

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

INTRODUCED

LLS NO. 24-0291.01 Christopher McMichael x4775

HOUSE BILL 24-1069

HOUSE SPONSORSHIP

Valdez,

SENATE SPONSORSHIP

(None),

House Committees
Energy & Environment

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, 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;

17 (i) There is currently no standardized method for recycling
18 single-use electronic smoking devices; and

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

24 (2) The general assembly further finds and declares that it is in
25 Colorado's best interest to convene an advisory group to recommend
26 strategies for the recycling of single-use electronic smoking devices.

27 **SECTION 2.** In Colorado Revised Statutes, **add** 25-16.5-114 as

1 follows:

2 **25-16.5-114. Electronic smoking device recycling strategies**
3 **advisory group - created - members - strategies - report - definitions**

4 **- repeal.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

6 (a) "ADVISORY GROUP" MEANS THE ELECTRONIC SMOKING DEVICE
7 RECYCLING STRATEGIES ADVISORY GROUP CREATED IN SUBSECTION (2) OF
8 THIS SECTION.

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

11 (c) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
12 THE DEPARTMENT.

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

15 (e) "SINGLE-USE ELECTRONIC SMOKING DEVICE" DOES NOT
16 INCLUDE AN ELECTRONIC SMOKING DEVICE THAT IS DESIGNED TO BE USED
17 MORE THAN ONCE BY THE CONSUMER AND THAT CONTAINS A REFILLABLE
18 CARTRIDGE AND RECHARGEABLE BATTERY.

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

21 (3) THE ADVISORY GROUP CONSISTS OF THE FOLLOWING TEN
22 MEMBERS, APPOINTED BY THE EXECUTIVE DIRECTOR:

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

25 (b) TWO MEMBERS WHO REPRESENT THE CANNABIS-BASED
26 SINGLE-USE ELECTRONIC SMOKING DEVICE INDUSTRY;

27 (c) ONE MEMBER WHO REPRESENTS SINGLE-USE ELECTRONIC

1 SMOKING DEVICE RETAILERS;

2 (d) ONE MEMBER WHO REPRESENTS A RETAIL ESTABLISHMENT

3 THAT IS AN INDEPENDENTLY OWNED CONVENIENCE STORE;

4 (e) ONE MEMBER WHO REPRESENTS THE DEPARTMENT AND WHO

5 SPECIALIZES IN ELECTRONIC WASTE RECYCLING;

6 (f) TWO MEMBERS WHO REPRESENT WASTE HAULERS, AS DEFINED

7 IN SECTION 30-20-1001 (16);

8 (g) ONE MEMBER WHO REPRESENTS A WASTE RECYCLING FACILITY

9 THAT RECYCLES ELECTRONIC WASTE; AND

10 (h) ONE MEMBER WHO REPRESENTS A COLORADO ORGANIZATION

11 FOCUSED ON ENVIRONMENTAL CLEANUP AND THE MITIGATION OF

12 ENVIRONMENTAL POLLUTION.

13 (4) (a) THE EXECUTIVE DIRECTOR SHALL APPOINT THE MEMBERS

14 OF THE ADVISORY GROUP PURSUANT TO SUBSECTION (3) OF THIS SECTION

15 ON OR BEFORE AUGUST 1, 2024.

16 (b) THE EXECUTIVE DIRECTOR SHALL CALL THE FIRST MEETING OF

17 THE ADVISORY GROUP, WHICH MEETING MUST OCCUR ON OR BEFORE

18 OCTOBER 31, 2024.

19 (c) AT THE FIRST MEETING OF THE ADVISORY GROUP, THE

20 ADVISORY GROUP SHALL ELECT, BY A SIMPLE MAJORITY VOTE, A CHAIR

21 AND VICE-CHAIR FROM AMONG ITS MEMBERS.

22 (d) (I) THE ADVISORY GROUP SHALL MEET AT LEAST THREE TIMES

23 BEFORE AUGUST 1, 2025.

24 (II) THE CHAIR OF THE ADVISORY GROUP MAY CALL ADDITIONAL

25 MEETINGS AS NECESSARY.

26 (5) THE ADVISORY GROUP SHALL ANALYZE INFORMATION,

27 METHODS, STRATEGIES, AND POLICIES RELATED TO THE RECYCLING OF

1 SINGLE-USE ELECTRONIC SMOKING DEVICES. THE ANALYSIS MUST:

2 (a) EVALUATE THE EXTENT OF POLLUTION THAT IS CAUSED BY THE
3 DISPOSAL OF SINGLE-USE ELECTRONIC SMOKING DEVICES IN LANDFILLS;

4 (b) REVIEW EXISTING PRACTICES FOR THE RECYCLING OF
5 SINGLE-USE ELECTRONIC SMOKING DEVICES;

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

8 (d) CONSIDER METHODS AND STRATEGIES FOR RECYCLING
9 SINGLE-USE ELECTRONIC SMOKING DEVICES THAT ENSURE THE
10 HAZARDOUS WASTE AND OTHER MATERIALS ASSOCIATED WITH
11 ELECTRONIC SMOKING DEVICES DO NOT POLLUTE COLORADO'S
12 ENVIRONMENT;

13 (e) CONSIDER WHETHER COLORADO SHOULD ESTABLISH A DEPOSIT
14 AND RECYCLE PROGRAM WHEREBY SINGLE-USE ELECTRONIC SMOKING
15 DEVICE RETAILERS CHARGE A FEE TO CUSTOMERS THAT WOULD BE USED
16 FOR COLLECTING, TRANSPORTING, AND RECYCLING SINGLE-USE
17 ELECTRONIC SMOKING DEVICES;

18 (f) RECOMMEND ANY STATE OR LOCAL GOVERNMENT POLICIES OR
19 PROGRAMS RELATED TO THE RECYCLING OF SINGLE-USE ELECTRONIC
20 SMOKING DEVICES; AND

21 (g) IDENTIFY ANY EXISTING STATE OR FEDERAL GRANT PROGRAMS
22 OR OTHER PROGRAMS THAT MAY BE AVAILABLE TO ASSIST IN THE
23 DEVELOPMENT OF STRATEGIES FOR THE RECYCLING OF SINGLE-USE
24 ELECTRONIC SMOKING DEVICES IN COLORADO.

25 (6) (a) THE ADVISORY GROUP SHALL DEVELOP A REPORT
26 REGARDING ANY FINDINGS, STRATEGIES, OR RECOMMENDATIONS FOR THE
27 RECYCLING OF SINGLE-USE ELECTRONIC SMOKING DEVICES PURSUANT TO

1 THE ANALYSIS CONDUCTED PURSUANT TO SUBSECTION (5) OF THIS
2 SECTION.

3 (b) NO LATER THAN OCTOBER 31, 2025, THE ADVISORY GROUP
4 SHALL SUBMIT THE REPORT DEVELOPED PURSUANT TO SUBSECTION (6)(a)
5 OF THIS SECTION TO THE SENATE BUSINESS, LABOR, AND TECHNOLOGY
6 COMMITTEE, THE HOUSE OF REPRESENTATIVES BUSINESS AFFAIRS AND
7 LABOR COMMITTEE, OR ANY SUCCESSOR COMMITTEES, THE EXECUTIVE
8 DIRECTOR, AND THE GOVERNOR'S OFFICE.

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

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

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