

§1771. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2009, c. 516, §1 (NEW).]

1. Brand. "Brand" means a name, symbol, word or mark that identifies a product, rather than its components, and attributes the product to the owner of the brand. [PL 2009, c. 516, §1 (NEW).]

1-A. Covered entity. "Covered entity" means a household in this State, a business or nonprofit organization in this State exempt from taxation under the United States Internal Revenue Code of 1986, Section 501(c)(3) that employs 100 or fewer individuals, an elementary school in this State or a secondary school in this State. [PL 2013, c. 315, §3 (NEW).]

2. Producer. "Producer" means a person that:

A. Has legal ownership of the brand of a product sold in or into the State; [PL 2009, c. 516, §1 (NEW).]

B. Imports a product branded by a person that meets the requirements of paragraph A and has no physical presence in the United States; or [PL 2009, c. 516, §1 (NEW).]

C. Sells a product in the State at wholesale or retail, does not have legal ownership of the brand of the product and elects to fulfill the responsibilities of the producer for that product. [PL 2009, c. 516, §1 (NEW).]

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3. Product. "Product" means an item intended for sale within the State that is identified pursuant to section 1772 as appropriate for a product stewardship program. [PL 2009, c. 516, §1 (NEW).]

4. Product category. "Product category" means a group of similar products designated pursuant to section 1772 for the purpose of establishing product stewardship programs. [PL 2009, c. 516, §1 (NEW).]

5. Product stewardship. "Product stewardship" means a producer's taking responsibility for managing and reducing the life-cycle impacts of the producer's product, from product design to end-of-life management. [PL 2009, c. 516, §1 (NEW).]

6. Product stewardship program. "Product stewardship program" means a program financed and either managed or provided by producers individually or collectively that includes, but is not limited to, the collection, transportation, reuse and recycling or disposal, or both, of unwanted products. "Product stewardship program" includes a program financed through an assessment paid by the producers to a stewardship organization. [PL 2011, c. 206, §33 (AMD).]

6-A. Proprietary information. "Proprietary information" means information that is a trade secret or production, commercial or financial information the disclosure of which would impair the competitive position of the submitter and would make available information not otherwise publicly available. [PL 2019, c. 227, §1 (NEW).]

7. Recycling. "Recycling" means the transforming or remanufacturing of an unwanted product or the unwanted product's components and by-products into usable or marketable materials. "Recycling" does not include landfill disposal, incineration or energy recovery or energy generation by means of combusting unwanted products, components and by-products with or without other waste.

[PL 2009, c. 516, §1 (NEW).]

8. Reuse. "Reuse" means a change in ownership of a product or component in a product for use in the same manner and purpose for which it was originally produced.

[PL 2009, c. 516, §1 (NEW).]

8-A. Stewardship organization. "Stewardship organization" means a corporation, nonprofit organization or other legal entity created by a producer or group of producers to implement a product stewardship program.

[PL 2011, c. 206, §34 (NEW).]

9. Unwanted product. "Unwanted product" means a product that is no longer wanted by its owner or that has been abandoned or discarded or is intended to be discarded by its owner.

[PL 2009, c. 516, §1 (NEW).]

SECTION HISTORY

PL 2009, c. 516, §1 (NEW). PL 2011, c. 206, §§33, 34 (AMD). PL 2013, c. 315, §3 (AMD). PL 2019, c. 227, §1 (AMD).

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