

Date of Hearing: January 22, 2026

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Buffy Wicks, Chair

AB 762 (Irwin) – As Amended January 14, 2026

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill bans the import, manufacture, and sale of disposable, battery-embedded vapor inhalation devices, authorizes civil penalties and fines for violations, and authorizes the California Department of Tax and Fee Administration (CDTFA) and the Department of Cannabis Control (DCC) to enforce the prohibition by revoking or suspending specified licenses.

Specifically, this bill, among other things:

- 1) Prohibits, beginning January 1, 2027, a person from importing or manufacturing for sale in the state a new or refurbished disposable, battery-embedded vapor inhalation device, as defined. Prohibits, beginning January 1, 2028, a person from selling, distribution, or offering for sale in the state such a device.
- 2) Authorizes a city, a county, a city and county, or the state to enforce this prohibition and impose civil liability on a person or entity in violation of this bill in the amount of \$500 for the first violation, \$1,000 for the second violation, and \$2,000 for the third and any subsequent violations.
- 3) Requires any civil penalties collected be paid to the office that brought the action, and requires the penalties collected by the Attorney General (AG) be expended by the AG to enforce this bill, upon appropriation.
- 4) Provides that any person who violates the prohibition in this bill is guilty of an infraction punishable by a fine of not more than \$500.
- 5) Authorizes CDTFA to revoke or suspend a license to engage in the sale of cigarettes or tobacco products, pursuant to the Cigarette and Tobacco Products Licensing Act of 2003, of any person with a license who is in violation of this bill for a disposable, battery-embedded vapor inhalation device containing a tobacco product, as specified.
- 6) Authorizes DCC to revoke or suspend a license issued by the department pursuant to the Medicinal and Adult-Use Cannabis Regulation and Safety Act of any person who is in violation of this bill for a disposable, battery-embedded vapor inhalation device containing a cannabis product, as specified.
- 7) Provides that the costs incurred by a state agency in carrying out the provisions of the bill shall be recoverable by the AG, upon the request of the agency, from the liable person or persons.

FISCAL EFFECT:

- 1) Potential loss in license renewal fee revenue to CDTFA (Cigarette and Tobacco Products Compliance Fund) and DCC (Cannabis Control Fund) of an unknown amount. It is difficult to estimate the revenue loss because it is unknown how many licenses will be suspended or revoked under the requirements of the bill.
- 2) CDTFA anticipates annual ongoing costs ranging from \$50,000 to \$250,000 (General Fund) to notify licensees of the prohibition, suspend or revoke cigarette and tobacco products licenses, and manage appeals.
- 3) DCC anticipates any costs associated with suspending or revoking cannabis product licenses to be absorbable within existing resources (Cannabis Control Fund).
- 4) Potential annual revenue loss, likely in excess of \$150,000, as a result of foregone state excise and sales and use taxes on disposable vapes (General Fund and special funds). It is unknown what percentage of sales will shift to reusable vapes following the ban on single-use devices.
- 5) Department of Justice reports minor and absorbable costs. Civil penalty and fine revenue of an unknown amount. The bill requires penalties collected by the AG be expended by the AG to enforce this bill, upon appropriation.
- 6) Cost pressures (Trial Court Trust Fund, General Fund) of an unknown amount to the courts to adjudicate actions brought by the AG and public prosecutors to enforce violations. Actual costs will depend on the number of cases filed and the amount of court time needed to resolve each case. It generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a demand for increased funding for courts from the General Fund. The Governor's January budget proposal for fiscal year 2026-27 provides \$70 million ongoing General Fund to the Trial Court Trust Fund for court operations.

COMMENTS:

- 1) **Purpose.** According to the author:

Single-use vapes have surged in popularity due to their convenience... The lack of a standardized recycling process has led a rapidly increasing number of vapes to be landfilled...The lithium-ion batteries in vapes are highly flammable, cannot be removed, and post costly safety issues at every point of the waste stream...Local governments end up shouldering the cost of extinguishing and cleaning up dangerous battery fires, putting firefighters in harm's way. We do not throw away our phones or laptops after one week of use, and we should not treat other lithium-ion devices any differently.

- 2) **Background.** Single-use vapes are classified as acute single-use hazardous waste by the United States Environmental Protection Agency and are not able to be recycled with other plastic waste. Single-use vapes contain lithium-ion batteries. State law prohibits the disposal

of batteries in the trash or household recycling collection bins. If batteries end up in the trash or a recycling bin, owners and operators of solid waste transfer stations, municipal landfills, and recycling centers who discover batteries are required to remove and manage the batteries separately, and these facilities in turn become the generators of the hazardous waste batteries and must comply with hazardous waste management regulations.

Depending on the type of battery and applicable management requirements, batteries must be sent to a facility permitted to accept hazardous waste batteries, universal wastes, or spent lead acid batteries. Only facilities that have a DTSC permit or other type of authorization may accept hazardous waste batteries. Entities that do not have a DTSC permit may accept and store universal waste batteries and spent lead acid batteries if they operate according to the regulations specifically tailored for those types of batteries. Because lithium-ion batteries contain hazardous and corrosive materials, they also pose a fire risk if not stored or disposed of properly.

AB 2440 (Irwin), Chapter 351, Statutes of 2022, requires producers, either individually or through the creation of one or more stewardship organizations, to develop, fund, and implement a stewardship program for the collection and recycling of covered batteries. AB 2440 does not cover battery-embedded products, however. The Electronic Waste Recycling Act of 2003 provides for a program for consumers to return, recycle, and ensure the safe and environmentally sound disposal of electronic waste, which was expanded in 2022 to include covered battery-embedded products (SB 1215 (Newman), Chapter 370, Statutes of 2022). However, the bill excluded electronic nicotine delivery systems like e-cigarettes and vapes.

A coalition of organizations writing in support of the bill notes that when improperly discarded, single-use vapes, which contain embedded lithium-ion batteries, ignite fires in garbage cans, collection trucks, and material recovery facilities. The coalition further notes that single-use vapes are contributing to an egregious waste of lithium, a valuable resource; are rapidly becoming a dominant form of electronic litter, contaminating highways, parks, beaches, soil and waterways; are driving a surge in youth nicotine addiction; and exposing users to heightened levels of volatile organic compounds and toxic metals. The coalition argues that countries like the United Kingdom, France, Belgium, New Zealand, and Vietnam “have already taken decisive action against these products, recognizing the irreversible harm they cause,” and that “California must act now to prevent further environmental degradation, public health crises, and economic burdens associated with their unregulated disposal.”

Among other groups in opposition, the California Fuels and Convenience Alliance argues this bill will not eliminate consumer demand for the prohibited products but will instead drive consumers to the unregulated, illicit market, increasing risks to public health and safety. The opposition contends that products sold through the illicit market are not subject to the “same safety standards, age verification, or quality controls that licensed retailers must adhere to. As a result, consumers, particularly young people, are exposed to potentially dangerous products that may contain harmful substances or defective batteries.” The California Cannabis Industry Association notes many legal cannabis operators in the state are instituting takeback programs and offering consumer education efforts “to limit the sale of single use products and to encourage safe disposal.”