

SENATE ENVIRONMENT AND ENERGY COMMITTEE

STATEMENT TO

SENATE, No. 681

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 8, 2026

The Senate Environment and Energy Committee reports favorably and with committee amendments Senate Bill No. 681.

As amended, this bill, to be known as the “Electronic Cigarette Extended Producer Responsibility Act,” would require producers of electronic cigarettes (e-cigarettes) and their component parts to form a producer responsibility organization (PRO) and develop and implement a plan to provide for the sound disposal of e-cigarettes.

The bill would require the formation of the PRO within one year after the Department of Environmental Protection (DEP) adopts rules and regulations to implement the bill. The bill would require the PRO to be approved by the DEP, and to meet certain standards established by the bill. The bill would require the PRO to submit an “e-cigarette stewardship plan” to the DEP. The plan would be required to, among other things, provide collection site locations Statewide that will accept post-consumer e-cigarettes such that: (1) each county as at least one collection site; (2) at least 90 percent of State residents have a permanent collection site within 15 miles of their residence; (3) permanent collection sites be established for every 30,000 residents of a population center, and (4) collection sites be distributed to provide convenient and equitable access for residents within each population center. In addition the bill would require each retailer of e-cigarettes to begin serving as a collection site within three years after the DEP first approves an e-cigarette stewardship plan.

The bill would also require the PRO to charge fees to its members, in order to fund the PRO’s activities and the implementation of the e-cigarette stewardship plan. The fees would be based, in part, on the quantity of e-cigarettes sold by the member in the State. The fees would also be based on the environmental impact of the e-cigarette, with, for example, lower fees being charged for reusable e-cigarettes and e-cigarettes that contain recycled content. The bill would require the DEP to approve the e-cigarette stewardship plan, according to certain procedures established in the bill, and the bill would require the plan to be updated at least every five years.

Beginning 180 days after the department first approves an e-cigarette stewardship plan, the bill would prohibit the sale of e-cigarettes made by producers that do not join the PRO, and the bill

would establish civil penalties of \$500 for producers, distributors, and retailers that sell the prohibited e-cigarettes. The bill would authorize the DEP, municipalities, and county environmental enforcement agencies to enforce this prohibition. The bill would also authorize the DEP to assess civil administrative penalties of up to \$10,000 per violation for any violation of the bill's provisions.

This bill was prefiled for introduction in the 2026-2027 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.

COMMITTEE AMENDMENTS:

The committee amendments to the bill:

- (1) revise the findings and declarations section;
- (2) add a definitions of "consumer" and "retailer," and revise the definitions of "e-cigarette," "post-consumer e-cigarette," and "producer";
- (3) revise several of the deadlines for required actions by the DEP and the PRO in the bill;
- (4) require the establishment of at least one e-cigarette collection site in each county;
- (5) require additional provisions to be included in e-cigarette stewardship plans;
- (6) require the PRO to notify the DEP of any changes to the end-of-life processing method it utilizes;
- (7) revise the bill's provisions concerning the PRO fee structure to exclude mentions of recyclable and biodegradable e-cigarettes;
- (8) remove a provision that would have allowed for the automatic approval of e-cigarette stewardship plans if the DEP missed its review deadline;
- (9) require each retailer of e-cigarettes in the State to serve as a collection site within three years after the DEP approves an e-cigarette stewardship plan;
- (10) require the DEP to establish an annual fee to cover its costs in implementing and enforcing the bill's provisions; and
- (11) make technical and clarifying changes.