

AMENDED IN SENATE APRIL 25, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1118

Introduced by Senator Hancock

February 17, 2012

An act to add Chapter 21 (commencing with Section 42985) to Part 3 of Division 30 of the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 1118, as amended, Hancock. Solid waste: used—~~mattress~~. *mattresses.*

Existing law requires a retailer of various specified products, such as rechargeable batteries and cell phones, sold in the state to have in place a system for the acceptance and collection of those products for reuse, recycling, or proper disposal.

This bill would require manufacturers of mattresses, on and after July 1, 2013, to establish and implement a program to collect and recycle used mattresses from consumers, as specified. *The bill would also require a retailer, on and after July 1, 2013, in coordination with a manufacturer, to provide or arrange for the pickup of a used mattress from a consumer purchasing a new mattress.* The bill would authorize the manufacturer, in lieu of establishing the program, to remit, on a voluntarily basis, to the Department of Resources Recycling and Recovery a payment of \$25 for each mattress sold in the state. The bill would require the moneys remitted to be deposited in the Mattress Recovery and Recycling Account, which the bill would establish in the Integrated Waste Management Fund. The bill would require moneys in the account, upon appropriation by the Legislature, to be expended

by the department to implement a program to facilitate the recovery and recycling of used mattresses.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

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

SECTION 1. Chapter 21 (commencing with Section 42985) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 21. USED MATTRESSES

42985. For the purposes of this chapter, the following terms have the following meanings:

(a) (1) “Manufacturer” means a person who manufactures or renovates a mattress that is sold, offered for sale, or distributed in the state under that person’s own name or brand.

(2) Manufacturer includes either of the following:

(A) The owner of a trademark or brand under which a mattress is sold, offered for sale, or distributed in this state, whether or not the trademark or brand is registered in this state.

(B) A person who imports a mattress into the United States that is sold or offered for sale in the state and that is manufactured or renovated by a person who does not have a presence in the United States.

(b) “Mattress” means a large thick pad filled with resilient material, including a pad incorporating coiled springs, used as a bed or part of a bed, including, but not limited to, an inner spring mattress, a foam mattress, and a box spring and mattress used in conjunction with a futon frame.

(c) “Recycling” means a process by which discarded products, components, and byproducts are transformed into new, usable, or marketable materials in a manner in which the original products may lose their identity but does not include energy recovery or energy generation by means of combusting discarded products, components, and byproducts.

(d) “Retailer” means a person who sells mattresses in the state or offers to consumers mattresses in the state through any means,

1 including, but not limited to, by remote offering such as sales
2 outlets, catalogs, or offering through the Internet.

3 (e) “Used mattress” means a mattress that is no longer wanted
4 by its owner and is discarded or is intended to be discarded.

5 42985.1. (a) Except as provided in Section 42985.2, on and
6 after July 1, 2013, a manufacturer shall establish and implement
7 a program to do all of the following:

8 (1) Provide and arrange for the pickup of used mattresses bearing
9 the manufacturer’s brand name from a person and, except as
10 provided in subdivision (c), at no cost to that consumer.

11 (2) Provide and arrange for the pickup of used mattresses at the
12 request of a public agency at no cost to the public agency.

13 (3) Ensure that the used mattresses are recycled to the maximum
14 extent feasible.

15 (b) On and after July 1, 2013, a retailer, in coordination with a
16 manufacturer, shall provide or arrange for the pickup of a used
17 mattress from a consumer purchasing a new mattress, pursuant to
18 ~~paragraph (1) of subdivision (a).~~

19 (c) A manufacturer or retailer may recover its costs of
20 implementing the program established pursuant to subdivision (a)
21 by incorporating a charge into the purchase price of the mattress.

22 42985.2. (a) In lieu of establishing and implementing a
23 program pursuant to Section 42985.1, a manufacturer of a mattress
24 may voluntarily remit to the department a mattress recovery and
25 recycling payment of twenty-five dollars (\$25) for each mattress
26 sold by the manufacturer in the state.

27 (b) Moneys collected pursuant to subdivision (a) shall be
28 deposited into the Mattress Recovery and Recycling Account,
29 which is hereby established in the Integrated Waste Management
30 Fund. Upon appropriation by the Legislature, moneys in the
31 account shall be expended by the department to implement a
32 program to facilitate the recovery and recycling of used mattresses.