

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 544

H.P. 401

House of Representatives, January 31, 2019

An Act To Create Extended Producer Responsibility for Post-consumer Waste Generated from the Use of Tobacco Products

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BLUME of York.
Cosponsored by Representatives: BAILEY of Saco, FAY of Raymond, LANDRY of Farmington, McCREIGHT of Harpswell.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **CONCEPT DRAFT**

3 **SUMMARY**

4 This bill is a concept draft pursuant to Joint Rule 208.

5 This bill proposes to establish a system under which producers of tobacco products
6 develop, finance and implement stewardship programs to collect, transport, process and
7 safely dispose of post-consumer tobacco waste to reduce, prevent and mitigate the
8 environmental effects of the disposal of that waste in the State.

9 The bill proposes to:

10 1. Prohibit tobacco producers or retailers from selling or offering for sale tobacco
11 products in the State unless they are participating in an approved tobacco waste
12 stewardship program;

13 2. Require a tobacco producer to provide retailers that sell tobacco products
14 information about the producer's tobacco waste stewardship program and information
15 regarding available collection opportunities for post-consumer tobacco product waste.
16 Under the bill, a retailer that sells tobacco products would be required to provide that
17 information to its consumers at the time of sale;

18 3. Require each tobacco producer to submit a plan for its tobacco waste stewardship
19 program to the State for approval. The plan must:

20 A. Specify educational and outreach activities and materials that promote and
21 increase awareness of the tobacco waste stewardship program, including but not
22 limited to a website and written materials. The outreach materials must identify
23 options for establishing an effective collection system, promote a reduction in the
24 generation of post-consumer tobacco product waste, identify each tobacco producer
25 participating in the program, identify participating brands of tobacco products sold
26 and identify the processors that manage the post-consumer tobacco product waste that
27 is collected;

28 B. Establish and provide for the implementation of goals to reduce the generation of
29 post-consumer tobacco product waste;

30 C. Outline the responsibility for negotiating and executing contracts to collect,
31 transport and process post-consumer tobacco product waste for end-of-product
32 management;

33 D. Describe how the end-of-product management of post-consumer tobacco product
34 waste that is collected under the tobacco waste stewardship program will use
35 environmentally sound management practices that are consistent with state laws and
36 other relevant environmental rules and practices for ultimate disposal;

- 1 E. Establish a timeline for carrying out an annual assessment of the effectiveness of
2 actions taken under the tobacco waste stewardship program;
- 3 F. Include an anticipated annual operating budget for the tobacco waste stewardship
4 program; and
- 5 G. Identify an effective, convenient system for the collection of post-consumer
6 tobacco product waste that ensures sufficient permanent collection sites and provides
7 for collection events in geographically underserved areas;
- 8 4. Establish a process for tobacco producers to amend their tobacco waste
9 stewardship programs;
- 10 5. Require tobacco producers to submit annual reports, which must include the
11 volume of post-consumer tobacco product waste collected, an independent financial
12 audit, an evaluation of the tobacco waste stewardship program's funding mechanism, an
13 updated budget, samples of educational and outreach materials, documentation of
14 compliance with collection requirements, a description of activities undertaken to achieve
15 the program's goals as provided for in the program plan and identification of proposed
16 changes to the program;
- 17 6. Allow the state agency charged with overseeing tobacco waste stewardship
18 programs to develop a pilot project for a tobacco waste stewardship program;
- 19 7. Require the state agency charged with overseeing tobacco waste stewardship
20 programs to establish a schedule of fees;
- 21 8. Make financial cost, production or sales data and records confidential and
22 establish a process for disclosure of aggregate information;
- 23 9. Require the state agency charged with overseeing tobacco waste stewardship
24 programs to publish by municipality, city or county the total weight of post-consumer
25 tobacco product waste collected; and
- 26 10. Establish civil penalties for violations.