



Senate

General Assembly

File No. 201

February Session, 2026

Substitute Senate Bill No. 147

Senate, March 26, 2026

The Committee on Environment reported through SEN. LOPES of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING A STUDY ON THE NEED FOR EXTENDED PRODUCER RESPONSIBILITY FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS AND INCLUDING AEROSOL PAINTS UNDER THE PAINT STEWARDSHIP PROGRAM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (*Effective from passage*) The Commissioner of Energy and
2 Environmental Protection, in consultation with the Department of
3 Consumer Protection, shall study the feasibility of establishing an
4 extended producer responsibility program in the state for electronic
5 nicotine delivery systems and vapor products, as defined in section 19a-
6 342a of the general statutes, to provide for the end-of-life management
7 of the materials that compose such electronic nicotine delivery systems
8 and vapor products. Such study shall include, but need not be limited
9 to, an analysis of the safe management, recyclability and disposal of the
10 components of electronic nicotine delivery systems and vapor products.
11 In undertaking such study, the Commissioner of Energy and
12 Environmental Protection shall determine: (1) The procedures currently
13 used for the collection, recycling and disposal of electronic nicotine

14 delivery systems and vapor products, both in and outside of the state;
15 (2) the experiences in other states or jurisdictions with extended
16 producer responsibility programs for such delivery systems and
17 products; (3) the approximate costs to municipalities pursuant to such
18 current procedures in relation to the estimated costs to municipalities
19 for such collection, recycling and disposal pursuant to an extended
20 producer responsibility program for such delivery systems and
21 products; and (4) the requisite (A) collection facilities, (B) secondary
22 markets, (C) financial structures, and (D) stewardship organization
23 oversight for the establishment of an extended producer responsibility
24 program in this state for such delivery systems and products. Not later
25 than July 1, 2027, the commissioner shall submit a report, in accordance
26 with the provisions of section 11-4a of the general statutes, to the joint
27 standing committee of the General Assembly having cognizance of
28 matters relating to the environment on such study and any
29 recommendations for legislation to establish such extended producer
30 responsibility program.

31 Sec. 2. Section 22a-904 of the general statutes is repealed and the
32 following is substituted in lieu thereof (*Effective October 1, 2026*):

33 For purposes of this section and section 22a-904a, as amended by this
34 act:

35 (1) "Architectural paint" means interior and exterior architectural
36 coatings sold in containers of five gallons or less. "Architectural paint"
37 does not include industrial, original equipment or specialty coatings.

38 (2) "Distributor" means a company that has a contractual relationship
39 with one or more producers to market and sell [architectural] paint
40 products to retailers in this state.

41 (3) "Environmentally sound management practices" means
42 procedures for the collection, storage, transportation, reuse, recycling
43 and disposal of [architectural] paint products, to be implemented by the
44 representative organization or such representative organization's
45 contracted partners to ensure compliance with all applicable federal,

46 state and local laws, regulations and ordinances and the protection of
47 human health and the environment. "Environmentally sound
48 management practices" include, but are not limited to, record keeping,
49 the tracking and documenting of the fate of postconsumer paint in and
50 outside of this state, and environmental liability coverage for
51 professional services and for the operations of the contractors working
52 on behalf of the representative organization.

53 (4) "Energy recovery" means the process by which all or a portion of
54 solid waste materials are processed or combusted in order to utilize the
55 heat content or other forms of energy derived from such solid waste
56 materials.

57 (5) "Paint stewardship assessment" means the amount added to the
58 purchase price of [architectural] paint products sold in this state that is
59 necessary to cover the cost of collecting, transporting and processing
60 postconsumer paint products by the representative organization
61 pursuant to the paint stewardship program.

62 (6) "Postconsumer paint" means [architectural] paint products that
63 [is] are not used and that [is] are no longer wanted by a purchaser of a
64 [architectural] paint product.

65 (7) "Producer" means a manufacturer of [architectural] paint products
66 who sells, offers for sale, distributes or contracts to distribute
67 [architectural] paint products in this state.

68 (8) "Recycling" means any process by which discarded products,
69 components and by-products are transformed into new, usable or
70 marketable materials in a manner in which the original products may
71 lose their identity. "Recycling" does not include energy recovery.

72 (9) "Retailer" means any person who offers [architectural] paint
73 products for sale at retail in this state.

74 (10) "Reuse" means the return of a product into the economic stream
75 for use in the same kind of application as the product was originally
76 intended to be used, without a change in the product's identity.

77 (11) "Commissioner" means the Commissioner of Energy and
78 Environmental Protection.

79 (12) "Sell" or "sale" means any transfer of title for consideration
80 including, but not limited to, remote sales conducted through sales
81 outlets, catalogues, the Internet or any other similar electronic means.

82 (13) "Representative organization" means the nonprofit organization
83 created by producers to implement the paint stewardship program
84 described in section 22a-904a, as amended by this act.

85 (14) "Department" means the Department of Energy and
86 Environmental Protection.

87 (15) "Aerosol coating product" means any pressurized coating
88 product that contains pigments or resins dispensed by means of a
89 propellant and that is packaged and sold in a disposable aerosol
90 container for handheld application or for use in specialized equipment
91 for ground traffic or marking applications. "Aerosol coating product"
92 does not include any paint thinner, paint remover, graffiti remover or
93 caulking compound that contains no appreciable level of opaque fillers
94 or pigments.

95 (16) "Paint product" or "paint" means any architectural paint or
96 aerosol coating product. "Paint product" or "paint" does not include any
97 health and beauty product.

98 Sec. 3. Section 22a-904a of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective October 1, 2026*):

100 (a) (1) On or before March 1, 2013, each producer shall join the
101 representative organization and such representative organization shall
102 submit a plan for the establishment of a paint stewardship program
103 described in this subdivision to the commissioner for approval. Such
104 paint stewardship program shall: (A) Minimize public sector
105 involvement in the management of postconsumer paint by: (i) Reducing
106 the generation of postconsumer paint, (ii) promoting the reuse and
107 recycling of postconsumer paint, and (iii) negotiating and executing

108 agreements to collect, transport, reuse, recycle, burn for energy recovery
109 and dispose of postconsumer paint using environmentally sound
110 management practices; (B) provide for convenient and available state-
111 wide collection of postconsumer paint that, at a minimum, provides for
112 collection rates and convenience equal to, or greater than, the collection
113 programs available to consumers prior to such paint stewardship
114 program; (C) propose a paint stewardship assessment; and (D) include
115 a funding mechanism that requires each producer who participates in
116 the representative organization to remit to the representative
117 organization payment of the paint stewardship assessment for each
118 container of [architectural] paint products such producer sells in this
119 state.

120 (2) The plan submitted pursuant to subdivision (1) of this subsection
121 shall: (A) Identify each producer participating in the paint stewardship
122 program and the brands of [architectural] paint products sold in this
123 state covered by the program; and (B) address the coordination of the
124 paint stewardship program with existing household hazardous waste
125 collection infrastructure, as much as is reasonably feasible and mutually
126 agreeable.

127 (3) The commissioner may approve the plan for the establishment of
128 a paint stewardship program that meets the requirements of
129 subdivisions (1) and (2) of this subsection. Not later than two months
130 after submission of the plan pursuant to this subsection, the
131 commissioner shall make a determination whether or not to approve the
132 plan.

133 (4) Not later than two months after the date the plan is approved
134 pursuant to subdivision (3) of this subsection, the representative
135 organization shall implement the paint stewardship program.

136 (b) (1) On or before March 1, 2013, and every two years thereafter, the
137 representative organization shall propose a uniform paint stewardship
138 assessment for all [architectural] paint products sold in this state. Such
139 proposed paint stewardship assessment shall be reviewed by an
140 independent auditor to assure that such assessment does not exceed the

141 costs of the paint stewardship program described in subsection (a) of
142 this section and such independent auditor shall recommend an amount
143 for such paint stewardship assessment to the department. The
144 department shall be responsible for the approval of such paint
145 stewardship assessment. Such independent auditor shall be selected by
146 the department and the department shall be responsible for the review
147 of the work product of such independent auditor, including, but not
148 limited to, the review of such auditor's assessment of the bid and
149 purchase procedures utilized by the representative organization to
150 implement such program. The department may terminate the services
151 of any such independent auditor. Not less than once every five years,
152 the department shall select a different independent auditor to perform
153 the duties described in this subdivision and subdivision (4) of
154 subsection (h) of this section. The cost of any work performed by such
155 independent auditor pursuant to the provisions of this subdivision and
156 subdivision (4) of subsection (h) of this section shall be funded by the
157 paint stewardship assessment. Not later than six months after the
158 effective date of this section, the representative organization shall
159 propose such an assessment for aerosol coating products to the
160 department for approval in accordance with the provisions of this
161 subdivision.

162 (2) On and after the date of implementation of the paint stewardship
163 program pursuant to subdivision (4) of subsection (a) of this section, the
164 paint stewardship assessment, as established pursuant to subdivision
165 (1) of this subsection, shall be added to the cost of all [architectural] paint
166 products sold to retailers and distributors in this state by each producer.
167 On and after such implementation date, each retailer or distributor, as
168 applicable, shall add the amount of such paint stewardship assessment
169 to the purchase price of all [architectural] paint products sold in this
170 state.

171 (c) Any retailer may participate, on a voluntary basis, as a paint
172 collection point pursuant to such paint stewardship program and in
173 accordance with any applicable provision of law or regulation.

174 (d) Each producer and the representative organization shall be
175 immune from liability for any claim of a violation of antitrust law or
176 unfair trade practice if such conduct is a violation of antitrust law, to the
177 extent such producer or representative organization is exercising
178 authority pursuant to the provisions of this section.

179 (e) Not later than the implementation date of the paint stewardship
180 program, the department shall list the names of participating producers
181 and the brands of [architectural] paint products covered by such paint
182 stewardship program on its Internet web site.

183 (f) (1) On and after the implementation date of the paint stewardship
184 program, no producer, distributor or retailer shall sell or offer for sale
185 [architectural paint] any paint product to any person in this state if the
186 producer of such [architectural] paint product is not a member of the
187 representative organization.

188 (2) No retailer or distributor shall be found to be in violation of the
189 provisions of subdivision (1) of this subsection if, on the date the
190 [architectural] paint product was ordered from the producer or its
191 agent, the producer or the subject brand of [architectural] paint was
192 listed on the department's Internet web site in accordance with the
193 provisions of subsection (e) of this section.

194 (3) The commissioner may seek civil enforcement of the provisions of
195 this subsection pursuant to chapter 439.

196 (g) Producers or the representative organization shall provide
197 consumers with educational materials regarding the paint stewardship
198 assessment and paint stewardship program. Such materials shall
199 include, but not be limited to, information regarding available end-of-
200 life management options for [architectural] paint products offered
201 through the paint stewardship program and information that notifies
202 consumers that a charge for the operation of such paint stewardship
203 program is included in the purchase price of all [architectural] paint
204 products sold in this state.

205 (h) On or before October 30, 2017, and annually thereafter, the
 206 representative organization shall submit a report to the Commissioner
 207 of Energy and Environmental Protection that details the paint
 208 stewardship program. Such report shall include, but not be limited to:
 209 (1) A description of the methods used to collect, transport and process
 210 postconsumer paint in this state; (2) the volume of postconsumer paint
 211 collected in this state; (3) the volume and type of postconsumer paint
 212 collected in this state by method of disposition, including reuse,
 213 recycling and other methods of processing; (4) the total cost of
 214 implementing the program, as determined by an independent financial
 215 audit, as performed by the independent auditor described in
 216 subdivision (1) of subsection (b) of this section and funded by the paint
 217 stewardship assessment; (5) an evaluation of the operation of the
 218 program's funding mechanism; and (6) samples of educational materials
 219 provided to consumers of [architectural] paint products and an
 220 evaluation of the methods used to disseminate such materials.

221 (i) Not later than January 15, 2015, and biennially thereafter, the
 222 Commissioner of Energy and Environmental Protection shall submit, in
 223 accordance with section 11-4a, a report to the joint standing committee
 224 of the General Assembly having cognizance of matters relating to the
 225 environment that describes the results of the paint stewardship program
 226 and recommends modifications to improve the functioning and
 227 efficiency of such program, as necessary.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2026</i>	22a-904
Sec. 3	<i>October 1, 2026</i>	22a-904a

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which requires the Department of Energy and Environmental Protection (DEEP) in consultation with the Department of Consumer Protection (DCP), to conduct a feasibility study on end-of-life management of materials for e-cigarettes and vapes, does not result in a fiscal impact as the departments have the staff and expertise necessary to complete the study. Additionally, the bill makes procedural and clarifying changes to the architectural paint extended producer responsibility program, which has no fiscal impact to the state or municipalities.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 147*****AN ACT CONCERNING A STUDY ON THE NEED FOR EXTENDED PRODUCER RESPONSIBILITY FOR ELECTRONIC NICOTINE DELIVERY SYSTEMS AND VAPOR PRODUCTS AND INCLUDING AEROSOL PAINTS UNDER THE PAINT STEWARDSHIP PROGRAM.*****SUMMARY**

This bill requires the Department of Energy and Environmental Protection (DEEP) commissioner, in consultation with the Department of Consumer Protection, to conduct a feasibility study on establishing an extended producer responsibility (EPR) program for the end-of-life management of materials in electronic nicotine delivery systems and vapor products (for example, e-cigarettes or vapes). The commissioner must submit a report on the study and DEEP's legislative recommendations to the Environment Committee by July 1, 2027.

The bill also expands the existing architectural paint EPR program and plan to include aerosol coating products and requires producers of those products to either join the stewardship organization or be banned from selling those products in Connecticut. Among other things, the expansion of the paint EPR:

1. requires the paint stewardship organization to propose an assessment to be collected on aerosol coating products to DEEP;
2. bans producers, distributors, and retailers from selling or offering for sale any paint product (which includes architectural and aerosol coating products) to consumers in Connecticut if the product's producer is not a member of the paint stewardship organization; and
3. requires producers or the stewardship organization to provide educational materials on paint products, rather than only

architectural paint.

EFFECTIVE DATE: October 1, 2026, except that the provisions on studying electronic delivery systems and vapor products take effect upon passage.

NICOTINE AND VAPOR EPR FEASIBILITY STUDY

In conducting the feasibility study, DEEP must determine the:

1. procedures currently used inside and outside of Connecticut for collecting, recycling, and disposing electronic nicotine delivery systems and vapor products;
2. experiences of other states or jurisdictions with similar EPR programs;
3. approximate municipal cost under current procedures compared to an EPR program; and
4. required collection facilities, secondary markets, financial structures, and stewardship organization oversight needed to establish an EPR program.

Under the bill, “electronic nicotine delivery systems” generally include electronic cigarettes, electronic cigars, electronic cigarillos, electronic pipes, electronic hookahs, and any related device or cartridge or the components of the device, including electronic cigarette liquid or synthetic nicotine. “Vapor products” are generally any product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce a vapor that may include nicotine or cannabis and the user inhales.

PAINT EPR EXPANSION

The bill broadly expands an existing architectural paint stewardship EPR program to cover “paint products,” which are architectural paints and aerosol coating products, but not health or beauty products.

Under the bill, “aerosol coating products” are any pressurized coating products that (1) contain pigments or resins dispensed by propellant and (2) are packaged and sold in disposable aerosol containers for handheld application or for use in specialized equipment for ground traffic or marking applications. They do not include any paint thinner, paint remover, graffiti remover, or caulking compound that contains no appreciable level of opaque fillers or pigments.

Under the bill and existing law, “architectural paint” is any interior and exterior architectural coatings sold in containers of five gallons or less, not including industrial, original equipment, or specialty coatings.

Paint EPR Plan

Under current law, architectural paint producers are responsible for managing the paint EPR program by establishing and participating in a paint stewardship representative organization. By law, the organization had to develop and submit a plan to DEEP on minimizing public sector involvement in managing unused and unwanted architectural paint. The bill expands this requirement to require all paint product producers to join this organization and generally expands the plan to cover unused and unwanted paint products (postconsumer paint) (it is unclear if the plan must be resubmitted or modified).

Under the bill, a “producer” is any paint product manufacturer that sells, offers for sale, distributes, or contracts to distribute, paint products (instead of just architectural paint producers as under current law).

Paint Assessment Proposals

Current law requires the stewardship organization to propose a uniform paint stewardship assessment for all architectural paint sold in Connecticut. The assessment is an amount added to the purchase price necessary to cover the stewardship organization’s cost of collecting, transporting, and processing postconsumer paint. The bill adds this assessment to aerosol coating products and requires the organization to submit to DEEP an assessment for these products for review and approval by April 1, 2027.

By law and under the bill, an independent auditor, paid for by the organization, must (1) review the proposed assessment to determine that it does not exceed the program's cost and (2) recommend an assessment amount to DEEP, which is responsible for approving the assessment. The assessment must be added to the cost of applicable products sold by producers to Connecticut retailers and distributors, which must pass the cost onto purchasers.

By law, DEEP must select the auditor and review its work product, including the auditor's evaluation of the bid and purchase procedures used by the stewardship organization to implement the program. DEEP must select a different auditor at least once every five years.

Under the bill, producers, distributors, and retailers cannot sell a paint product, or offer it for sale, in Connecticut if the product's producer is not a member of the stewardship organization. The bill also specifies that a retailer or distributor does not violate the prohibition if the producer or brand of paint was listed on DEEP's website in accordance with the law on the date the paint was ordered from the producer or its agent. Under current law, these provisions only apply to architectural paint.

By law and under the bill, DEEP may seek civil enforcement of the paint EPR program.

Educational Materials

Under current law, producers or the stewardship organization must give consumers educational materials on the paint stewardship assessment and EPR program. The bill further specifies that these educational materials must at least cover available end-of-life management options for all paint products, rather than just architectural paint. As under existing law, the organization must also give samples of these materials to DEEP.

Antitrust and Unfair Trade Practices Immunity

By law and under the bill, each producer and the stewardship organization are immune from antitrust or related unfair trade practice

claims to the extent that they are exercising authority under the paint EPR program.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 34 Nay 0 (03/13/2026)