



General Assembly

**Amendment**

February Session, 2026

LCO No. 3720



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

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

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 Section 22a-904 of the general statutes is repealed and the  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

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

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

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

43 (3) "Environmentally sound management practices" means  
44 procedures for the collection, storage, transportation, reuse, recycling

45 and disposal of [architectural] paint [, to be implemented by the  
46 representative organization or such representative organization's  
47 contracted partners to ensure compliance] products, in accordance with  
48 all applicable federal, state and local laws, regulations and ordinances,  
49 [and the protection of human health and the environment.]  
50 "Environmentally sound management practices" include, but are not  
51 limited to, record keeping, the tracking and documenting of the fate of  
52 postconsumer paint products in and outside of this state, and  
53 environmental liability coverage for professional services and for the  
54 operations of the contractors working on behalf of [the representative  
55 organization] a paint stewardship program.

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

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

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

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

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

75 (9) "Retailer" means any person who offers [architectural] paint

76 products for sale at retail in this state.

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

80 (11) "Commissioner" means the Commissioner of Energy and  
81 Environmental Protection.

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

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

88 (14) "Department" means the Department of Energy and  
89 Environmental Protection.

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

98 (16) "Paint product" or "paint" means any architectural paint or  
99 aerosol coating product. "Paint product" or "paint" does not include any  
100 health and beauty product.

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

103 (a) (1) [On or before March 1, 2013, each producer shall join the  
104 representative organization and such representative organization shall

105 submit a plan for the establishment of a paint stewardship program  
106 described in this subdivision to the commissioner for approval.] Each  
107 producer of paint products sold or offered for sale in this state shall  
108 participate in an approved paint stewardship plan through membership  
109 in a representative organization. On or before October 1, 2026, each  
110 producer of architectural paint shall join a representative organization  
111 and such representative organization shall submit to the Commissioner  
112 of Energy and Environmental Protection, for approval, a plan for the  
113 establishment of a paint stewardship program for architectural paint.  
114 On or before July 1, 2028, each producer shall join a representative  
115 organization and such representative organization shall submit to the  
116 commissioner, for approval, a plan, or an update to a previously  
117 approved plan, for a paint stewardship program to include all paint  
118 products. Such paint stewardship program shall: (A) Minimize public  
119 sector involvement in the management of postconsumer paint by: (i)  
120 Reducing the generation of postconsumer paint, (ii) promoting the reuse  
121 and recycling of postconsumer paint, and (iii) negotiating and executing  
122 agreements to collect, transport, reuse, recycle, burn for energy recovery  
123 and dispose of postconsumer paint using environmentally sound  
124 management practices; (B) provide for convenient and available state-  
125 wide collection of postconsumer paint that, at a minimum, provides for  
126 collection rates and convenience equal to, or greater than, the collection  
127 programs available to consumers prior to such paint stewardship  
128 program; (C) propose a paint stewardship assessment; and (D) include  
129 a funding mechanism that requires each producer who participates in  
130 [the] a representative organization to remit to the representative  
131 organization payment of the paint stewardship assessment for each  
132 container of [architectural] paint product such producer sells in this  
133 state. A representative organization may propose an update to a  
134 previously approved paint stewardship program plan by submitting a  
135 plan update to the commissioner.

136 (2) [The] Any plan submitted pursuant to subdivision (1) of this  
137 subsection shall: (A) Identify each producer participating in the paint  
138 stewardship program and the brands of [architectural] paint products

139 sold in this state covered by the program; and (B) address the  
140 coordination of the paint stewardship program with existing household  
141 hazardous waste collection infrastructure, as much as is reasonably  
142 feasible and mutually agreeable.

143 (3) The commissioner may approve [the] any plan for the  
144 establishment of a paint stewardship program or an update to a  
145 previously approved paint stewardship plan that meets the  
146 requirements of subdivisions (1) and (2) of this subsection. Not later  
147 than [two] three months after submission of [the] a plan or an update to  
148 a previously approved plan pursuant to this subsection, the  
149 commissioner shall make a determination whether or not to approve  
150 [the] such plan or update.

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

156 (b) (1) [On or before March 1, 2013, and every two years thereafter,  
157 the representative organization shall propose a uniform paint  
158 stewardship assessment for all architectural paint sold in this state.  
159 Such] The proposed paint stewardship assessment submitted as part of  
160 a plan or plan update shall be reviewed by an independent auditor to  
161 assure that such assessment does not exceed the costs of the paint  
162 stewardship program described in subsection (a) of this section and  
163 such independent auditor shall recommend an amount for such paint  
164 stewardship assessment [to the department] that shall be included in the  
165 paint stewardship program plan or plan update submitted by a  
166 representative organization to the commissioner for approval. The  
167 department shall be responsible for the approval of such paint  
168 stewardship assessment. [Such independent auditor shall be selected by  
169 the department and the department shall be responsible for the review  
170 of the work product of such independent auditor, including, but not  
171 limited to, the review of such auditor's assessment of the bid and

172 purchase procedures utilized by the representative organization to  
173 implement such program. The department may terminate the services  
174 of any such independent auditor. Not less than once every five years,  
175 the department shall select a different independent auditor to perform  
176 the duties described in this subdivision and subdivision (4) of  
177 subsection (h) of this section.] The cost of any work performed by such  
178 independent auditor pursuant to the provisions of this subdivision and  
179 subdivision (4) of subsection (h) of this section shall be funded by the  
180 paint stewardship assessment.

181 (2) On and after the date of implementation of the paint stewardship  
182 program pursuant to subdivision (4) of subsection (a) of this section, the  
183 paint stewardship assessment, as established pursuant to subdivision  
184 (1) of this subsection, shall be added to the cost of all [architectural] paint  
185 products sold to retailers and distributors in this state by each producer.  
186 On and after such implementation date, each retailer or distributor, as  
187 applicable, shall add the amount of such paint stewardship assessment  
188 to the purchase price of all [architectural] paint products sold in this  
189 state.

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

193 (d) Each producer and [the] representative organization shall be  
194 immune from liability for any claim of a violation of antitrust law or  
195 unfair trade practice if such conduct is a violation of antitrust law, to the  
196 extent such producer or representative organization is exercising  
197 authority pursuant to the provisions of this section.

198 (e) Not later than the implementation date of [the] a paint  
199 stewardship program, the department shall list the names of  
200 participating producers and the brands of [architectural] paint products  
201 covered by such paint stewardship program on its Internet web site.

202 (f) (1) [On and after the implementation date of the paint stewardship

203 program, no] No producer, distributor or retailer shall sell or offer for  
204 sale architectural paint to any person in this state if the producer of such  
205 architectural paint is not a [member of the representative organization]  
206 participant in an approved paint stewardship program. On and after the  
207 implementation date of a paint stewardship plan that includes aerosol  
208 coatings, no producer, distributor or retailer shall sell or offer for sale  
209 paint products in this state if the producer of such paint products is not  
210 a participant in an approved paint stewardship program.

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

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

219 (g) Producers or [the] representative [organization] organizations  
220 shall provide consumers with educational materials regarding the paint  
221 stewardship assessment and paint stewardship program. Such  
222 materials shall include, but not be limited to, information regarding  
223 available end-of-life management options for [architectural] paint  
224 products offered through the paint stewardship program and  
225 information that notifies consumers that a charge for the operation of  
226 such paint stewardship program is included in the purchase price of all  
227 [architectural] paint products sold in this state.

228 (h) On or before October 30, [2017] 2026, and annually thereafter, [the]  
229 each representative organization shall submit a report to the  
230 Commissioner of Energy and Environmental Protection that details the  
231 paint stewardship program. Such report shall include, but not be limited  
232 to: (1) A description of the methods used to collect, transport and  
233 process postconsumer paint in this state; (2) the volume of  
234 postconsumer paint collected in this state; (3) the volume and type of

235 postconsumer paint collected in this state by method of disposition,  
 236 including reuse, recycling and other methods of processing; (4) the total  
 237 cost of implementing the program, as determined by an independent  
 238 financial audit; [, as performed by the independent auditor described in  
 239 subdivision (1) of subsection (b) of this section and funded by the paint  
 240 stewardship assessment;] (5) an evaluation of the operation of the  
 241 program's funding mechanism; and (6) samples of educational materials  
 242 provided to consumers of [architectural] paint products and an  
 243 evaluation of the methods used to disseminate such materials.

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

251 (j) Not earlier than July 1, 2027, and annually thereafter, the  
 252 commissioner may assess any representative organization that  
 253 implement's an approved paint stewardship plan, pursuant to this  
 254 section, a fee of not more than fifty thousand dollars for the  
 255 administration and enforcement of this section. Such fee shall be  
 256 inclusive of all fees charged annually by the commissioner to such  
 257 representative organization."

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