
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)