



## §66260.201 Classification of an Electronic Device as a Covered Electronic Device

(a) Subsequent to the dates set forth in Health and Safety Code section 25214.10.1, subdivision (d)(1) or (2) as appropriate, an electronic device that is listed in subdivision (c) of Appendix X to Chapter 11 shall be managed as a “covered electronic device” under chapter 8.5 of part 3 of division 30 of the Public Resources Code (section 42460 et seq.) unless the manufacturer of the device has obtained the Department’s concurrence that the device is nonhazardous pursuant to subsection (d). Upon issuance of the department’s concurrence, the electronic device shall cease to be a covered electronic device. Health and Safety Code section 25214.10.1, subdivision (e)(1) prescribes the date on which the device is no longer subject to management under chapter 8.5.

(b)(1) Each manufacturer of electronic devices sold in the State shall determine if it produces any device(s) of the types listed in subdivision (c) of Appendix X of Chapter 11, and if so, shall send ~~notices~~ an annual notice to retailers and the Board of Equalization pursuant to Health and Safety Code section 25214.10.1, subdivision (c)(1) and (c)(2). The notice shall include all covered electronic devices listed in Appendix X of Chapter 11 that are manufactured by the manufacturer and shall include the information specified in subsection (b)(3) below. ~~If a manufacturer subsequently distributes any covered electronic device that was not included in the notice, or if a manufacturer did not previously provide a notice, the manufacturer shall notify each retailer to which the manufacturer distributes the covered electronic device(s) at least ten days prior to distributing the covered electronic device(s).~~

(2) A manufacturer who distributes any covered electronic device for which a notice was not provided as required in subsection (b)(1), shall provide the notice to the retailer(s) no later than the date the retailer(s) first receives the covered electronic device. A manufacturer who provides a notice pursuant to subsection (b)(2) remains subject to penalties for any noncompliance with subsection (b)(1) above.

~~(2)(3)~~ The identification of the covered electronic devices in the notice shall include:

(A) The brand name (or brand names) of each of the covered electronic devices,  
(B) A general description of each of the covered electronic devices (e.g., CRT-television, laptop computer, LCD monitor, etc.),

~~(C) The model number for each of the covered electronic devices, and viewable screen size for each covered electronic device. As used in this section, viewable screen size means the diagonal measurement of the output surface, as viewed by the operator of the covered electronic device, excluding any plastic, wood, metal, or other bezel material that surrounds the video display surface.~~

~~(D) The size of the screen or CRT in each of the covered electronic devices. At least one of the following: the product group or family, model number or series, part number or series, or a similar descriptor for each covered electronic device that will enable the retailers to determine that the electronic device is a covered electronic device. For example, a notification could include a statement such as “All (brand name) XYZ series, 15-inch through 21-inch, LCD-desktop computer monitors and all bundled computer systems containing these monitors,” rather than delineating each XYZ monitor individually.~~

(c) A manufacturer who incorrectly determines that a product it produces is not a listed device or fails to make a notification pursuant to this subsection is in violation of the requirements of this division.

(d) A manufacturer may determine that it produces an electronic device that is listed in subdivision (c) of Appendix X of Chapter 11 that is nonhazardous and apply to the Department for concurrence with its non-hazardous determination through the procedure set forth in section 66260.200(d).

Note: Authority cited: Sections 25140, 25141, 25214.9, and 25214.10.2, Health and Safety Code; and Sections 42475, ~~42475.1~~ and 42475.2, Public Resources Code.  
Reference: Sections 25140, 25141, 25214.9 and 25214.10.1, Health and Safety Code; and Sections 42463(f)(1) and 42464, Public Resources Code.