 POLICIES OF THE STATE.

1 S 27-2905. NO LIMITATION OF MUNICIPAL AUTHORITY.

2 NOTHING IN THIS CHAPTER IS INTENDED TO CHANGE OR LIMIT MUNICIPAL
3 AUTHORITY TO REGULATE COLLECTION OF SOLID WASTE, INCLUDING CURBSIDE
4 COLLECTION OF RESIDENTIAL RECYCLABLE MATERIALS.

5 S 2. This act shall take effect on the ninetieth day after it shall
6 have become a law.