



General Assembly

Amendment

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LCO No. 4101



Offered by:
SEN. LOPES, 6th Dist.

To: Subst. Senate Bill No. 147

File No. 201

Cal. No. 122

"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."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 22a-904 of the general statutes is repealed and the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

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

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

10 (2) "Distributor" means a company that has a contractual relationship
11 with one or more producers to market and sell [architectural] paint

12 products to retailers in this state.

13 (3) "Environmentally sound management practices" means
14 procedures for the collection, storage, transportation, reuse, recycling
15 and disposal of [architectural] paint [, to be implemented by the
16 representative organization or such representative organization's
17 contracted partners to ensure compliance] products, in accordance with
18 all applicable federal, state and local laws, regulations and ordinances
19 and the protection of human health and the environment.
20 "Environmentally sound management practices" include, but are not
21 limited to, record keeping, the tracking and documenting of the fate of
22 postconsumer paint products in and outside of this state, and
23 environmental liability coverage for professional services and for the
24 operations of the contractors working on behalf of [the representative
25 organization] a paint stewardship program.

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

30 (5) "Paint stewardship assessment" means the amount added to the
31 purchase price of [architectural] paint products sold in this state that is
32 necessary to cover the cost of collecting, transporting and processing
33 postconsumer paint products by [the] a representative organization
34 pursuant to [the] a paint stewardship program.

35 (6) "Postconsumer paint" means [architectural] any paint product that
36 is not used and that is no longer wanted by a purchaser of [architectural]
37 a paint product.

38 (7) "Producer" means a manufacturer of [architectural] any paint
39 product who sells, offers for sale, distributes or contracts to distribute
40 [architectural] a paint product in this state.

41 (8) "Recycling" means any process by which discarded products,
42 components and by-products are transformed into new, usable or

43 marketable materials in a manner in which the original products may
44 lose their identity. "Recycling" does not include energy recovery.

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

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

50 (11) "Commissioner" means the Commissioner of Energy and
51 Environmental Protection.

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

55 (13) "Representative organization" means [the] a nonprofit
56 organization created by producers to implement the paint stewardship
57 program described in section 22a-904a, as amended by this act.

58 (14) "Department" means the Department of Energy and
59 Environmental Protection.

60 (15) "Aerosol coating product" means any pressurized coating
61 product that contains pigments or resins dispensed by means of a
62 propellant and that is packaged and sold in a disposable aerosol
63 container for handheld application or for use in specialized equipment
64 for ground traffic or marking applications. "Aerosol coating product"
65 does not include any paint thinner, paint remover, graffiti remover or
66 caulking compound that contains no appreciable level of opaque fillers
67 or pigments.

68 (16) "Paint product" or "paint" means any architectural paint or
69 aerosol coating product. "Paint product" or "paint" does not include any
70 health and beauty product.

71 Sec. 2. Section 22a-904a of the general statutes is repealed and the

72 following is substituted in lieu thereof (*Effective October 1, 2026*):

73 (a) (1) On or before March 1, 2013, each producer of architectural
74 paint shall join the representative organization and such representative
75 organization shall submit a plan for the establishment of a paint
76 stewardship program described in this subdivision to the commissioner
77 for approval. On or before July 1, 2028, each producer of aerosol coating
78 products shall join the representative organization and such
79 representative organization shall submit to the commissioner, for
80 approval, a plan, or an update to a previously approved plan, for a paint
81 stewardship program to include all paint products. Such paint
82 stewardship program shall: (A) Minimize public sector involvement in
83 the management of postconsumer paint by: (i) Reducing the generation
84 of postconsumer paint, (ii) promoting the reuse and recycling of
85 postconsumer paint, and (iii) negotiating and executing agreements to
86 collect, transport, reuse, recycle, burn for energy recovery and dispose
87 of postconsumer paint using environmentally sound management
88 practices; (B) provide for convenient and available state-wide collection
89 of postconsumer paint that, at a minimum, provides for collection rates
90 and convenience equal to, or greater than, the collection programs
91 available to consumers prior to such paint stewardship program; (C)
92 propose a paint stewardship assessment; and (D) include a funding
93 mechanism that requires each producer who participates in [the] a
94 representative organization to remit to the representative organization
95 payment of the paint stewardship assessment for each container of
96 [architectural] paint product such producer sells in this state. The
97 representative organization may propose an update to a previously
98 approved paint stewardship program plan by submitting a plan update
99 to the commissioner.

100 (2) [The] Any plan submitted pursuant to subdivision (1) of this
101 subsection shall: (A) Identify each producer participating in the paint
102 stewardship program and the brands of [architectural] paint products
103 sold in this state covered by the program; and (B) address the
104 coordination of the paint stewardship program with existing household

105 hazardous waste collection infrastructure, as much as is reasonably
106 feasible and mutually agreeable.

107 (3) The commissioner may approve [the] any plan for the
108 establishment of a paint stewardship program or an update to a
109 previously approved paint stewardship plan that meets the
110 requirements of subdivisions (1) and (2) of this subsection. Not later
111 than [two] three months after submission of [the] a plan or an update to
112 a previously approved plan pursuant to this subsection, the
113 commissioner shall make a determination whether or not to approve
114 [the] such plan or update.

115 (4) Not later than [two] six months after the date [the] a plan or
116 update is approved pursuant to subdivision (3) of this subsection, the
117 representative organization shall implement the paint stewardship
118 program. Any such approved plan shall remain in effect until any
119 approved plan updates are implemented pursuant to this subdivision.

120 (b) (1) [On or before March 1, 2013, and every two years thereafter,
121 the representative organization shall propose a uniform paint
122 stewardship assessment for all architectural paint sold in this state.
123 Such] The proposed paint stewardship assessment submitted as part of
124 a plan or plan update shall be reviewed by an independent auditor to
125 assure that such assessment does not exceed the costs of the paint
126 stewardship program described in subsection (a) of this section and
127 such independent auditor shall recommend an amount for such paint
128 stewardship assessment [to the department] that shall be included in the
129 paint stewardship program plan or plan update submitted by the
130 representative organization to the commissioner for approval. The
131 department shall be responsible for the approval of such paint
132 stewardship assessment. Such independent auditor shall be selected by
133 the department and the department shall be responsible for the review
134 of the work product of such independent auditor, including, but not
135 limited to, the review of such auditor's assessment of the bid and
136 purchase procedures utilized by the representative organization to
137 implement such program. The department may terminate the services

138 of any such independent auditor. Not less than once every five years,
139 the department shall select a different independent auditor to perform
140 the duties described in this subdivision and subdivision (4) of
141 subsection (h) of this section. The cost of any work performed by such
142 independent auditor pursuant to the provisions of this subdivision and
143 subdivision (4) of subsection (h) of this section shall be funded by the
144 paint stewardship assessment.

145 (2) On and after the date of implementation of the paint stewardship
146 program pursuant to subdivision (4) of subsection (a) of this section, the
147 paint stewardship assessment, as established pursuant to subdivision
148 (1) of this subsection, shall be added to the cost of all [architectural] paint
149 products sold to retailers and distributors in this state by each producer.
150 On and after such implementation date, each retailer or distributor, as
151 applicable, shall [add] charge the amount of such paint stewardship
152 assessment [to the purchase price of] on all [architectural] paint
153 products sold in this state.

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

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

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

166 (f) (1) [On and after the implementation date of the paint stewardship
167 program, no] No producer, distributor or retailer shall sell or offer for
168 sale architectural paint to any person in this state if the producer of such

169 architectural paint is not a [member of the representative organization]
170 participant in the approved paint stewardship program. On and after
171 the implementation date of a paint stewardship plan that includes
172 aerosol coatings, no producer, distributor or retailer shall sell or offer for
173 sale paint products in this state if the producer of such paint products is
174 not a participant in the approved paint stewardship program.

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

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

183 (g) Producers or the representative organization shall provide
184 consumers with educational materials regarding the paint stewardship
185 assessment and paint stewardship program. Such materials shall
186 include, but not be limited to, information regarding available end-of-
187 life management options for [architectural] paint products offered
188 through the paint stewardship program and information that notifies
189 consumers that a charge for the operation of such paint stewardship
190 program is included in the purchase price of all [architectural] paint
191 products sold in this state.

192 (h) On or before October 30, [2017] 2026, and annually thereafter, the
193 representative organization shall submit a report to the Commissioner
194 of Energy and Environmental Protection that details the paint
195 stewardship program. Such report shall include, but not be limited to:
196 (1) A description of the methods used to collect, transport and process
197 postconsumer paint in this state; (2) the volume of postconsumer paint
198 collected in this state; (3) the volume and type of postconsumer paint
199 collected in this state by method of disposition, including reuse,
200 recycling and other methods of processing; (4) the total cost of

201 implementing the program, as determined by an independent financial
 202 audit, as performed by the independent auditor described in
 203 subdivision (1) of subsection (b) of this section and funded by the paint
 204 stewardship assessment; (5) an evaluation of the operation of the
 205 program's funding mechanism; and (6) samples of educational materials
 206 provided to consumers of [architectural] paint products and an
 207 evaluation of the methods used to disseminate such materials.

208 (i) Not later than January 15, [2015] 2027, and biennially thereafter,
 209 the Commissioner of Energy and Environmental Protection shall
 210 submit, in accordance with section 11-4a, a report to the joint standing
 211 committee of the General Assembly having cognizance of matters
 212 relating to the environment that describes the results of the paint
 213 stewardship program and recommends modifications to improve the
 214 functioning and efficiency of such program, as necessary.

215 (j) Not earlier than July 1, 2027, and annually thereafter, the
 216 commissioner may assess the representative organization that
 217 implement's an approved paint stewardship plan, pursuant to this
 218 section, a fee of not more than fifty thousand dollars for the
 219 administration and enforcement of this section. Such fee shall be
 220 inclusive of all fees charged annually by the commissioner to such
 221 representative organization."

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2026	22a-904
Sec. 2	October 1, 2026	22a-904a