

Date of Hearing: March 24, 2026

ASSEMBLY COMMITTEE ON ENVIRONMENTAL SAFETY AND TOXIC MATERIALS

Damon Connolly, Chair

AB 2667 (Hadwick) – As Introduced February 20, 2026

SUBJECT: Vape products: household hazardous waste: advertising

SUMMARY: Requires the Department of Toxic Substances Control (DTSC) to evaluate opportunities for the safe management of vape pens confiscated from students at a school. Authorizes household hazard waste (HHW) facilities to mechanically disassemble vapes so that those facilities may separately process the components of the vapes. Prohibits anyone from selling, marketing, advertising, or distributing a vape product if the vape product imitates a food marketed to minors, such as candy; if the vape imitates school supplies commonly used by minors, or uses branding that is known to appeal to minors. Specifically, **this bill:**

- 1) Requires, until January 1, 2030, DTSC to evaluate opportunities to increase safety and convenience related to the management and disposal of vape pens and devices confiscated from students by a school. Requires the evaluation to ensure consistency with the federal Resource Conservation and Recovery Act of 1976 (RCRA), as amended (42 U.S.C. § 6901 et seq.). Requires DTSC to identify any recommendations that require future legislative action.
- 2) Authorizes a permanent household hazardous waste collection facility to, after consultation with the certified unified program agency and the entity responsible for fire protection, mechanically disassemble vape pens and devices to separate batteries, valves, electronic components, and other parts containing liquids or gases, in a manner that does not result in the unauthorized release of hazardous materials.
- 3) Defines "vape pen and device" as an electronic device that is powered by one or more removable or embedded batteries and that delivers solely, or a combination of, nicotine, cannabis, or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, hookah, or other delivery mechanism.
- 4) Prohibits a person from marketing, promoting, labeling, branding, advertising, distributing, offering for sale, or selling a vape product in the state by doing any of the following:
 - a) Imitating a product that is not a vape product to conceal the nature of the vape product from parents, teachers, or other adults, including by any of the following:
 - i) Imitating a food or brand of food product commonly marketed to minors, including candy, desserts, and beverages;
 - ii) Imitating school supplies commonly used by minors, including erasers, highlighters, pens, and pencils; or,
 - iii) Constructing into clothing and accessories that could be marketed to minors;
 - b) Using branding that is known to appeal to minors, including branding based on or depicting a character, personality, or symbol known to appeal to minors, including a

character in a comic book, movie, television show, or videogame, or a mythical creature;
and,

- c) Including interactive videogame capabilities within a vape product.
- 5) Authorizes a city, a county, a city and county or the state to impose a civil liability on a person or entity for a violation of the prohibition of marketing, promoting, labeling, branding, advertising, distributing, offering for sale, or selling a vape product as specified in this bill.
- 6) Requires the California Department of Tax and Fee Administration to revoke or suspend a license to engage in the sale of cigarettes or tobacco product, pursuant to the provisions applicable to the revocation or suspension of a license set forth in the Cigarette and Tobacco Products Licensing Act of 2003, of any person with a license who is in violation of the prohibition of marketing, promoting, labeling, branding, advertising, distributing, offering for sale, or selling a vape product as specified in this bill.
- 7) Requires the Department of Cannabis Control (DCC) to revoke or suspend a license issued by DCC, pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act, of any person with a license to sell cannabis or a cannabis product who is in violation of the prohibition of marketing, promoting, labeling, branding, advertising, distributing, offering for sale, or selling a vape product as specified in this bill.

EXISTING LAW:

- 1) Establishes RCRA to authorize the United States Environmental Protection Agency (US EPA) to manage hazardous and non-hazardous wastes throughout the wastes' life cycle. (42 United States Code (U.S.C.) § 6901, et seq.)
- 2) Establishes the Hazardous Waste Control Law (HWCL) to authorize DTSC to regulate the management of hazardous wastes in California. (Health and Safety Code (HSC) § 25100, et seq.)
- 3) Defines "waste" as any solid, liquid, semisolid, or contained gaseous discarded material. (HSC § 25124)
- 4) Defines "hazardous waste" as waste, that, because of its quantity, concentration, or physical, chemical, or infectious characteristics:
 - a) Causes, or significantly contributes to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or,
 - b) Poses a substantial present or potential hazard to human health or the environment, due to factors including, but not limited to, carcinogenicity, acute toxicity, chronic toxicity, bio accumulative properties, or persistence in the environment, when improperly treated, stored, transported, disposed of, or otherwise managed. (HSC § 25141(b))
 - c) Defines "household hazardous waste" as hazardous waste generated incidental to owning or maintaining a place of residence, but does not include waste generated in the course of operating a business at a residence. (HSC § 25218.1(e))

- d) Establishes that counties and cities will provide services for the collection of HHW and that the state will provide an expedited and streamlined regulatory structure to facilitate the collection of HHW. (HSC § 25218)
- 7) Enacts the Electronic Waste Recycling Act of 2003 (EWRA), which established a program for consumers to return, recycle, and ensure the safe and environmentally sound disposal of video display devices, such as televisions and computer monitors that are hazardous waste when discarded. (Public Resources Code (PRC) § 42460, et seq.)
- 8) Adds battery-embedded products to the EWRA. (PRC § 42463)

FISCAL EFFECT: Unknown.

COMMENTS:

Need for the bill: According to the author, "Manufacturers are deceptively designing and marketing vapes to children. These vapes are disguised as everyday items, like school supplies or clothing. Some have features intentionally designed to increase dependency and addiction, like built-in video games. Schools are increasingly confiscating these vapes, yet they lack practical options to safely manage and dispose of them. Similarly, local household hazardous waste facilities receiving these vapes are unable to identify them and disassemble them, increasing costs and fire hazards.

Assembly Bill 2667 cracks down on these dangerous devices by banning disguised and interactive vapes. It also gives schools and local governments the tools to safely manage and dispose of vape waste. This bill protects kids, supports schools, and ensures hazardous materials are handled responsibly."

Hazardous waste management: Hazardous waste is a waste with properties that make it potentially dangerous or harmful to human health or the environment. In regulatory terms, a waste is hazardous if it appears on a RCRA hazardous wastes list or exhibits one of the four characteristics of a hazardous waste: ignitability, corrosivity, reactivity, or toxicity. However, materials can be hazardous waste even if they are not specifically listed or do not exhibit any characteristic of a hazardous waste. Hazardous waste is prohibited from being disposed of in the trash and must be properly transported and disposed of at permitted treatment, storage, and disposal facilities or at a recycling facility.

Regulation of batteries: State law, the HWCL, prohibits the disposal of batteries in the trash or household recycling collection bins intended to receive other non-hazardous waste and/or recyclable materials. Many types of batteries, regardless of size, exhibit hazardous characteristics and are considered hazardous waste when they are discarded. These include single use alkaline and lithium batteries and rechargeable lithium metal, nickel cadmium, and nickel metal hydride batteries of various sizes (AAA, AA, C, D, button cell, 9-Volt, and small sealed lead-acid batteries). Many batteries are sold within products, such as lithium-ion batteries, which are widely used in portable electronics like laptops, smart phones, digital cameras, game consoles, and cordless power tools. Single use vape devices usually contain a lithium-ion battery, making them hazardous waste at the end of life of the product.

Fire risks: Because lithium-ion batteries contain hazardous and corrosive materials, they also pose a fire risk if not stored or disposed of properly. Therefore, any program to manage used lithium-ion batteries needs to account for this possible fire risk.

HHW collection: Many common household products are also hazardous, and when these products are discarded, they become "HHW." Common HHW includes, but is not limited to, antifreeze, glue and adhesives, pesticides, used oil, batteries, electronic wastes, and household cleaners. In California, HHW is prohibited from being disposed of in the trash, down the drain, or by abandonment, and must be disposed of through a HHW Program. Most HHW programs are run by local government agencies such as cities or counties.

This bill: Authorizes HHW facilities to mechanically disassembly vapes so that those facilities may separately process the components of the vapes, such as recycling the battery.

Recent legislation regarding vapes in schools: AB 998 (Hadwick, 2025) would have authorized a school to transport and manage confiscated vape pens as HHW. However, there appears to be a conflict with that policy within AB 998 with federal regulations, meaning schools may not transport vape pens as HHW. This would mean that schools would have to treat confiscated vape products as hazardous waste. AB 998 was held on the suspense file in the Senate Appropriations Committee.

This bill: Given the potential conflict with federal regulations with AB 998, as an alternative AB 2667 requires DTSC to evaluate opportunities for the safe management of vape pens confiscated from students at a school.

Environmental impacts of disposable vapes: In the 2023 report, "Vape waste: The environmental harms of disposable vapes," the United States Public Interest Research Group Education Fund states:

"One product stands apart as being particularly harmful to our environment and public health—disposable vapes. Vapes, also known as e-cigarettes, are handheld battery powered electronic devices with heated metal coils that vaporize a liquid containing nicotine or cannabis products, known as e-liquid. Nicotine is the famously addictive stimulant found in tobacco that gives smokers a dopamine hit, and makes quitting difficult. Much has been made of the public health harms of disposable vapes, but this report aims to understand their effects as hazardous electronic waste.

It doesn't make any sense to manufacture electronics with rechargeable batteries, ship them across the world, and throw them out within a few days. Disposable vapes are single-use products powered by the same rechargeable lithium-ion batteries used in electric cars and iPhones. However, unlike traditional vapes, they're designed to be thrown out after use. That's because while some can be recharged with a USB cable, once they run out of the included e-liquid they can't be refilled.

After the Food and Drug Administration's (FDA) February 2020 crackdown on flavored nicotine e-liquid cartridges for reusable vapes, sales of disposable brands increased 196.2% by March 2023, according to the CDC Foundation. The FDA's decision prohibited the sale of flavored pre-filled nicotine vape cartridges exemplified by popular brand JUUL, but didn't mention disposable vapes. This sin of omission created a gray market and by March [2023]

sales of disposable products increased to 11.9 million units a month and have overtaken cartridges market share at 53% of vape sales. At this rate, we throw out 4.5 disposable vapes per second.

Electronic waste produced from disposable vapes includes both the circuit boards and lithium ion batteries that power the device. These boards contain some of the heavy metals mentioned above, which can leach into the groundwater. Due to the nicotine e-liquid used in these products, vape waste can't be recycled with other plastics because the substance is defined by the [US] EPA as an acute hazardous waste."

Marketing of vapes that look like harmless school supplies: This bill additionally prohibits anyone from selling, marketing, advertising, or distributing a vape product if the product imitates a food marketed to minors, such as candy; if the vape imitates school supplies commonly used by minors, or uses branding that is known to appeal to minors. When vape products are made to look like school supplies, it further burdens schools when addressing vape use at schools. Additionally, when vape products look like school supplies, it is very likely that they will end up in the solid waste stream. This could lead to increased fires in solid waste trucks and solid waste landfills. To illustrate this point, below are vape products that look like hi-lighters:



Technical consideration: As this bill moves through the process, the author and stakeholders may wish to consider requiring DTSC to either post the evaluation of management opportunities for schools when dealing with confiscated vape products on DTSC's website, or provide it to the Legislature.

Arguments in support: According to a coalition of groups including Rural County Representatives of California, Zero Waste Marin, Del Norte Solid Waste Management Authority,

National Stewardship Action Council (NSAC), California Product Stewardship Council (CPSC), Los Angeles Unified School District, Republic Services, and Recology,

"Assembly Bill 2667 seeks to protect children, young adults, and the public by: 1) Banning disguised vapes and vapes containing video display devices, 2) Providing an easier regulatory pathway for schools to properly dispose of vapes confiscated from students, and 3) Improving the safe collection, management, and proper disposal of vapes by local household hazardous waste (HHW) collection facilities."

Arguments in opposition: None on file.

Double-referral: Should this bill pass the Assembly Environmental Safety and Toxic Materials Committee, it will be re-referred to the Assembly Business and Professions Committee.

Related legislation:

- 1) AB 762 (Irwin). Prohibits, on and after January 1, 2027, a person from importing or manufacturing for sale in this state a new or refurbished disposable, battery-embedded vapor inhalation device, and beginning January 1, 2028, a person from selling, distributing, or offering for sale a new or refurbished disposable, battery-embedded vapor inhalation device in this state. This bill is pending referral in the Senate.
- 2) AB 998 (Hadwick, 2025). Would have authorized a school to transport and manage confiscated vape pens as HHW. Would have authorized a HHW collection facility to disassemble HHW, including separating batteries, valves and electronic components. This bill was held on the suspense file in the Senate Appropriations Committee.
- 3) AB 2481 (Smith, Chapter 499, Statutes of 2022). Made various changes to the statutory requirements for the transportation of hazardous waste and the operation of HHW collection facilities.
- 4) SB 552 (Archuleta, Chapter 481, Statutes of 2019). Authorized the use of consolidated manifests in the transportation of HHW in door-to-door HHW collection programs.
- 5) SB 726 (Caballero, Chapter 485, Statutes of 2019). Authorized a public agency's contractor to conduct HHW materials exchange programs.

REGISTERED SUPPORT / OPPOSITION:

Support

Rural County Representatives of California (Sponsor)
Association of California School Administrators
California Cannabis Operators Association
California Product Stewardship Council
Californians Against Waste
County of Santa Barbara
Del Norte Solid Waste Management Authority

League of California Cities
Los Angeles Unified School District
National Stewardship Action Council
Parents Against Vaping
Recology
Republic Services
Resource Recovery Coalition of California
Rural Counties Environmental Services Joint Powers Authority
Western Placer Waste Management Authority
Zero Waste Marin

Opposition

None on file.

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