

**Assembly Bill No. 1497**

CHAPTER 910

An act to add Section 12156 to the Public Contract Code, relating to solid waste.

[Approved by Governor October 9, 1999. Filed with Secretary of State October 10, 1999.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1497, Floyd. Solid waste: purchase of printer or duplicator cartridges.

The existing State Assistance for Recycling Markets Act of 1989 requires the Legislature and all state agencies to meet certain goals for the procurement or purchase of recycled products, as defined, by specified dates.

This bill would prohibit a state agency from purchasing any printer or duplication cartridge, as defined in the bill, for which the manufacturer, wholesaler, distributor, retailer, or remanufacturer places restrictions, as specified, on the recycling or remanufacturing of that cartridge by any other person, except as specified.

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

SECTION 1. Section 12156 is added to the Public Contract Code, to read:

12156. (a) Except as provided in subdivision (b), no state agency shall purchase any printer or duplication cartridge for which the manufacturer, wholesaler, distributor, retailer, or remanufacturer places restrictions on the recycling or remanufacturing of that cartridge by any other person. For purposes of this section, these restrictions include, but are not limited to, all of the following:

- (1) Reducing the price of the cartridge in exchange for any agreement not to remanufacture the cartridge.
- (2) A licensing agreement on the cartridge that forbids remanufacturing.
- (3) Any contract that forbids the remanufacturing or recycling of the cartridge.

(b) Notwithstanding subdivision (a), a manufacturer, wholesaler, distributor, retailer, or remanufacturer who establishes a recycling or remanufacturing program that is available to its customers may enter into signed agreements with those customers consenting to the return of the used cartridge to the manufacturer, wholesaler, distributor, retailer, or remanufacturer, only for either of the following purposes:



(1) Recycling and remanufacturing, for purposes of making the remanufactured cartridge available for purchase.

(2) Recycling.

(c) Each state agency shall print a statement on the cover of its printer or duplicator cartridge bid packages, or in some other noticeable place in the bid packet, notifying all bidders that it is unlawful to prohibit a printer or duplication cartridge that is sold to the state from being recycled or remanufactured, except as specified in subdivision (b).

(d) This section does not authorize any violation of the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code) or the Unfair Practices Act (Chapter 4 (commencing with Section 17000) of Part 2 of Division 7 of the Business and Professions Code).

(e) As used in this section, the following terms mean:

(1) “Printer or duplication cartridge” means a cartridge, including, but not limited to, a toner or ink cartridge, used in printer or duplication equipment for business or personal use.

(2) “Recycled” means a printer or duplication cartridge that would otherwise become solid waste, but which has undergone a process of collecting, sorting, cleansing, treating, or reconstituting, and which has been returned for the manufacture of new products or the remanufacture of used cartridges.

(3) “Remanufactured” means a printer or duplication cartridge that has served its intended end use, but, rather than being discarded or disposed of, has instead been restored, renovated, repaired, or recharged, without substantial alteration of its form.

