
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2025 - 2026 Regular Session

AB 998 (Hadwick) - Household hazardous waste: vape pens

Version: July 17, 2025

Urgency: No

Hearing Date: August 18, 2025

Policy Vote: E.Q. 8 - 0

Mandate: Yes

Consultant: Ashley Ames

Bill Summary: This bill would, until January 1, 2029, require the Department of Toxic Substances Control (DTSC) to evaluate opportunities to increase safety and convenience related to the management and disposal of vape pens confiscated from students by a school, as provided, and identify any recommendations that require future legislative action.

Fiscal Impact:

- Unknown but potentially significant ongoing costs, until January 1, 2029, (Hazardous Waste Control Account or other special fund) for DTSC to consider alternative options for safe vape management and to possibly support any increases in enforcement action against violators of the bill's requirements.

Background: Hazardous waste is waste that could be dangerous to human health or the environment. Waste is deemed to be 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 wastes even if they are not specifically listed or do not exhibit any characteristic of a hazardous waste. Hazardous wastes are 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.

Universal waste. Universal waste comes primarily from consumer products containing mercury, lead, cadmium and other substances that are hazardous to human health and the environment. These items cannot be discarded in household trash nor disposed of in landfills. Examples of universal waste are batteries, fluorescent tubes, and many electronic devices. Under both state and federal law and regulation, universal wastes are authorized to be managed in a less stringent manner than hazardous waste.

California's Universal Waste Rule allows individuals and businesses to transport, handle, and recycle certain common hazardous wastes, termed universal wastes, in a manner that differs from the requirements for most hazardous wastes. The more relaxed requirements for managing universal wastes were adopted to ensure that they are managed safely and are not disposed of in the trash. The universal waste requirements are also less complex and easier to comply with, thereby increasing compliance.

Environmental impacts of disposable vapes. Disposable vapes are a 'double-whammy' in terms of environmental impact because they are used for a short time before becoming electronic waste and because they contain acutely toxic materials making them hazardous waste. 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. Vapes can be reusable, wherein new cartridges containing nicotine or cannabis and other flavorants can be replaced when they are empty, or they can be single use, wherein the cartridges are not refillable or replaceable, and the entire vape is thrown out as waste once the initial cartridge is empty. According to a 2023 report, "Vape waste: The environmental harms of disposable vapes," the United States Public Interest Research Group (USPIRG) Education Fund, sale of single use brands of vapes increased following the Food and Drug Administration's (FDA) crackdown on flavored nicotine e-liquid cartridges for reusable vapes in 2020. 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.

Electronic waste produced from disposable vapes includes both the circuit boards and lithium ion batteries that power the device. These boards contain heavy metals and cannot be landfilled at the end of their (short) lives. Lithium batteries can catch fire, especially when damaged. When placed in household trash and recycling bins, lithium batteries often get damaged by trash compactors and can cause fires during transportation and at waste and recycling facilities."

Vape waste cannot be recycled with other plastics because the substance is defined by the U.S. EPA as an acute hazardous waste.

Vapes in schools. In 2024, e-cigarettes were the most commonly used tobacco product among middle and high school students in the United States . According to the CDC, 1.63 million youths 18 and younger used vapes across the US (or 5.9%), This includes 410,000 (3.5%) middle school students and 1.21 million (7.8%) high school students. The frequency of use of vapes are very high for about a third of this population: 38.4% used an e-cigarette on at least 20 of the last 30 days, and 26.3% used an e-cigarette every day .

Since youths spend at a minimum 4 hours per day five days a week in school (and the majority spend far more time than the statutorily required minimum in California classrooms), vaping in schools is common. A study from 2020 by the NIH found that, in a state-wide survey of 7,938 staff from 255 middle and high schools, 31.9% of staff reported seeing students vaping at schools the last 30 days. 11.9% of teachers reported catching a student vaping during class .

Proposed Law: This bill would, until January 1, 2029, require DTSC to evaluate opportunities to increase safety and convenience related to the management and disposal of vape pens confiscated from students by a school, as provided, and identify any recommendations that require future legislative action. The bill would authorize a household hazardous waste collection facility to conduct physical treatment activities involving the disassembly of household hazardous waste to separate batteries, valves, electronic components and other parts containing liquids or gases, including, but not limited to, the disassembly of vape pens, in a manner that does not result in the unauthorized release of hazardous materials. This bill would prohibit a public agency, or its contractor, from including vape pens in a materials exchange program.

Related Legislation:

AB 1894 (L. Rivas Chapter 390, Statutes of 2022) prohibits, commencing July 1, 2024, cannabis cartridges and integrated cannabis vaporizers packages from implying the product is disposable and adds advertisement and marketing requirements.

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