



# 129th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2019

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Legislative Document

No. 544

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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**

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

A handwritten signature in black ink 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.