
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 266 Session of
2021

INTRODUCED BY JAMES, R. BROWN, DIAMOND, JOZWIAK, MOUL, NEILSON,
SAYLOR, SMITH, STAMBAUGH, WHEELAND AND ZIMMERMAN,
JANUARY 26, 2021

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
JANUARY 26, 2021

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:

1 * * *

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

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

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

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

25 (4) any of the following:

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

27 (ii) Personal digital assistant.

28 (iii) Global positioning system.

29 * * *

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

1 manufacturer or a photovoltaic module manufacturer.

2 * * *

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

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

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

20 "Photovoltaic module manufacturer." A person:

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

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

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

28 * * *

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