

THIRD READING

Bill No: AB 2667
Author: Hadwick (R) and Wicks (D), et al.
Amended: 8/21/26 in Senate
Vote: 21

SENATE ENVIRONMENTAL QUALITY COMMITTEE: 7-0, 6/17/26
AYES: Blakespear, Valladares, Allen, Dahle, Gonzalez, Hurtado, Menjivar

SENATE BUS., PROF. & ECON. DEV. COMMITTEE: 10-0, 6/22/26
AYES: Wahab, Choi, Archuleta, Arreguín, Caballero, Menjivar, Niello,
Richardson, Strickland, Umberg
NO VOTE RECORDED: Smallwood-Cuevas

SENATE REVENUE AND TAXATION COMMITTEE: 4-0, 6/24/26
AYES: McNerney, Ashby, Becker, Grayson
NO VOTE RECORDED: Alvarado-Gil

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/13/26
AYES: Cervantes, Seyarto, Cabaldon, Dahle, Grayson, Richardson, Wahab

ASSEMBLY FLOOR: 76-0, 5/28/26 - See last page for vote

SUBJECT: Vape products: household hazardous waste: advertising

SOURCE: Rural County Representatives of California

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 the management of confiscated vapes from schools; and prohibits anyone from selling, marketing, advertising, or distributing a vape product if the vape product appeals to minors, as specified.

Senate Floor Amendments of 8/21/2026 would exempt schools transporting vapes to authorized hazardous waste management facilities from registration and manifest requirements, authorize household hazardous waste collection facilities to

accept a specified amount of acutely hazardous waste, remove the authorization for household hazardous waste collection facilities to disassemble vapes, and add contingency provisions with respect to AB 762 (Irwin) to add vape products, as described, to existing enforcement frameworks.

ANALYSIS:

Existing federal law 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 that were confiscated from students from a school that is a VSQG pursuant to an agreement between the school and local HHWCF.
- 3) Exempts a school transporting vape pens and devices confiscated from students from hazardous waste management registration and manifest requirements.
- 4) Authorizes a household hazardous waste collection facility to accept no more than 1 kilogram of acutely hazardous waste from a very small quantity generator (VSQG).
- 5) Authorizes a household hazardous waste collection facility to accept no more than 1 kilogram of extremely hazardous waste from a VSQG at a single time as long as it accepts a total of no more than 1,200 kilograms of non-acute hazardous waste and 12 kilograms of extremely hazardous waste from that VSQG in a calendar year.
- 6) Authorizes specified and separate accounting of non-acutely hazardous waste and acutely hazardous waste contained in vapes until DTSC adopts superseding

guidance or regulations and requires DTSC to provide written notice of the adoption of superseding guidance or regulations to Legislative Counsel.

- 7) 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.
- 8) 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.
- 9) 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.
- 10) 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.
- 11) 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
- 12) 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.
- 13) 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.
- 14) Requires that any person in violation of these provisions is guilty of an infraction punishable by a fine of not more than \$500.

- 15) Authorizes an enforcement agency to seize a product at a retail location or any other person's location and for that product to be deemed forfeited to the state 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.
- 16) Requires the California Department of Tax and Fee Administration (CDTFA) to 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 seizure and forfeiture and revoke a license upon a third seizure and forfeiture.
- 17) Provides contingent enactment provisions referencing AB 762 (Irwin), which bans disposable, battery-embedded vapor inhalation devices, to include disposable, battery-embedded vapor inhalation devices and the vape products prohibited by this bill in the existing enforcement framework for prohibited flavored tobacco products.

Background

Vapes as hazardous waste. Hazardous waste is a waste with properties that make it potentially dangerous or harmful to human health or the environment. 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, single-use or reusable electronic devices, typically powered by lithium-ion batteries, that vaporize a liquid containing nicotine or cannabis products. 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 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 or explosion risk when damaged. The processes associated with solid waste

¹ Constantin, A. and Mihăițan, FD. (2025). E-Cigarette and Environment.

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} State law requires vapes to be disposed of at a household hazardous waste collection facility (HHWCF), or other authorized hazardous waste facility.

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 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. 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.

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 HHWCFs and must abide by federal regulations as a hazardous waste generator. When vapes are treated as

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.

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.

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.¹⁰ 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. The bill 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. Floor amendments would authorize HHWCFs to accept 1 kilogram of acutely hazardous waste (which allows for the acceptance of nicotine vapes), exempt schools from hazardous waste registration and manifest requirements, and adds contingency provisions to include AB 762 (Irwin) prohibited vape products, as described, in the existing enforcement framework for prohibited flavored tobacco products. Floor amendments also remove the authorization for HHWCFs to disassemble vape pens.

Comments

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.

¹⁰ U.S. Environmental Protection Agency. (2026). [How to Safely Dispose of E-Cigarettes: Information for Schools and Small Businesses.](#)

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.”

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- The Department of Toxic Substances Control (DTSC) estimates ongoing costs of approximately \$440,000 annually (Electronic Waste Recovery & Recycling Account) to evaluate opportunities for the collection and disposal of vapes confiscated from students by a school, identify legislative or regulatory recommendations, update its Permit by Rule regulation (which creates a process that allows generators of hazardous waste to treat certain wastes without having to go through the formal permitting process) to explicitly authorize vape disassembly, coordinate with and provide oversight to the state’s Certified Unified Program Agencies (who administer the Permit by Rule program at the local level), coordinate with U.S. EPA, and other associated tasks.
- The California Department of Tax and Fee Administration (CDTFA) estimates ongoing costs ranging from \$239,000 to \$463,000 annually (Cigarette and Tobacco Products Compliance Fund) to notify licensees of the vape product prohibition in this bill, seize and destroy newly prohibited vape products that do not fall under CDTFA’s existing authority for flavored tobacco products, suspend or revoke licenses, and handle appeals. CDTFA notes this bill may also result in a reduction in cannabis excise tax and cigarette and tobacco product tax revenues of an unknown amount due to a reduction in available vape products and an increase in untaxed black market sales of prohibited products, a reduction in electronic cigarette excise tax and sales and use tax revenues of an unknown amount due to seizures of prohibited vape products by enforcement agencies from tobacco retailers, and a reduction in licensing fee revenues due to an unknown number of suspensions or revocations of cigarette and tobacco products licenses for noncompliance with the vape product prohibition (Cannabis Tax Fund, Cigarette and Tobacco Products Compliance Fund, Cigarette and Tobacco Products Tax Funds, General Fund, Local Revenue Fund 2011, Local Revenue Fund 1991, and Public Safety Fund).
- Forgone cannabis product license fee revenue as well as costs to the Department of Cannabis Control of an unknown but potentially significant amount (Cannabis Control Fund).

- The Department of Justice reports minor and absorbable costs.

SUPPORT: (Verified 8/21/2026)

Rural County Representatives of California (Source)

A Voice for Choice Advocacy

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

Stopwaste

Swana California Chapters Legislative Task Force

Tehama County Solid Waste Management Agency

Western Placer Waste Management Authority

Yuba-sutter Regional Waste Management Authority

Zero Waste Marin

OPPOSITION: (Verified 8/21/2026)

None received

ASSEMBLY FLOOR: 76-0, 5/28/26

AYES: Addis, Aguiar-Curry, Ahrens, Alanis, Alvarez, Arambula, Ávila Farías, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Caloza, Carrillo, Castillo, Chen, Connolly, Davies, DeMaio, Dixon, Elhawary, Ellis, Flora, Fong, Gabriel, Gallagher, Garcia, Gipson, Jeff Gonzalez, Mark González, Hadwick, Harabedian, Hart, Hoover, Irwin, Johnson, Kalra, Krell, Lackey, Lee, Lowenthal, Macedo, McKinnor, Muratsuchi, Nguyen, Ortega, Pacheco, Papan, Patel, Patterson, Pellerin, Petrie-Norris, Ramos, Ransom, Michelle Rodriguez, Rogers, Blanca Rubio, Sanchez, Schiavo, Schultz, Sharp-

Collins, Solache, Soria, Stefani, Ta, Tangipa, Valencia, Wallis, Ward, Wicks,
Wilson, Zbur, Rivas

NO VOTE RECORDED: Haney, Jackson, Quirk-Silva, Celeste Rodriguez

Prepared by: Taylor McKie / E.Q. / (916) 651-4108
8/24/26 10:57:07

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