

1 S.116

2 Introduced by Senators Pearson and Campion

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; health; solid waste; tobacco

6 substitutes; replacement cartridge

7 Statement of purpose of bill as introduced: This bill proposes to establish a  
8 deposit redemption system for replacement cartridges for tobacco substitutes,  
9 such as electronic cigarettes.

10 An act relating to the management and disposal of nicotine containers and  
11 replacement cartridges for tobacco substitutes

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 10 V.S.A. Chapter 167 is added to read:

14 CHAPTER 167. MANAGEMENT AND DISPOSAL OF LIQUID

15 NICOTINE CONTAINERS AND REPLACEMENT CARTRIDGES

16 § 7571. DEFINITIONS

17 As used in this chapter:

18 (1) "Distributor" means every person who engages in the sale of liquid  
19 nicotine containers or replacement cartridges to a retail dealer in this State,  
20 including any manufacturer who engages in sales to a retail dealer. Any retail

1 dealer who sells liquid nicotine containers or replacement cartridges without  
2 having purchased them from a person otherwise classified as a distributor shall  
3 be a distributor.

4 (2) “Liquid nicotine container” means a bottle or other container of a  
5 liquid containing nicotine or other substance that is sold, marketed, or intended  
6 for use in a tobacco substitute. The term does not include a replacement  
7 cartridge.

8 (3) “Manufacturer” means every person filling liquid nicotine containers  
9 or replacement cartridges for sale to distributors or retail dealers.

10 (4) “Replacement cartridge” means a cartridge that is:

11 (A) prefilled by a manufacturer with liquids containing nicotine or  
12 other substances;

13 (B) sealed by the manufacturer;

14 (C) not intended to be opened by the consumer; and

15 (D) intended for use in a tobacco substitute.

16 (5) “Retail dealer” means any person who sells liquid nicotine  
17 containers or replacement cartridges to the public.

18 (6) “Secretary” means the Secretary of Natural Resources.

19 (7) “Tobacco substitute” has the same meaning as in 7 V.S.A. § 1001.

1     § 7572. DEPOSIT ON LIQUID NICOTINE CONTAINERS AND  
2             REPLACEMENT CARTRIDGES

3             (a) A consumer shall pay a deposit of not less than \$5.00 on each liquid  
4             nicotine container or replacement cartridge sold at the retail level and refunded  
5             to the consumer upon return of the empty liquid nicotine container or  
6             replacement cartridge.

7             (b) A retail dealer who redeems a liquid nicotine container or replacement  
8             cartridge shall be reimbursed by the manufacturer or distributor of the liquid  
9             nicotine container or replacement cartridge in an amount of \$0.75 per liquid  
10            nicotine container or replacement cartridge for liquid nicotine containers or  
11            replacement cartridges that are part of a commingling program and \$1.00 per  
12            liquid nicotine container or replacement cartridge for liquid nicotine containers  
13            or replacement cartridges that are not part of a commingling program.

14            (c) A retail dealer shall redeem liquid nicotine containers or replacement  
15            cartridges during the regular operating hours of the establishment.

16     § 7573. ACCEPTANCE AND HANDLING OF LIQUID NICOTINE  
17             CONTAINERS OR REPLACEMENT CARTRIDGES

18            (a) A retail dealer shall not refuse to:

19            (1) accept from any person an empty liquid nicotine container or  
20            replacement cartridge that is labeled in accordance with section 7574 of this  
21            title and that is the kind, size, and brand sold by the retailer; or

1           (2) pay to a person returning an empty liquid nicotine container or  
2           replacement cartridge the refund value of the liquid nicotine container or  
3           replacement cartridge as established by section 7572 of this title.

4           (b) A manufacturer or distributor shall not refuse to pick up from a retail  
5           dealer that sells its product any empty liquid nicotine container or replacement  
6           cartridge labeled in accordance with section 7574 of this title of the kind, size,  
7           and brand sold by the manufacturer or distributor, or refuse to pay the retail  
8           dealer the refund value of a liquid nicotine container or replacement cartridge  
9           as established by section 7572 of this title.

10          (c) A retail dealer shall not redeem liquid nicotine containers or  
11          replacement cartridges that are not labeled in accordance with section 7574 of  
12          this title.

13          (d) The Secretary shall publish guidance for the special handling by  
14          retailers of liquid nicotine containers or redeemed replacement cartridges,  
15          including applicable laws and environmental standards to be followed in the  
16          storage and handling of redeemed liquid nicotine containers or replacement  
17          cartridges.

18          § 7574. LABELING

19          (a) Every liquid nicotine container or replacement cartridge sold or offered  
20          for sale at retail in this State shall clearly indicate by embossing or imprinting  
21          on the normal product label, or the container or cartridge itself, the word

1 “Vermont” or the letters “VT” and the refund value of the liquid nicotine  
2 container or replacement cartridge in a type size approved by the Secretary.  
3 This subsection does not prohibit including names or abbreviations of other  
4 states with deposit legislation comparable to this chapter.

5 (b) The Secretary may allow a conspicuous, adhesive sticker to be attached  
6 to the liquid nicotine container, replacement cartridge, or container or  
7 packaging holding a liquid nicotine container or replacement cartridge that  
8 indicates the deposit information required in subsection (a) of this section,  
9 provided that the size, placement, and adhesive qualities of the sticker are as  
10 approved by the Secretary.

11 § 7575. PROHIBITIONS

12 (a) A manufacturer or distributor shall not sell or offer for sale in this State  
13 a brand of liquid nicotine container or replacement cartridge labeled as  
14 provided in section 7574 of this title if the manufacturer or distributor sells that  
15 liquid nicotine container or replacement cartridge containing that brand in a  
16 state that does not have a deposit-redemption system similar to the one  
17 established by this chapter and that is adjacent to this State. A manufacturer or  
18 distributor that violates this subsection is prohibited from selling or offering  
19 those liquid nicotine containers or replacement cartridges for sale in this State  
20 until the violation is corrected.

1       (b) No person shall knowingly attempt to redeem a liquid nicotine  
2       container or replacement cartridge at a retail dealer for deposit return if that  
3       cartridge was purchased outside this State.

4       § 7576. REGISTRATION

5       No distributor or manufacturer shall sell a liquid nicotine container or  
6       replacement cartridge in the State of Vermont without the manufacturer  
7       registering the liquid nicotine container type or replacement cartridge type with  
8       the Agency of Natural Resources prior to sale. This registration shall take  
9       place on a form provided by the Secretary and include the following:

- 10       (1) the name and principal business address of the manufacturer;  
11       (2) the name of the liquid nicotine container or replacement cartridge;  
12       (3) whether the liquid nicotine container or replacement cartridge is a  
13       part of an approved commingling agreement; and  
14       (4) the name of the person picking up the empty liquid nicotine  
15       container or replacement cartridge, if that person is different from the  
16       manufacturer.

17       § 7577. RULES

18       The Secretary may adopt rules, in accordance with 3 V.S.A. chapter 25,  
19       necessary for the administration of this chapter. These rules may include the  
20       following:

1           (1) provisions to ensure that liquid nicotine containers or replacement  
2           cartridges not labeled in accordance with section 7574 of this title are not  
3           redeemed;

4           (2) provisions regarding the commingling of redeemed liquid nicotine  
5           containers or replacement cartridges; and

6           (3) any other provision that may be necessary for the implementation of  
7           this chapter.

8           § 7578. PENALTY

9           A person who violates a provision of this chapter shall be fined not more  
10          than \$1,000.00 for each violation.

11          Sec. 2. EFFECTIVE DATE

12          This act shall take effect on January 1, 2020.