§ 27-2001. Definitions.

As used in this title, the following terms shall have the following meanings:

1. "architectural paint" means interior and exterior architectural coatings sold in containers of five gallons or less; provided, however, that "architectural paint" shall not include industrial, original equipment or specialty coatings.

2. "commissioner" means the commissioner of environmental conservation.

3. "department" means the department of environmental conservation.

4. "environmentally sound management practices" means procedures for the collection, storage, transportation, reuse, recycling and disposal of architectural paint, to be implemented by the producer or representative organization or by the producers or representative organization's contracted partners to ensure compliance with all applicable federal, state and local laws and any regulations and ordinances for the protection of human health and the environment and these procedures shall address adequate record keeping, tracking and documenting of the final disposition of materials.

5. "postconsumer paint" means architectural paint not used and no longer wanted by a consumer.

6. "producer" means a manufacturer of architectural paint who sells, offers for sale or distributes the architectural paint in the state.

7. "program" means the postconsumer paint collection program established pursuant to section 27-2003 of this title.

8. "recycling" means a process by which discarded products, components and by-products are transformed into new usable or marketable materials in a manner in which the original products may lose their identity. This

term excludes thermal treatment or the use of postconsumer paint as a fuel substitute or for energy production.

9. "representative organization" means a not-for-profit organization established by producers to implement the postconsumer paint collection program.

10. "retailer" means a person that offers architectural paint for sale at retail in the state.

11. "Reuse" means the return of a product into the economic stream for use in the same kind of application as the product was originally intended to be used, without a change in the product's identity.

12. "Sell" or "sale" means any transfer for consideration of title or the right to use, from a manufacturer or retailer to a person, including, but not limited to, transactions conducted through retail sales outlets, catalogs, mail, the telephone, the internet, or any electronic means; this does not include samples, donations, and reuse.