



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

HB4652

Introduced 2/3/2026, by Rep. Kelly M. Cassidy

SYNOPSIS AS INTRODUCED:

New Act

Creates the Electronic Device Stewardship Act. Requires a producer that sells an electronic smoking device to implement and finance an electronic smoking device stewardship program, no later than 2 years after the effective date of the Act, through a producer responsibility organization that is approved by the Environmental Protection Agency. Requires a producer responsibility organization to submit an electronic smoking device stewardship plan to the Agency for approval no later than 2 years after the effective date of the Act. Establishes requirements regarding fees collected from participating producers. Sets forth procedures regarding approval of stewardship plans. Prohibits, beginning 2 years after the effective date of the Act, a producer from selling, offering for sale, distributing, or importing for sale an electronic smoking device unless the producer is in an approved producer responsibility organization in compliance with the Act, with a civil penalty of up to \$10,000 for a violation. Provides an affirmative defense for a distributor or retailer for reliance on the representation of a producer or producer responsibility organization. Allows the Attorney General to recover civil penalties and any other damages and to seek injunctive relief. Provides an antitrust exemption. Requires a producer responsibility organization to submit an annual report to the Environmental Protection Agency. Requires the Agency to adopt rules and conduct an evaluation. Makes findings and states the purpose of the Act. Defines terms. Effective immediately.

LRB104 17393 BDA 30818 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Electronic Smoking Device Stewardship Act.

6 Section 5. Findings and purpose. The General Assembly
7 finds that:

8 (1) In the past decade, electronic smoking device
9 sales have risen dramatically worldwide as has the use of
10 those devices.

11 (2) A significant portion of electronic smoking
12 devices sold are designed for single use, resulting in
13 high volumes of short-lived products entering the waste
14 stream.

15 (3) Electronic smoking devices are a growing waste
16 management concern because, despite their small size, they
17 are consumed and discarded much more quickly than typical
18 electronics.

19 (4) Electronic smoking devices and their components
20 pose environmental and public health risks due to the
21 presence of batteries, metals, plastics, and toxic or
22 hazardous substances that may contaminate soil, water, and
23 air when improperly disposed of.

1 (5) Local governments, businesses, and residents of
2 the State do not have ready access to an efficient,
3 environmentally sound, and cost-effective disposal method
4 for electronic smoking devices.

5 (6) The producers of electronic smoking devices are
6 best positioned to assume responsibility for the
7 end-of-life management of their products through the
8 development and implementation of a cost-effective
9 stewardship program that provides for collection,
10 transportation, recycling, and environmentally sound
11 disposal.

12 (7) Therefore, it is the purpose of this Act to
13 require producers of electronic smoking devices sold in
14 this State to finance and implement a producer
15 responsibility organization and to develop and implement a
16 program that provides for the collection and
17 environmentally sound management of post-consumer
18 electronic smoking devices.

19 Section 10. Definitions. In this Act:

20 "Agency" means the Illinois Environmental Protection
21 Agency.

22 "Distributor" means a person who has a contractual
23 relationship with one or more producers to market and sell
24 electronic smoking devices to retailers.

25 "Electronic smoking device stewardship plan" or

1 "stewardship plan" means the stewardship plan developed
2 pursuant to this Act, which provides for the environmentally
3 sound life-cycle management, by participating producers, of
4 electronic smoking devices that are sold or offered for sale
5 in Illinois.

6 "Electronic smoking device" or "device" means any device
7 that may be used to deliver any aerosolized or vaporized
8 substance to a person inhaling from the device, including, but
9 not limited to, an electronic cigarette, electronic cigar,
10 electronic cigarillo, electronic pipe, vape pen, or electronic
11 hookah. "Electronic smoking device" or "device" includes any
12 component, part or accessory of the device and any substance
13 that may be aerosolized or vaporized by that device, whether
14 or not the substance contains nicotine or cannabis.
15 "Electronic smoking device" or "device" does not include
16 drugs, devices, or combination products authorized for sale by
17 the United States Food and Drug Administration, as those terms
18 are defined in the Federal Food, Drug, and Cosmetic Act, when
19 marketed and sold solely for the approved medical purpose.

20 "Environmentally sound management practices" means
21 policies or procedures for the collection, storage,
22 transportation, reuse, recycling, and disposal of electronic
23 smoking devices, which ensure compliance with all applicable
24 federal, State, and local laws, rules, regulations, and
25 ordinances, and the protection of human health and the
26 environment, and which address matters such as adequate

1 recordkeeping, accurate tracking and documentation of the use,
2 reuse, recycling, or disposal of post-consumer electronic
3 smoking devices within and outside of the State, and adequate
4 provision of environmental liability coverage for professional
5 services and for the operations of contractors working on
6 behalf of a producer or representative organization.

7 "Federal waste management hierarchy" means the four-tiered
8 hierarchy, established by the United States Environmental
9 Protection Agency, that guides waste management determinations
10 through the promotion of source reduction, recycling, energy
11 recovery, and waste treatment and disposal, in that order, to
12 the extent feasible.

13 "Household hazardous waste" means a consumer disposed
14 waste product intended for household use generally containing
15 constituents that make its disposal in municipal waste
16 landfills or incinerators undesirable. "Household hazardous
17 waste" includes, but is not limited to:

18 (1) waste oil;

19 (2) petroleum distillate-based solvents;

20 (3) oil-based liquid paint, paint strippers, and paint
21 thinners;

22 (4) herbicides and pesticides, except for
23 antimicrobial and disinfectant products; and

24 (5) an electronic smoking device confiscated by a
25 school as contraband.

26 "Household hazardous waste" does not include waste

1 generated in the course of operating a business concern at a
2 residence.

3 "Household hazardous waste collection facility" means a
4 facility operated by a public agency, or its contractor, for
5 the purpose of collecting, handling, treating, storing,
6 recycling, or disposing of household hazardous waste,
7 consistent with the Environmental Protection Act and rules
8 adopted thereunder. The operation of a household hazardous
9 waste collection facility may include accepting hazardous
10 waste from very small quantity generators if that acceptance
11 is authorized pursuant to the Environmental Protection Act and
12 rules adopted thereunder, including 35 Ill. Adm. Code 722.

13 "Household hazardous waste collection facility" includes a
14 permanent household hazardous waste collection facility,
15 temporary household hazardous waste collection facility,
16 recycle-only household hazardous waste collection facility,
17 curbside household hazardous waste collection program,
18 door-to-door household hazardous waste collection program or
19 household hazardous waste residential pickup service, and
20 mobile household hazardous waste collection facilities.

21 "Post-consumer electronic smoking device" or
22 "post-consumer device" means an electronic smoking device that
23 is not used and no longer wanted by a consumer.

24 "Producer" means a person that is responsible for an
25 electronic smoking device that is sold or offered for sale in
26 or into the State, whether the sale occurs through a physical

1 location, a remote transaction, or another commercial
2 distribution method, as determined in the following order of
3 priority:

4 (1) the first priority is the brand owner, which is a
5 person that has legal ownership of the brand under which
6 the electronic smoking device is sold, or that
7 manufactures the electronic smoking device under a brand
8 that the person owns or is licensed to use;

9 (2) the second priority is the United States importer,
10 which is a person that imports the electronic smoking
11 device into the United States for sale or distribution in
12 or into the State, but only if no person described in
13 paragraph (1) can be identified or is subject to the
14 jurisdiction of the State;

15 (3) the third priority is the distributor, which is a
16 distributor that sells, supplies, or arranges for the sale
17 of the electronic smoking device in or into the State, but
18 only if no person described in paragraph (1) or (2) can be
19 identified or is subject to the jurisdiction of the State;
20 and

21 (4) the fourth priority is the first seller into the
22 State, which is the person that first sells or offers the
23 electronic smoking device for sale in or into the State,
24 but only if no person described in paragraphs (1) through
25 (3) can be identified or is subject to the jurisdiction of
26 the State.

1 "Producer responsibility organization" means an
2 organization that is exempt from taxation under Section
3 501(c)(3) of the federal Internal Revenue Code of 1986 and
4 that is designated by a producer or group of producers to act
5 as an agent of the producer or group of producers to develop,
6 implement, and administer a producer responsibility program in
7 accordance with this Act.

8 "Recycling" means any process by which materials or
9 products that would otherwise become solid waste are
10 collected, separated, or processed and returned to the
11 economic mainstream in the form of raw materials or products.

12 "Recycling" does not include energy recovery or energy
13 generation resulting from combustion or incineration
14 processes.

15 "Responsible management" means the handling, tracking, and
16 disposition of devices from the point of collection through
17 the final destination of the collected material in a way that
18 benefits the environment and minimizes risks to public health
19 and worker health and safety.

20 "Retailer" means any person engaged in the business of
21 selling electronic smoking devices to ultimate consumers,
22 including, but not limited to:

23 (1) any person in this State engaged in the business
24 of selling tobacco products to consumers in this State,
25 regardless of quantity or number of sales; or

26 (2) a dispensary operated by a dispensing organization

1 at which activities licensed under the Cannabis Regulation
2 and Tax Act may occur.

3 "Reuse" means the return of a product into the economic
4 stream for use in the same kind of application originally
5 intended for the product, without a change in the product's
6 original composition or identity.

7 "School" has the meaning ascribed to that term in the
8 School Code. "School" includes a charter school or school
9 district.

10 "Sell" or "sale" means any transfer of title for
11 consideration. "Sell" or "sale" includes, but is not limited
12 to, remote sales transactions conducted through sales outlets,
13 catalogs, or the Internet, or through any other similar
14 electronic means.

15 Section 15. Program.

16 (a) No later than 2 years after the effective date of this
17 Act, a producer that sells an electronic smoking device in the
18 State shall, individually or collectively, and through a
19 producer responsibility organization, implement and finance an
20 electronic smoking device stewardship program to manage
21 unwanted electronic smoking devices sold by the producer at
22 the end of the device's life.

23 (b) A producer responsibility organization shall develop,
24 implement, and administer an electronic smoking device
25 stewardship program on behalf of all participating producers

1 and shall:

2 (1) be governed by a board of directors that includes
3 representatives of participating producers and may include
4 nonvoting members representing retailers, recyclers, local
5 governments, environmental organizations and other
6 stakeholders as determined by the producer responsibility
7 organization; the producer responsibility organization
8 shall ensure that participating producers placing
9 electronic smoking devices in the Illinois market have
10 equitable representation in governance, commensurate with
11 their respective market shares;

12 (2) meet the requirements of this Act and any rules
13 adopted by the Agency;

14 (3) demonstrate, to the Agency's satisfaction, that
15 the producer responsibility organization has adequate
16 financial responsibility and financial controls in place,
17 including fraud prevention measures and an auditing
18 schedule, to ensure the proper management of the producer
19 responsibility organization's funds;

20 (4) provide participating producers with the
21 information, guidance, and tools necessary to enable those
22 producers to meet their obligations under this Act; and

23 (5) collect and manage fees from participating
24 producers sufficient to fully fund the electronic smoking
25 device stewardship program, including administrative
26 costs, education and outreach, collection, transportation,

1 recycling, disposal, and Agency oversight.

2 (c) If more than one electronic smoking device producer
3 responsibility organization operates a stewardship program
4 under this Section, all producer responsibility organizations
5 shall coordinate to ensure a single, uniform statewide program
6 for consumers and other end users. At minimum, such
7 coordination shall include:

8 (1) establishing and maintaining a single statewide
9 website that provides clear, accurate, and up-to-date
10 information on all approved electronic smoking device
11 stewardship programs operating in the State, including
12 collection locations, program participation requirements,
13 proper management of unwanted electronic smoking devices,
14 and consumer education materials;

15 (2) establishing and maintaining a single, statewide
16 toll-free telephone number through which consumers may
17 obtain information regarding collection locations, program
18 requirements, and proper management of electronic smoking
19 devices;

20 (3) ensuring that all collection locations established
21 under any approved stewardship program accept all covered
22 electronic smoking devices, regardless of brand, producer,
23 or producer responsibility organization affiliation; and

24 (4) coordinating education and outreach materials to
25 ensure consistent statewide messaging and to avoid
26 consumer confusion.

1 (d) A producer responsibility organization shall not
2 operate an electronic smoking device stewardship program in
3 the State unless the Agency has approved the producer
4 responsibility organization and its electronic smoking device
5 stewardship plan pursuant to this Act. The Agency may approve,
6 conditionally approve, or deny approval of a producer
7 responsibility organization or electronic smoking device
8 stewardship plan. The Agency may revoke or suspend approval if
9 the Agency determines that a producer responsibility
10 organization or participating producer is not in compliance
11 with this Act or rules adopted under this Act.

12 (e) Each producer that sells an electronic smoking device
13 in the State shall participate in an approved producer
14 responsibility organization in order to satisfy the producer's
15 obligations under this Act.

16 (f) A producer shall notify the Agency and its current
17 producer responsibility organization, in writing, of any
18 change in producer responsibility organization participation
19 no later than 30 days before the effective date of the change,
20 unless otherwise approved by the Agency.

21 (g) A producer responsibility organization approved
22 pursuant to this Section shall notify the Agency, in writing
23 and within 30 days of any of the following:

24 (1) a change in identity of participating producers;

25 (2) a change in the governance structure or board
26 composition of the producer responsibility organization;

1 (3) a material change to program operations or funding
2 mechanisms; or

3 (4) the intent of the producer responsibility
4 organization to cease operating an electronic smoking
5 device stewardship program in the State.

6 (h) An electronic smoking device stewardship program may
7 not charge a person a fee at the time an unwanted electronic
8 smoking device is delivered or collected for recycling or
9 disposal under the program.

10 (i) Responsibility as a producer under this Act is
11 mandatory and is assigned by operation of law to the
12 highest-priority person identified under the definition of
13 "producer" in Section 10 of this Act. Responsibility as a
14 producer under this Act may not be avoided, delegated, or
15 transferred by contract or agreement.

16 Section 20. Stewardship plans.

17 (a) A producer responsibility organization shall submit an
18 electronic smoking device stewardship plan to the Agency for
19 approval no later than 2 years after the effective date of this
20 Act. The Agency shall review an electronic smoking device
21 stewardship plan to determine whether the stewardship plan
22 meets the requirements of this Act. The Agency may approve,
23 conditionally approve, or disapprove a plan. If the Agency
24 disapproves a plan or conditionally approves a plan, the
25 Agency shall provide written notice identifying the reasons

1 for the determination. A producer responsibility organization
2 shall submit a revised plan addressing the Agency's concerns
3 within a timeframe specified by the Agency. The stewardship
4 plan shall be designed to reduce the financial and
5 administrative burden on the public sector by providing for
6 the collection and environmentally sound management of
7 post-consumer electronic smoking devices through reuse and
8 recycling, consistent with this Act.

9 (b) The stewardship plan submitted pursuant to this
10 Section shall include:

11 (1) identification and contact information for:

12 (A) the individual or entity submitting the
13 stewardship plan;

14 (B) all producers participating in the program,
15 including each producer's legal name and primary
16 business address;

17 (C) the owners of the brands covered by the
18 program; and

19 (D) the producer responsibility organization, if
20 using a producer responsibility organization,
21 including a description of the producer responsibility
22 organization and the tasks to be performed by the
23 producer responsibility organization; the description
24 must include information on how the producer
25 responsibility organization is organized, including
26 its administration and management; a producer

1 responsibility organization may satisfy the
2 requirements of this paragraph on behalf of a producer
3 through its submission of a stewardship plan, plan
4 update, or annual report that includes current
5 producer address information;

6 (2) a provision for convenient and available statewide
7 collection of post-consumer electronic smoking devices
8 from urban, suburban, and rural areas of the State;

9 (3) if more than one producer responsibility
10 organization operates a stewardship program under this
11 Act, a description of how the stewardship plan will comply
12 with subsection (c) of Section 15 of this Act, including
13 participation in a shared statewide website, a shared
14 statewide toll-free telephone number, and the acceptance
15 of all covered post-consumer electronic smoking devices at
16 all collection locations;

17 (4) at a minimum, and unless otherwise approved by the
18 Agency, provision of collection site locations statewide
19 that will accept post-consumer devices such that:

20 (A) at least 90% of State residents have a
21 permanent collection site within 15 miles of their
22 residence;

23 (B) permanent collection sites are established for
24 every 30,000 residents of a population center; and

25 (C) collection sites are distributed to provide
26 convenient and equitable access for residents within

1 each population center, unless otherwise approved in
2 writing by the Agency; for those persons who do not
3 have a permanent collection site within 15 miles of
4 their residence, the stewardship plan shall provide
5 for quarterly collection events, unless more frequent
6 collection events are deemed to be necessary, and are
7 required, in writing, by the Agency;

8 (5) a description of the collection, transportation,
9 and processing system for post-consumer electronic smoking
10 devices, including:

11 (A) the location or number of collection sites;

12 (B) the identity of the processors that manage the
13 post-consumer electronic smoking devices collected
14 under the program; and

15 (C) the transporters designated to transport
16 post-consumer electronic smoking devices;

17 (6) to the extent reasonably feasible and mutually
18 agreeable, the coordination of the electronic smoking
19 device stewardship program with existing local government
20 and electronic waste infrastructure, provided that there
21 are no additional costs to the State or local government;

22 (7) a description of how the program prioritizes reuse
23 and recycling consistent with this Act;

24 (8) a description of the educational materials and
25 outreach efforts that will be used to inform consumers
26 about the stewardship program. Educational materials shall

1 include, but need not be limited to, information at the
2 point of purchase identifying the end-of-life management
3 options that are available for post-consumer devices
4 through the stewardship program;

5 (9) a description of how the stewardship plan will be
6 administered, and identification of responsible staff who
7 will be responsible for ensuring proper administration of
8 the stewardship plan;

9 (10) a description of the fee system developed
10 pursuant to subsection (d) of this Section, including the
11 methodology used to determine and allocate fees among
12 participating producers;

13 (11) a proposed budget demonstrating that producer
14 fees are reasonably calculated to cover the costs of
15 implementing the stewardship program, subject to review
16 and approval by the Agency; and

17 (12) a description of the procedures the producer
18 responsibility organization will use to:

19 (A) identify producers that fail to timely provide
20 required fees, records, or information necessary for
21 administration of the electronic smoking device
22 stewardship program;

23 (B) address instances in which a producer ceases
24 participation in the program; and

25 (C) notify the Agency of unresolved participation
26 or payment issues in a manner and timeframe specified

1 in the stewardship plan.

2 (c) Each producer responsibility organization shall submit
3 an updated electronic smoking device stewardship plan to the
4 Agency for review and approval if the producer responsibility
5 organization proposes a material change to an approved plan.
6 The Agency shall determine whether a proposed change is
7 material and whether Agency approval is required prior to
8 implementation. The Agency may approve, conditionally approve,
9 or disapprove an updated plan in the same manner as an initial
10 plan submitted under subsection (a).

11 (d) The electronic smoking device stewardship plan shall
12 include a description of the system the producer
13 responsibility organization will use to establish, assess, and
14 collect fees from participating producers sufficient to cover
15 the costs of implementing the electronic smoking device
16 stewardship program. Fees shall be set in a manner that is
17 equitable, transparent, and reasonably related to the costs of
18 program operation and the quantities and types of electronic
19 smoking devices placed on the market by participating
20 producers. Fees shall be structured to fully fund the
21 electronic smoking device stewardship program and may take
22 into account, as appropriate, factors such as the quantities
23 and characteristics of electronic smoking devices placed on
24 the market by participating producers, provided that the fee
25 system is equitable, transparent, and subject to Agency review
26 and approval.

1 Section 25. Approval of stewardship plans.

2 (a) Not more than 120 days after receipt of a completed
3 stewardship plan, submitted pursuant to this Act, the Agency
4 shall approve, conditionally approve, or disapprove the
5 stewardship plan and provide written notice of the
6 determination to the producer responsibility organization. In
7 making a determination pursuant to this Section, the Agency
8 may solicit information from the representatives of recycling
9 facilities and other stakeholders, as the Agency deems
10 appropriate.

11 (b) A stewardship plan shall not be approved, pursuant to
12 this Section, unless the Agency determines that: (1) the
13 producer responsibility organization has engaged in
14 satisfactory consultation with stakeholders in the development
15 of the stewardship plan; (2) the stewardship plan adequately
16 addresses all of the elements described in subsection (b) of
17 Section 20 of this Act in sufficient detail to demonstrate
18 that the objectives of the stewardship plan will be met; and
19 (3) the stewardship plan contains an adequate financing
20 mechanism, developed pursuant to subsection (d) of Section 20
21 of this Act and a budget subject to review and approval by the
22 Agency.

23 (c) (1) If a stewardship plan is approved pursuant to this
24 Section, the producer responsibility organization shall begin
25 implementing the approved plan within 90 days after receipt of

1 the Agency's written notice or after the expiration of the
2 120-day period established by subsection (a) of this Section,
3 as the case may be, or within another timeframe agreed to by
4 the Agency.

5 (2) If a stewardship plan is conditionally approved
6 pursuant to this Section, the Agency's written notice shall
7 specify the conditions that are to be satisfied in order for
8 the stewardship plan to be approved pursuant to this Act. The
9 producer responsibility organization shall implement the
10 conditionally approved plan, in accordance with the conditions
11 specified in the notice, either within 90 days after receipt
12 of the Agency's notice or within another timeframe agreed to
13 by the Agency.

14 (3) If an electronic smoking device stewardship plan is
15 disapproved pursuant to this Section, the Agency's written
16 notice shall be accompanied by a detailed statement describing
17 the reasons for disapproval. Not more than 30 days after
18 receipt of the Agency's notice and accompanying statement of
19 the reasons for disapproval, the producer responsibility
20 organization shall submit a revised stewardship plan to the
21 Agency, who shall approve, conditionally approve, or
22 disapprove the revised plan in accordance with the provisions
23 of subsection (a) of this Section.

24 (d) Not more than 90 days after approving an electronic
25 smoking device stewardship plan pursuant to this Section, or
26 any revisions thereto, the Agency shall post the stewardship

1 plan at a publicly accessible location on the Agency's
2 website.

3 (e)(1) A stewardship plan approved pursuant to this
4 Section shall be reviewed and updated by the producer
5 responsibility organization, and reapproved by the Agency, at
6 least once every 5 years, in accordance with the procedures
7 specified in this Section.

8 (2) Notwithstanding the provisions of paragraph (1) of
9 this subsection to the contrary, the Agency may, at any time,
10 review a previously approved electronic smoking device
11 stewardship plan to determine whether the stewardship plan is
12 being implemented in accordance with this Act. If the Agency,
13 at any time, finds that the approved plan, as implemented, is
14 deficient, the Agency may order the producer responsibility
15 organization to incorporate modifications to the stewardship
16 plan or to the implementation thereof, as may be necessary to
17 ensure that the stewardship plan, as implemented, fully
18 complies with the provisions of this Act.

19 Section 30. Prohibition on sale of electronic smoking
20 devices.

21 (a) Beginning 2 years after the effective date of this
22 Act, a producer shall not sell, offer for sale, distribute, or
23 import for sale in the State an electronic smoking device
24 unless the producer is participating in an approved producer
25 responsibility organization in compliance with this Act.

1 (b) A distributor or retailer shall not be subject to
2 enforcement of the prohibition under this Section for the sale
3 or offering for sale of an electronic smoking device if the
4 distributor or retailer reasonably relied, in the ordinary
5 course of business, on the representation of a producer or
6 producer responsibility organization that the producer was in
7 compliance with this Act. This subsection does not apply to a
8 distributor or retailer that is also a producer with respect
9 to electronic smoking devices for which it is the producer.

10 Section 35. Enforcement and penalties.

11 (a) A producer that violates subsection (a) of Section 30
12 of this Act is subject to a written warning for a first
13 violation and a civil penalty of up to \$10,000 for each
14 subsequent violation.

15 (b) In determining the amount of a civil penalty under
16 this Section, the court may consider the nature,
17 circumstances, extent, and gravity of the violation, including
18 the number of electronic smoking devices sold in violation of
19 this Act.

20 (c) The Attorney General may recover civil penalties and
21 any other damages and may seek injunctive relief to enforce
22 this Act.

23 Section 40. Antitrust exemption.

24 (a) Except as provided in subsection (b) of this Section,

1 an action undertaken by a producer or producer responsibility
2 organization that is necessary to develop or implement an
3 approved electronic smoking device stewardship plan shall not
4 be deemed to constitute a violation of any State law relating
5 to antitrust, restraint of trade, unfair trade practices, or
6 the regulation of trade or commerce.

7 (b) Subsection (a) does not apply to:

8 (1) any agreement establishing or affecting the price
9 of a product; or

10 (2) any agreement restricting the output or production
11 of a product or the geographic area or customers to which a
12 product will be sold.

13 Section 45. Annual report.

14 (a) One year after the Agency provides notification to a
15 producer responsibility organization of its approval of a plan
16 in accordance with this Act, and annually on July 1 of each
17 year thereafter, each producer responsibility organization
18 shall submit an annual report to the Agency describing the
19 operation of its electronic smoking device stewardship program
20 during the preceding year.

21 (b) The report shall include, at a minimum:

22 (1) a list of participating producers;

23 (2) a description of the collection system, including
24 the number and location of collection sites;

25 (3) the total weight or quantity of post-consumer

1 electronic smoking devices collected, by method of
2 disposition;

3 (4) a description of the types of processing and
4 disposition facilities used by the program and the
5 disposition methods utilized;

6 (5) the total cost of implementing the program,
7 including, but not limited to, separate figures for the
8 costs associated with collection, transportation,
9 disposition, education and outreach, and an independent
10 financial audit;

11 (6) a description of education and outreach activities
12 conducted during the reporting period, including efforts
13 to inform consumers, retailers, and other stakeholders
14 about the electronic smoking device stewardship program;

15 (7) a description of any material changes to the
16 stewardship program during the reporting period, including
17 changes to collection methods, program scope, or
18 participating producers;

19 (8) a summary of compliance issues identified by the
20 producer responsibility organization during the reporting
21 period and actions taken to address those issues;

22 (9) an evaluation of program effectiveness and a
23 description of planned or considered improvements to the
24 program;

25 (10) a description of the educational and outreach
26 materials developed and distributed during the reporting

1 period and the methods used to disseminate those
2 materials, together with an assessment of their
3 effectiveness;

4 (11) a certification, signed by an authorized
5 representative of the producer responsibility
6 organization, attesting to the accuracy of the information
7 contained in the report;

8 (12) an annual financial report for the preceding
9 program year, audited by an independent certified public
10 accountant, demonstrating that producer fees collected
11 were sufficient to cover the costs of implementing and
12 operating the stewardship program for the reporting
13 period; the audit must be conducted in accordance with
14 generally accepted auditing standards.

15 (c) Within 90 days after receipt of an annual report, the
16 Agency may meet with interested stakeholders to review the
17 report. If the Agency chooses to meet with interested
18 stakeholders, the Agency shall post the minutes of each
19 stakeholder meeting on its website within 30 days after the
20 date of the meeting.

21 (d) Each report submitted pursuant to subsection (a) of
22 this Section shall be posted on the Agency's website. The
23 Agency shall not disclose financial, production, or sales data
24 reported by a producer responsibility organization pursuant to
25 this Section, except that the Agency may disclose such data in
26 aggregate or summary format, provided that individual

1 producers, distributors, or retailers and their financial,
2 production, or sales data are not specifically identified, and
3 the summary omits any reference to unique characteristics from
4 which the identities of individual producers, distributors, or
5 retailers might be ascertained.

6 Section 50. Rules; evaluation.

7 (a) The Agency may adopt rules as necessary to implement
8 and administer this Act.

9 (b) The Agency shall evaluate opportunities to increase
10 safety and convenience related to the management and disposal
11 of electronic smoking devices confiscated from students by a
12 school. The evaluation shall ensure consistency with the
13 federal Resource Conservation and Recovery Act and may
14 include, but need not be limited to, the potential designation
15 of confiscated devices as universal waste. The Agency shall
16 identify any recommendations that require future legislative
17 action.

18 Section 99. Effective date. This Act takes effect upon
19 becoming law.