

**Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 24-0291.01 Christopher McMichael x4775

HOUSE BILL 24-1069

HOUSE SPONSORSHIP

Valdez,

SENATE SPONSORSHIP

(None),

House Committees

Energy & Environment
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE ELECTRONIC SMOKING DEVICE**
102 **RECYCLING STRATEGIES ADVISORY GROUP TO MAKE STRATEGY**
103 **RECOMMENDATIONS FOR THE RECYCLING OF SINGLE-USE**
104 **ELECTRONIC SMOKING DEVICES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill establishes the electronic smoking device recycling strategies advisory group (advisory group). The advisory group is tasked with conducting an analysis of methods and strategies for the recycling

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

of single-use electronic smoking devices (devices). The advisory group shall develop a report that:

- Evaluates the extent of pollution caused by the disposal of devices;
- Reviews existing practices and capacity for the recycling of devices;
- Considers methods and strategies for recycling devices that are protective of the public health and environment;
- Considers whether Colorado should establish a deposit and recycle program that charges consumers a fee for recycling devices;
- Recommends any state or local government policies related to the recycling of devices; and
- Identifies any existing state or federal grant programs or other programs that may be available to assist in the development of strategies for the recycling of devices.

The advisory group must submit the report to the general assembly, the department of public health and environment, and the governor's office on or before October 31, 2025.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) The use of vaping products, referred to in this section as
5 "vapes", and other electronic smoking devices has increased by nearly
6 200% in recent years, with an estimated 11 million vapes being sold every
7 month;

8 (b) Many individuals are opting to use single-use electronic
9 smoking devices for smoking both nicotine and cannabis;

10 (c) These single-use electronic smoking devices contain toxic and
11 hazardous substances, such as nicotine liquid, lithium batteries, lead,
12 mercury, heavy metals, volatile organic compounds, and other
13 contaminants; furthermore, the electronic smoking devices are made of
14 plastic and metal and are nonbiodegradable;

1 (d) There is an estimated 23.6 tons of lithium contained in the
2 number of vapes sold annually in the United States, which is enough
3 lithium to create about 2,600 electric vehicle batteries;

4 (e) Single-use electronic smoking devices are thrown away after
5 being used, which means the hazardous substances, plastics, and metals
6 in the vapes and cartridges make it into Colorado's landfills or end up as
7 litter in streets, parks, schools, groundwater, and waterways;

8 (f) It is estimated that consumers in the United States throw away
9 more than 4 disposable vapes every second;

10 (g) Depending on the amount of nicotine in an electronic smoking
11 device, some vapes may be considered hazardous waste according to the
12 United States Environmental Protection Agency;

13 (h) For the single-use electronic smoking devices that do make it
14 into landfills, the landfill facility operators do not have clear guidance or
15 equipment for recycling the vapes; some landfills opt to bury the devices
16 and others put the devices into an incinerator, which can pose a fire
17 hazard for waste haulers and workers at landfill facilities or other
18 collection and processing facilities;

19 (i) There is currently no method for recycling single-use
20 electronic smoking devices; and

21 (j) Retailers who sell single-use electronic smoking devices,
22 consumers, landfill facility operators, local governments, schools, and
23 electronic smoking device manufacturers need guidelines and options for
24 safely recycling, collecting, and transporting vapes and other electronic
25 smoking devices so that the devices do not pollute Colorado's streets,
26 parks, schools, groundwater, and waterways.

27 (2) The general assembly further finds and declares that it is in

1 Colorado's best interest to convene an advisory group to recommend
2 strategies for the recycling of single-use electronic smoking devices.

3 **SECTION 2.** In Colorado Revised Statutes, **add 25-16.5-114** as
4 follows:

5 **25-16.5-114. Electronic smoking device recycling strategies**
6 **advisory group - created - members - strategies - report - definitions**
7 **- repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

8 REQUIRES:

9 (a) "ADVISORY GROUP" MEANS THE ELECTRONIC SMOKING DEVICE
10 RECYCLING STRATEGIES ADVISORY GROUP CREATED IN SUBSECTION (2) OF
11 THIS SECTION.

12 (b) "ELECTRONIC SMOKING DEVICE" HAS THE MEANING SET FORTH
13 IN SECTION 25-14-203 (4.5).

14 (c) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
15 THE DEPARTMENT.

16 (d) "RECYCLE" OR "RECYCLING" HAS THE MEANING SET FORTH IN
17 SECTION 25-17-302 (7).

18 (e) "SINGLE-USE ELECTRONIC SMOKING DEVICE" MEANS AN
19 ELECTRONIC SMOKING DEVICE THAT IS NOT DESIGNED TO BE REFILLED AND
20 HAS AN EMBEDDED BATTERY.

21 (2) THE ELECTRONIC SMOKING DEVICE RECYCLING STRATEGIES
22 ADVISORY GROUP IS CREATED IN THE DEPARTMENT.

23 (3) THE ADVISORY GROUP CONSISTS OF THE FOLLOWING **FOURTEEN**
24 MEMBERS, APPOINTED BY THE EXECUTIVE DIRECTOR:

25 (a) ONE MEMBER WHO REPRESENTS THE NICOTINE-BASED
26 SINGLE-USE ELECTRONIC SMOKING DEVICE INDUSTRY;

27 (b) ONE MEMBER WHO REPRESENTS THE CANNABIS-BASED

- 1 SINGLE-USE ELECTRONIC SMOKING DEVICE INDUSTRY;
- 2 (c) ONE MEMBER WHO REPRESENTS SINGLE-USE ELECTRONIC
3 SMOKING DEVICE RETAILERS;
- 4 (d) ONE MEMBER WHO REPRESENTS A RETAIL ESTABLISHMENT
5 THAT IS AN INDEPENDENTLY OWNED CONVENIENCE STORE;
- 6 (e) ONE MEMBER WHO REPRESENTS THE DEPARTMENT AND WHO
7 SPECIALIZES IN ELECTRONIC WASTE RECYCLING;
- 8 (f) ONE MEMBER WHO REPRESENTS WASTE HAULERS, AS DEFINED
9 IN SECTION 30-20-1001 (16);
- 10 (g) ONE MEMBER WHO REPRESENTS A WASTE RECYCLING FACILITY
11 THAT RECYCLES ELECTRONIC WASTE;
- 12 (h) ONE MEMBER WHO REPRESENTS A COLORADO ORGANIZATION
13 FOCUSED ON ENVIRONMENTAL CLEANUP AND THE MITIGATION OF
14 ENVIRONMENTAL POLLUTION;
- 15 (i) ONE MEMBER WHO REPRESENTS THE DEPARTMENT AND WHO
16 HAS EXPERIENCE IN THE UTILIZATION OF AND THE HEALTH IMPACTS OF
17 ELECTRONIC SMOKING DEVICES;
- 18 (j) ONE MEMBER WHO REPRESENTS AN ENVIRONMENTAL OR
19 COMMUNITY-BASED NONPROFIT ORGANIZATION THAT FOCUSES ON THE
20 RECYCLING AND DISPOSAL OF WASTE;
- 21 (k) ONE MEMBER WHO REPRESENTS A SCHOOL OR SCHOOL DISTRICT
22 WHO IS FAMILIAR WITH THE IMPACT AND PRACTICES OF DISPOSING OF
23 SINGLE-USE ELECTRONIC SMOKING DEVICES;
- 24 (l) ONE MEMBER WHO REPRESENTS A COUNTY OR A MUNICIPALITY
25 FROM COLORADO'S FRONT RANGE AND WHO IS A REPRESENTATIVE OF A
26 COUNTY OR A MUNICIPAL HEALTH DEPARTMENT OR WHO HAS EXPERIENCE
27 WITH THE RECYCLING AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE;

1 (m) ONE MEMBER WHO REPRESENTS A RURAL COUNTY OR A RURAL
2 MUNICIPALITY IN COLORADO AND WHO IS A REPRESENTATIVE OF A
3 COUNTY OR A MUNICIPAL HEALTH DEPARTMENT OR WHO HAS EXPERIENCE
4 WITH THE RECYCLING AND DISPOSAL OF HOUSEHOLD HAZARDOUS WASTE;
5 AND

6 (n) ONE MEMBER WHO REPRESENTS A HOSPITALITY OR
7 ENTERTAINMENT VENUE AND IS FAMILIAR WITH THE IMPACTS AND
8 PRACTICES OF DISPOSING OF SINGLE-USE ELECTRONIC SMOKING DEVICES.

9 (4) (a) THE EXECUTIVE DIRECTOR SHALL APPOINT THE MEMBERS
10 OF THE ADVISORY GROUP PURSUANT TO SUBSECTION (3) OF THIS SECTION
11 ON OR BEFORE AUGUST 1, 2024.

12 (b) (I) THE EXECUTIVE DIRECTOR SHALL CALL THE FIRST MEETING
13 OF THE ADVISORY GROUP, WHICH MEETING MUST OCCUR ON OR BEFORE
14 OCTOBER 31, 2024.

15 (II) ALL MEETINGS OF THE ADVISORY GROUP ARE OPEN TO THE
16 PUBLIC, AND THE ADVISORY GROUP MUST ALLOW A PUBLIC COMMENT
17 PERIOD AT THE MEETINGS.

18 (III) NOTICE OF ALL MEETINGS OF THE ADVISORY GROUP MUST BE
19 POSTED ON THE DEPARTMENT'S WEBSITE AT LEAST FORTY-EIGHT HOURS IN
20 ADVANCE OF THE MEETING.

21 (c) AT THE FIRST MEETING OF THE ADVISORY GROUP, THE
22 ADVISORY GROUP SHALL ELECT, BY A SIMPLE MAJORITY VOTE, A CHAIR
23 AND VICE-CHAIR FROM AMONG ITS MEMBERS.

24 (d) (I) THE ADVISORY GROUP SHALL MEET AT LEAST THREE TIMES
25 BEFORE AUGUST 1, 2025.

26 (II) THE CHAIR OF THE ADVISORY GROUP MAY CALL ADDITIONAL
27 MEETINGS AS NECESSARY.

1 (5) THE ADVISORY GROUP SHALL ANALYZE INFORMATION,
2 METHODS, STRATEGIES, AND POLICIES RELATED TO THE RECYCLING OF
3 SINGLE-USE ELECTRONIC SMOKING DEVICES. THE ANALYSIS MUST:

4 (a) EVALUATE THE EXTENT OF POLLUTION THAT IS CAUSED BY THE
5 DISPOSAL OF SINGLE-USE ELECTRONIC SMOKING DEVICES IN LANDFILLS
6 AND THE ENVIRONMENT;

7 (b) REVIEW EXISTING PRACTICES FOR THE RECYCLING,
8 COLLECTION, AND TRANSPORTATION OF SINGLE-USE ELECTRONIC SMOKING
9 DEVICES THROUGHOUT THE DIFFERENT REGIONS OF COLORADO, AS
10 DESCRIBED IN THE INTEGRATED SOLID WASTE AND MATERIALS
11 MANAGEMENT PLAN;

12 (c) EXAMINE THE CAPACITY FOR EXISTING RECYCLING FACILITIES
13 IN COLORADO TO RECYCLE SINGLE-USE ELECTRONIC SMOKING DEVICES;

14 (d) CONSIDER METHODS AND STRATEGIES FOR RECYCLING
15 SINGLE-USE ELECTRONIC SMOKING DEVICES THAT ENSURE THE
16 HAZARDOUS WASTE AND OTHER MATERIALS ASSOCIATED WITH
17 ELECTRONIC SMOKING DEVICES DO NOT POLLUTE COLORADO'S
18 ENVIRONMENT OR POSE A DANGER TO WORKERS IN THE SOLID WASTE
19 COLLECTION, TRANSPORTATION, PROCESSING, DISPOSAL, AND RECYCLING
20 INDUSTRIES;

21 (e) CONSIDER WHETHER COLORADO SHOULD ESTABLISH A DEPOSIT
22 AND RECYCLE PROGRAM WHEREBY SINGLE-USE ELECTRONIC SMOKING
23 DEVICE RETAILERS CHARGE A FEE TO CUSTOMERS THAT WOULD BE USED
24 FOR COLLECTING, TRANSPORTING, AND RECYCLING SINGLE-USE
25 ELECTRONIC SMOKING DEVICES;

26 (f) RECOMMEND ANY STATE OR LOCAL GOVERNMENT POLICIES OR
27 PROGRAMS RELATED TO THE RECYCLING OF SINGLE-USE ELECTRONIC

1 SMOKING DEVICES;

2 (g) CONSIDER A STATE POLICY THAT WOULD PROHIBIT THE SALE OF
3 SINGLE-USE ELECTRONIC SMOKING DEVICES IN COLORADO; AND

4 (h) IDENTIFY ANY EXISTING STATE OR FEDERAL GRANT PROGRAMS
5 OR OTHER PROGRAMS THAT MAY BE AVAILABLE TO ASSIST IN THE
6 DEVELOPMENT OF STRATEGIES FOR THE RECYCLING OF SINGLE-USE
7 ELECTRONIC SMOKING DEVICES;

8 (i) CONSIDER THE DEVELOPMENT OF A SINGLE-USE ELECTRONIC
9 SMOKING DEVICE PRODUCER RESPONSIBILITY PROGRAM, WHICH MAY
10 INCLUDE EDUCATING CONSUMERS AND THE PUBLIC ABOUT THE
11 ENVIRONMENTAL AND SAFETY IMPACTS OF THE DISPOSAL OF SINGLE-USE
12 ELECTRONIC SMOKING DEVICES AND HOW TO SAFELY HANDLE AND
13 RECYCLE THE DEVICES;

14 (j) EXAMINE THE COSTS AND IMPACT THAT SINGLE-USE
15 ELECTRONIC SMOKING DEVICES, AND THE COSTS AND IMPACT OF
16 COLLECTING AND RECYCLING SINGLE-USE ELECTRONIC SMOKING DEVICES,
17 HAVE ON SCHOOLS, SCHOOL DISTRICTS, LOCAL GOVERNMENTS, OR OTHER
18 ENTITIES AS DETERMINED BY THE ADVISORY GROUP; AND

19 (k) CONSIDER HOW OTHER STATES AND LOCAL GOVERNMENTS IN
20 OTHER STATES ARE COLLECTING, TRANSPORTING, AND RECYCLING
21 SINGLE-USE ELECTRONIC SMOKING DEVICES.

22 (6) (a) THE ADVISORY GROUP SHALL DEVELOP A REPORT
23 REGARDING ANY FINDINGS, STRATEGIES, OR RECOMMENDATIONS FOR THE
24 RECYCLING OF SINGLE-USE ELECTRONIC SMOKING DEVICES PURSUANT TO
25 THE ANALYSIS CONDUCTED PURSUANT TO SUBSECTION (5) OF THIS
26 SECTION.

27 (b) NO LATER THAN OCTOBER 31, 2025, THE ADVISORY GROUP

1 SHALL SUBMIT THE REPORT DEVELOPED PURSUANT TO SUBSECTION (6)(a)
2 OF THIS SECTION TO THE SENATE BUSINESS, LABOR, AND TECHNOLOGY
3 COMMITTEE, THE HOUSE OF REPRESENTATIVES BUSINESS AFFAIRS AND
4 LABOR COMMITTEE, OR ANY SUCCESSOR COMMITTEES, THE EXECUTIVE
5 DIRECTOR, AND THE GOVERNOR'S OFFICE.

6 (7) THE DEPARTMENT SHALL PROVIDE ANY ADMINISTRATIVE
7 SUPPORT TO THE ADVISORY GROUP AS MAY BE NECESSARY TO IMPLEMENT
8 THIS SECTION. THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS,
9 GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
10 PURPOSES OF THIS SECTION.

11 (8) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2026.

12 **SECTION 3. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.