

ADD NEW SECTION AS FOLLOWS:

§66260.202 Restrictions on the Use of Heavy Metals in Covered Electronic Devices.

(a) On or after January 1, 2007, no person shall sell or offer for sale in California, a covered electronic device if the device is prohibited from being sold or offered for sale in the European Union on or after its date of manufacture due to the concentration of one or more heavy metals in the device exceeding its maximum concentration value, as specified in the Commission of European Communities' Decision of August 18, 2005, amending Directive 2002/95/EC (European Union document 2005/618/EC), or as specified in a subsequent amendment to the Directive.

(b) The prohibition in subsection (a) applies only to a covered electronic device that is manufactured on or after January 1, 2007.

(c) The prohibition in subsection (a) does not apply to a covered electronic device that is sold or offered for sale in California only for purposes of resale or offering for resale to persons outside of California.

(d) In determining the concentrations of metals for compliance with subsection (a), the Department shall not consider any cadmium, chromium, lead, or mercury, or any component containing any of those metals, which has been exempted by Directive 2002/95/EC, or by an amendment to the Directive.

(e) The prohibition established by subsection (a) of this section does not apply to a covered electronic device that would be prohibited from sale or being offered for sale in California based solely on metals used to meet consumer, health or safety requirements.

NOTE: Authority cited: Sections 25214.10, 25214.10.2, and 58012, Health and Safety Code; Section 42475.2, Public Resources Code. Reference: Section 25214.10, Health and Safety Code; Section 42465.2, Public Resources Code.