
SENATE COMMITTEE ON ENVIRONMENTAL QUALITY

Senator Blakespear, Chair

2025 - 2026 Regular

Bill No: AB 2667
Author: Hadwick
Version: 6/10/2026
Urgency: No
Consultant: Taylor McKie

Hearing Date: 6/17/2026
Fiscal: Yes

SUBJECT: Vape products: household hazardous waste: advertising

DIGEST: This bill requires the Department of Toxic Substances Control (DTSC) to evaluate opportunities for the safe management of confiscated vape pens at a school; authorizes household hazardous waste collection facilities (HHWCF) to collect, transport, and mechanically disassemble vapes; and prohibits anyone from selling, marketing, advertising, or distributing a vape product if the vape product appeals to minors, as specified.

ANALYSIS:

Existing federal law:

- 1) Establishes the federal Resource Conservation and Recovery Act (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 (USC) §§ 6901 et seq.)

Existing state law:

- 1) 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.)
- 2) 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))

- 3) Defines hazardous waste as a federal RCRA hazardous waste if it meets any of the following criteria:
 - a. It exhibits any of the characteristics of ignitability, corrosivity, reactivity, or toxicity, as defined;
 - b. It is listed as a hazardous waste under federal regulation; or
 - c. It is identified as a hazardous waste under state regulation, as specified. (22 California Code of Regulations (CCR) § 66261.100)
- 4) Defines “household hazardous waste” (HHW) 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))
- 5) 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)
- 6) Requires a household hazardous waste collection facility (HHWCF) to obtain a hazardous waste facilities permit, unless the HHWCF is a recycle-only facility that meets specified conditions. (HSC § 25218.8)
- 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)

This bill:

- 1) Authorizes a HHWCF to rely on federal guidance and other provisions for the management of acutely hazardous waste for the purposes of determining how many vape pens and devices are accepted from very small quantity generators.
- 2) Authorizes a public agency, contractor of a public agency, or a registered hazardous waste transporter to transport vape pens and devices from a school that were confiscated from students pursuant to an agreement between the school and local HHWCF.
- 3) Requires 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, ensure the evaluation is consistent with RCRA, and identify recommendations that require future legislative action.

- 4) Authorizes a permanent HHWCF to 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 after consultation with the CUPAs and local fire authority.
- 5) Requires that the activities that apply to the mechanical disassembly of vape pens and devices are described in the operation plan and included in a permit-by-rule application, and that any personnel involved in the activities receive adequate training to ensure safe management and operations.
- 6) Defines “vape pen and device” to mean 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.
- 7) Prohibits a person from marketing, promoting, labeling, branding, advertising, distributing, offering for sale, or selling a vape product in this state by doing either of the following:
 - a) Imitating a product that is not a vape product to conceal the nature of the vape product from adults, as specified; or
 - b) Including interactive videogame capabilities within a vape product.
- 8) Authorizes a city, county, a city and county, or the state to enforce the prohibition on vape products, as specified, and impose civil liability on a person or entity in violation of this section in the amount of \$1,000 for the first violation, \$2,500 for the second violation, and \$5,000 for the third and any subsequent violations.
- 9) Authorizes a city, county, a city and county, or the state to impose civil liability on a distributor, as defined, who violates the prohibition on vape products, as specified, in the amount of \$50,000 per violation
- 10) Requires any civil penalties collected to be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General (AG), whichever office that brought the action.
- 11) Authorizes the penalties collected by the AG to be expended by the AG to enforce the prohibition on vape products, as specified, upon appropriation by the Legislature.

- 12) Requires that any person in violation of these provisions is guilty of an infraction punishable by a fine of not more than \$500.
- 13) Requires the California Department of Tax and Fee Administration (CDTFA) to revoke or suspend a license to engage in the sale of cigarettes or tobacco products of any person with a license who is in violation of these provisions, upon a second or subsequent violation.
- 14) Authorizes an enforcement agency to seize a product at a retail location or any other person's location if the enforcement agency discovers that a tobacco retailer or any of its agents or employees sell, offer for sale, or possess with the intent to sell or offer for sale a vape product prohibited by these provisions.

Background

- 1) *Vapes as hazardous waste.* 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. 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 an authorized recycling facility.

Vapes are handheld electronic devices, typically powered by lithium-ion batteries, that vaporize a liquid containing nicotine or cannabis products. Vapes may be disposable and single-use, or rechargeable with refillable cartridges. Vapes are known to carry and emit a variety of harmful substances, including polycyclic aromatic hydrocarbons (PAHs), heavy metals, aldehydes, carbon monoxide, and per- and polyfluoroalkyl substances (PFAS).¹ In the liquid cartridges alone, studies have found 421 distinct chemicals, with over 75 chemicals deemed harmful or hazardous by the federal government. Vapes are considered hazardous waste under RCRA at their end of life due to both the corrosive properties of the embedded lithium-ion battery and the residual substances in the cartridge if filled with liquid nicotine. Liquid nicotine is considered to be acutely hazardous, thus more stringent requirements for management apply. For vapes containing cannabis products, residue left in the cartridges is considered hazardous waste under California law.

When improperly disposed of, vapes can release these hazardous substances into the environment. The embedded lithium-ion batteries may also pose a fire

¹ Constantin, A. and Mihălțan, FD. (2025). [E-Cigarette and Environment](#).

or explosion risk when damaged. The processes associated with solid waste collection, recycling and disposal during transport and at facilities can apply various stressors to lithium-ion batteries, increasing this risk.² The California Product Stewardship Council conducted a survey on fires at waste management facilities in 2018 and found that 40% of reported fires were caused by lithium-ion batteries.³ While evidence that lithium-ion batteries in vapes directly cause the fires experienced by refuse trucks and waste management facilities is difficult to come by, it is generally recognized that lithium-ion batteries have been responsible for some of these incidents and that vapes have the potential to ignite or explode.^{3,4,5}

- 2) *The challenges of managing waste vapes.* Many common household products are hazardous, and when these products are discarded, they become household hazardous waste (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 and facilities are run by local government agencies such as cities or counties.

State law requires vapes to be disposed of at a household hazardous waste collection facility (HHWCF), or other authorized hazardous waste facility. Vapes consist of various hazardous components, including the lithium-ion batteries, circuitry, and cartridges with residues of tobacco or cannabis products. The hazardous traits of these components vary significantly and if separated, the components would have different management requirements. Currently, HHWCFs are not authorized to separate these components, as disassembly would be considered a form of treatment. This, however, can make managing vapes extremely expensive as the vape would need to be managed as one unit and with the most stringent requirements due to the most hazardous components within the vape.

This bill would authorize HHWCFs to mechanically disassemble vapes after consultation with the respective certified unified program agency (CUPA) and the local fire authority. Enacting this authority would create system efficiencies in hazardous waste management and reduce costs for HHWCFs and their respective local agencies.

² Gausden, A. and Cerik, BC. (2024). Single-Use Vape Batteries: Investigating Their Potential as Ignition Sources in Waste and Recycling Streams.

³ California Product Stewardship Council. (2018). Fire Incident Survey Results 4/9/18.

⁴ U.S. Environmental Protection Agency. (2021). An Analysis of Lithium-ion Battery Fires in Waste Management and Recycling.

⁵ U.S. Fire Administration. (2017). Electronic Cigarette Fires and Explosions in the United States 2009-2016.

- 3) *Youth vaping.* The use of vapes is prevalent amongst youth.⁶ In 2024, it was reported that over 1.6 million minors partake in vaping.⁷ In a state-wide survey of youth vaping in schools, of nearly 8,000 staff from 255 middle and high schools, 31.9% reported seeing students vaping at school.⁸

Vapes are said to be aggressively marketed to young people, as many vapes exhibit features that can be appealing to minors.⁹ Vapes may use branding that involves characters familiar and trendy to minors through movies, television, and videogames. To help avoid confiscation, vapes can also be concealed to look like food products or school supplies, such as highlighters and USB drives. "Smart vapes" are emerging with touch screens, Bluetooth, speakers, and built-in games intended to attract a broader youth consumer base.¹⁰

There are a myriad of adverse physical and mental health impacts associated with vaping, and studies show that there is an increased risk for youth in developing these negative health outcomes.⁹ Additionally, vapes that were intended to target minors present additional waste management challenges, as "smart vapes" may contain additional components that are considered hazardous waste. Further, vapes that are disguised are likely to be mistaken for that product and disposed of improperly, posing a heightened risk of damage to waste management infrastructure.

To combat the risk that these vapes pose to minors and waste management facilities, this bill would ban vapes that imitate a product that is not a vape to conceal its nature, as specified, and vapes that include interactive videogame capabilities.

- 4) *Confiscation of vapes in schools.* Because the use of tobacco products and controlled substances are prohibited at schools, school staff are expected to confiscate vapes from students. Because waste vapes are considered hazardous waste, the school becomes a generator of hazardous waste.

Typically waste vapes are required to be disposed of at a HHWCF, however, because schools are not classified as "households" under federal regulation (40 CFR 261.4 (b)(1)), it is understood that schools cannot dispose of vapes at

⁶ Al-Oudah, G.A., et. al. (2025). [E-cigarettes and Vaping: A New Frontier in Youth Drug Prevention.](#)

⁷ U.S. Department of Health and Human Services. (2025). [Sound the Alarm: Youth Vaping Can Harm.](#)

⁸ Cole, A.G., et. al. (2022). [California School Staff Reports of Seeing Students Vaping at School and Disciplinary Actions.](#)

⁹ Golder, S., et. al. (2025). [Vaping and harm in young people: umbrella review.](#)

¹⁰ Wong, M. and Talbot, P. (2024). [Pac-Man on a vape: electronic cigarettes that target youth as handheld multimedia and gaming devices.](#)

HHWCFs and must abide by federal regulations as a hazardous waste generator. When vapes are treated as hazardous waste instead of HHW, the required handling, transportation, storage, and management of that vape pen is more intensive than if it were classified as HHW.

The U.S. EPA has issued guidance for schools and businesses on how to safely dispose of e-cigarettes (vapes containing nicotine), and depending on the amount of vapes collected, designates the hazardous waste generator categories.¹¹ While this information can serve as a resource for entities that may inevitably possess vapes, it can be very challenging and expensive for schools to manage the vapes they collect in this manner.

Previous legislation (AB 998, Hadwick, 2025) would have authorized schools to transport and manage confiscated vapes as household hazardous waste (HHW), but it is possible that this would have conflicted with federal regulations. AB 998 was held on the suspense file in the Senate Appropriations Committee.

Because it may be challenging for schools to manage vapes as hazardous waste, this bill requires DTSC to evaluate opportunities that increase the safety and convenience for schools that need to manage and dispose of vapes, and identify recommendations that require future legislative action.

Comments

- 1) *Purpose of 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.”

¹¹ U.S. Environmental Protection Agency. (2026). [How to Safely Dispose of E-Cigarettes: Information for Schools and Small Businesses](#).

TRIPLE REFERRAL:

This bill has been triple referred to the Senate Committee on Environmental Quality, Senate Committee on Business, Professions and Economic Development, and Senate Committee on Revenue and Taxation. If this measure is approved by the Senate Environmental Quality Committee, the do pass motion must include the action to re-refer the bill to the Senate Committee on Business, Professions, and Economic Development.

Related/Prior Legislation

AB 762 (Irwin, 2025) prohibits a person from importing or manufacturing for sale in this state a disposable, battery-embedded vapor inhalation device containing nicotine beginning January 1, 2027; and prohibits, a person from selling, distributing, or offering for sale a disposable, battery-embedded vapor inhalation device containing nicotine beginning January 1, 2028. This bill is currently pending in the Senate Environmental Quality Committee.

AB 998 (Hadwick, 2025) would have authorized a school to transport and manage confiscated vape pens as HHW and authorized a HHWCF to disassemble HHW. This bill was held on the suspense file in the Senate Appropriations Committee.

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.

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.

SB 726 (Caballero, Chapter 485, Statutes of 2019) authorized a public agency's contractor to conduct HHW materials exchange programs.

SOURCE: Rural County Representatives of California

SUPPORT:

Alameda County Office of Education
Association of California School Administrators
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
Rethinkwaste
Rural Counties Environmental Services Joint Powers Authority (ESJPA)
Rural County Representatives of California (RCRC)
Stopwaste
Swana California Chapters Legislative Task Force
Tehama County Solid Waste Management Agency
Western Placer Waste Management Authority (WPWMA)
Yuba-sutter Regional Waste Management Authority
Zero Waste Marin

OPPOSITION:

None received

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