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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2197 Session of  
2020

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INTRODUCED BY DUSH, PYLE, BROOKS, JAMES AND ZIMMERMAN,  
JANUARY 10, 2020

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REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,  
JANUARY 10, 2020

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AN ACT

1 Amending the act of November 23, 2010 (P.L.1083, No.108),  
2 entitled "An act establishing a recycling program for certain  
3 covered devices; imposing duties on manufacturers and  
4 retailers of certain covered devices; providing for the  
5 powers and duties of the Department of Environmental  
6 Protection and for enforcement; establishing the Electronic  
7 Materials Recycling Account in the General Fund; and  
8 prescribing penalties," in preliminary provisions, further  
9 providing for definitions.

10 The General Assembly of the Commonwealth of Pennsylvania  
11 hereby enacts as follows:

12 Section 1. The definitions of "covered device" and  
13 "manufacturer" in section 102 of the act of November 23, 2010  
14 (P.L.1083, No.108), known as the Covered Device Recycling Act,  
15 are amended and the section is amended by adding definitions to  
16 read:

17 Section 102. Definitions.

18 The following words and phrases when used in this act shall  
19 have the meanings given to them in this section unless the  
20 context clearly indicates otherwise:

21 \* \* \*

1 "Covered device." A covered computer device [and], covered  
2 television device and photovoltaic module marketed and intended  
3 for use by a consumer. The term does not include:

4 (1) a device that is a part of a motor vehicle or any  
5 component part of a motor vehicle assembled by or for a  
6 vehicle manufacturer or franchised dealer, including  
7 replacement parts for use in a motor vehicle;

8 (2) a device that is functionally or physically a part  
9 of or connected to or integrated within equipment or a system  
10 designed and intended for use in an industrial, governmental,  
11 commercial, research and development or medical setting,  
12 including, but not limited to, diagnostic, monitoring,  
13 control or medical products as defined under the Federal  
14 Food, Drug, and Cosmetic Act (52 Stat. 1040, 21 U.S.C. § 301  
15 et seq.), or equipment used for security, sensing,  
16 monitoring, antiterrorism, emergency services purposes or  
17 equipment designed and intended primarily for use by  
18 professional users;

19 (3) a device that is contained within a clothes washer,  
20 clothes dryer, refrigerator, refrigerator and freezer,  
21 microwave oven, conventional oven or range, dishwasher, room  
22 air conditioner, dehumidifier, air purifier or exercise  
23 equipment; or

24 (4) any of the following:

25 (i) Telephone of any type, including a mobile phone.

26 (ii) Personal digital assistant.

27 (iii) Global positioning system.

28 \* \* \*

29 "Manufacturer." A computer manufacturer [or], a television  
30 manufacturer or a photovoltaic module manufacturer.

1 \* \* \*

2 "Photovoltaic module." The smallest nondivisible,  
3 environmentally protected assembly of photovoltaic cells or  
4 other photovoltaic collector technology and ancillary parts  
5 intended to generate electrical power under sunlight. The term  
6 does not include a photovoltaic cell that is part of a consumer  
7 electronic device for which the photovoltaic cell provides  
8 electricity needed to make the consumer electronic device  
9 function. The term includes, but is not limited to,  
10 interconnections, terminal and protective devices such as diodes  
11 that are:

12 (1) installed on, connected to or integral with  
13 buildings; or

14 (2) used as components of freestanding, off-grid, power  
15 generation systems, including, but not limited to, powered  
16 water pumping stations, electric vehicle charging stations,  
17 fencing, street and signage lights and other commercial or  
18 agricultural purposes.

19 "Photovoltaic module manufacturer." A person:

20 (1) who manufactures photovoltaic modules to be sold  
21 under its own brand as identified by its own brand label;

22 (2) who sells photovoltaic modules manufactured by  
23 others under its own brand as identified by its own brand  
24 label; or

25 (3) who assumes the duties imposed on the photovoltaic  
26 module manufacturer under this act.

27 \* \* \*

28 Section 2. This act shall take effect in 60 days.