



General Assembly

**Substitute Bill No. 147**

February Session, 2026



**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.