

ASSEMBLY BILL

No. 2166

Introduced by Assembly Member Hancock

February 18, 2004

An act to add Chapter 8.6 (commencing with Section 42490) to Part 3 of Division 20 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2166, as introduced, Hancock. Recycling: compact discs and digital versatile discs.

Existing law requires the California Integrated Waste Management Board to administer state programs to recycle various specified materials. The existing Electronic Waste Recycling Act of 2003 requires a retailer selling a covered electronic device in this state to collect an electronic waste recycling fee from the consumer and requires a manufacturer to make information available to consumers that describes where and how to return, recycle, and dispose of the electronic device and opportunities and locations for the collection or return of the device, as specified.

This bill would prohibit the distribution or mass mailing of compact discs (CDs) or digital versatile discs (DVDs) for commercial purposes to households that are assessed a solid waste fee without the consent of a person in the household, unless the recipient is provided a postage paid return mailing envelope or similar return mechanism that would allow the recipient to return the disc to sender. A violation of this prohibition would be an unlawful business act.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 8.6 (commencing with Section 42490)
2 is added to Part 3 of Division 30 of the Public Resources Code, to
3 read:

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5 CHAPTER 8.6. COMPACT DISCS AND DIGITAL VERSATILE DISCS
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7 42490. For the purpose of this chapter, the following terms
8 have the following meanings:

9 (a) "Compact Disc" or "CD" means an optical disc used as a
10 digital storage medium.

11 (b) "Digital Versatile Disc" or "DVD" is an optical disc used
12 as a digital storage medium usually containing a video recording
13 or computer data.

14 (c) "Mass mailing" means over 200 substantially similar
15 pieces of mail, but does not include a form letter or other mail that
16 is sent in response to an unsolicited request, letter, or other inquiry.

17 42491. (a) Except as provided in subdivisions (b) and (c), a
18 person may not distribute or mass mail a CD or DVD for
19 commercial purposes to households that are assessed a solid waste
20 fee in this state without the prior consent of a person in the
21 household unless the CD or DVD is accompanied by a postage
22 paid return mailing envelope or similar cost-free mechanism for
23 the recipient to return the unsolicited CD or DVD to the distributor
24 for reuse or recycling.

25 (b) A postage paid return mailing envelope or similar return
26 mechanism is not required for households in communities where
27 curbside recycling programs accept CDs and DVDs for recycling.

28 (c) A postage paid return mailing envelope or similar return
29 mechanism is not required if the person is distributing or mailing
30 to less than 200 households.

31 42492. This chapter does not prohibit or restrict the
32 distribution of information on CD or DVD for noncommercial
33 purposes.

34 42493. A violation of Section 42491 is an unlawful business
35 act for purposes of Chapter 5 (commencing with Section 17200)
36 of Part 2 of Division 7 of the Business and Professions Code.

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