



Home	Bill Information	California Law	Publications	Other Resources	My Subscriptions	My Favorites
------	------------------	----------------	--------------	-----------------	------------------	--------------

AB-998 Household hazardous waste: vape pens. (2025-2026)

SHARE THIS:



Date Published: 07/17/2025 09:00 PM

AMENDED IN SENATE JULY 17, 2025

AMENDED IN ASSEMBLY MAY 23, 2025

AMENDED IN ASSEMBLY APRIL 10, 2025

CALIFORNIA LEGISLATURE— 2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 998

Introduced by Assembly Member Hadwick

February 20, 2025

An act to amend Sections ~~25160.8, 25217, 25217.2, 25218.1, 25218.5, 25218.8, 25218.8~~ and 25218.12 ~~of of, and to~~
add and repeal Section 25218.6 of, the Health and Safety Code, relating to hazardous waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 998, as amended, Hadwick. Household hazardous waste: vape pens.

Under existing law, the Department of Toxic Substances Control generally regulates the management and handling of hazardous waste and hazardous materials. Existing law authorizes certain entities to operate household hazardous waste collection facilities, as defined, under permits issued by the department. A violation of the hazardous waste control laws is a crime.

~~Existing law requires hazardous waste transported to a household hazardous waste collection facility to be transported by specified entities, and imposes conditions on the transport of hazardous waste to a household hazardous waste collection facility, including, among others, that the hazardous waste transported not exceed certain volume and weight requirements and that the hazardous waste be transported in closed containers. Existing law defines "household hazardous waste" to mean hazardous waste generated incidental to owning or maintaining a place of residence, and to not include waste generated in the course of operating a business concern at a residence.~~

~~Under this bill, a vape pen confiscated by a school as contraband is presumed to have been generated by a household and does not lose its status as household hazardous waste when properly managed and disposed of at a household hazardous waste collection facility or through a household hazardous waste collection program. The bill would impose the above-described conditions relating to the transport of hazardous waste on a school, as defined, or its contractor, transporting confiscated vape pens to a household hazardous waste collection facility. This bill would, until January 1, 2029, require the department 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. ~~The bill would make related conforming changes.~~

Existing law authorizes a public agency, or its contractor, to conduct a materials exchange program at a household hazardous waste collection facility to make reusable household hazardous products or materials available to recipients, as a part of its household hazardous waste collection program, if the public agency, or its contractor, complies with specified requirements.

The bill would prohibit a public agency, or its contractor, from including vape pens in a materials exchange program.

Because a violation of these provisions would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

~~SECTION 1. Section 25160.8 of the Health and Safety Code is amended to read:~~

~~25160.8. (a) For purposes of this section, the following definitions shall apply:~~

~~(1) "Door-to-door household hazardous waste collection program" or "household hazardous waste residential pickup service" has the same meaning as defined in subdivision (b) of Section 25218.1.~~

~~(2) "Household hazardous waste" has the same meaning as defined in subdivision (d) of Section 25218.1.~~

~~(3) "Public agency" has the same meaning as defined in subdivision (j) of Section 25218.1.~~

~~(4) "Registered hazardous waste transporter" or "transporter" means a person who holds a valid registration issued by the department pursuant to Section 25163.~~

~~(5) "VSQG wastes" means hazardous waste generated by a very small quantity generator, as defined in Section 25218.1.~~

~~(b) In lieu of the requirements imposed upon a generator pursuant to subdivision (b) of Section 25160 and the regulations adopted by the department pursuant to Section 25161, a registered hazardous waste transporter operating a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service may use the manifesting procedure specified in subdivision (c) if the transporter complies with the requirements of subdivisions (d) and (e):~~

~~(c) A registered hazardous waste transporter operating a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall comply with all of the following manifesting procedures when transporting household hazardous waste:~~

~~(1) A separate manifest shall be completed by each vehicle driver with respect to each transport vehicle operated by that driver for each date:~~

~~(2) The transporter shall complete both the generator's section and the transporter's section of the manifest in the following manner:~~

~~(A) In completing the generator's section of the manifest, the transporter shall use the name, identification number, address, and telephone number of the public agency operating the door-to-door household hazardous waste collection program.~~

~~(B) In completing the transporter's section of the manifest, the transporter shall use the transporter's own name, identification number, terminal address, and telephone number.~~

~~(C) The generator's and transporter's sections shall be completed before commencing each day's collection. The driver may sign for the generator.~~

~~(3) (A) The transporter shall attach legible receipts to the front of the manifest for each quantity of household hazardous waste that is received from a household. The receipts shall be used to determine the total volume of household hazardous waste in the vehicle.~~

~~(B) After the household hazardous waste is delivered, the receipts shall be maintained with the transporter's copy of the manifest.~~

~~(C)The transporter shall provide a copy of the manifest to the public agency authorizing the door-to-door household hazardous waste collection program:~~

~~(D)A public agency shall retain each manifest submitted pursuant to this paragraph for at least three years. The public agency shall also retain the manifest during the course of any unresolved enforcement action regarding a regulated activity or as requested by the department or a certified unified program agency:~~

~~(4)Each receipt specified in paragraph (3) shall have the residential address from which the household hazardous waste was received, the date received, the manifest number, the volume or quantity of household hazardous waste received, the type of household hazardous waste received, the public agency name and phone number, and the driver's signature:~~

~~(5)The transporter shall enter the total volume or quantity of each type of household hazardous waste transported on the manifest at the change of each date, change of driver, or change of transport vehicle. The total volume or quantity shall be the cumulative amount of each type of household hazardous waste collected from the generators listed on the individual receipts:~~

~~(6)The transporter shall submit a generator copy of the manifest to the department within 30 days of each shipment:~~

~~(7)The transporter shall retain a copy of the manifest and all receipts for each manifest at a location within the state for three years. This transporter shall also retain the manifest during the course of any unresolved enforcement action regarding a regulated activity or as requested by the department or a certified unified program agency:~~

~~(8)(A)The transporter shall submit all copies of the manifest to the designated facility:~~

~~(B)A representative of the designated hazardous waste facility that receives the household hazardous waste shall sign and date the manifest, return two copies to the transporter, retain one copy, and send the original to the department within 30 days of receipt:~~

~~(9)A transporter shall comply with all other requirements of Sections 25160 and 25161, unless expressly exempted pursuant to this section:~~

~~(d)A registered hazardous waste transporter operating a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall comply with all of the following requirements:~~

~~(1)A separate manifest shall be initiated for each jurisdiction, such as from each city or each county, from which household hazardous waste is collected, using the identification number of the public agency operating the door-to-door household hazardous waste collection program in that jurisdiction:~~

~~(2)(A)Only used oil, latex paint, and antifreeze that are household hazardous wastes that are collected from individual residents may be separately bulked on the vehicle, if the original containers are appropriately managed:~~

~~(B)A transporter collecting household hazardous wastes from multiple jurisdictions may consolidate those wastes at the time they are collected only if there is a written agreement among all of the jurisdictions and the transporter that wastes from multiple jurisdictions may be consolidated:~~

~~(3)The transporter operating the door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall not collect VSQG wastes or mix household hazardous waste with VSQG wastes in the same vehicle or at the same time as conducting the residential door-to-door household hazardous waste collection or household hazardous waste residential pickup service:~~

~~(4)(A)The transporter shall conduct all door-to-door or residential pickup operations to minimize potential harm to the public, operators, haulers, and the environment:~~

~~(B)All associated collection personnel, contractors, and emergency response personnel who will be handling the hazardous waste shall use all required personal protective and safety equipment during operating hours, as specified in Title 8 of the California Code of Regulations:~~

~~(C)The transporter shall allow only those persons trained in hazardous waste management, including personnel loading or unloading waste from transport vehicles, to handle the household hazardous waste:~~

~~(D)The transporter shall make available, upon request, to local, state, or federal agencies, the job titles, job descriptions, and personnel training records maintained for each person handling hazardous waste, in the same manner as a hazardous waste facility operator, as specified in subdivision (d) of Section 66264.16 of Title 22 of the California Code of Regulations:~~

~~(e)(1)A transporter operating a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service using the manifesting procedure specified in this section shall submit quarterly reports to the~~

department 30 days after the end of each quarter. The transporter shall submit the first quarterly report on October 31, 2012, covering the July to September 2012 period, and the transporter shall submit a report every three months thereafter. Except as otherwise specified in paragraph (2), the quarterly report shall be submitted in an electronic format provided by the department.

~~(2) A transporter that uses the manifesting procedure specified in this section for less than 1,000 tons per calendar year may apply to the department to continue submitting paper format reports.~~

~~(3) For each transporter's name, terminal address, and identification number, the quarterly report shall include the following information for each generator for each manifest:~~

~~(A) The name of the public agency authorizing the door-to-door household hazardous waste collection program or household hazardous waste residential pickup service for each manifest.~~

~~(B) The date of the shipment.~~

~~(C) The manifest number.~~

~~(D) The volume or quantity of each waste stream received, its California and RCRA waste code, and the waste stream category listed.~~

~~(4) The department shall make all of the information in the quarterly reports submitted pursuant to this subdivision available to the public through its usual means of disclosure.~~

SEC. 2. Section 25217 of the Health and Safety Code is amended to read:

25217. For purposes of this article, the following definitions shall apply:

(a) "Consolidation location" means a location to which recyclable latex paint or oil-based paint initially collected at a collection location is transported.

(b) "Oil-based paint" means a paint that contains drying oil, oil varnish, or oil-modified resin as the basic vehicle ingredient.

(c) "Paint" includes both oil-based paint and recyclable latex paint that is collected in accordance with this article.

~~(d) "Recyclable latex paint" means any water-based latex paint, still in liquid form, that is transferred for purposes of being recycled.~~

(e) "VSQG" means a very small quantity generator, as specified in Section 25218.1.

SEC. 3. Section 25217.2 of the Health and Safety Code is amended to read:

25217.2. (a) Recyclable latex paint may be accepted at any location, including, but not limited to, a permanent household hazardous waste collection facility in accordance with subdivision (b), if all of the following conditions are met:

(1) The location manages the recyclable latex paint in accordance with all applicable latex paint product management procedures specified by federal, state, or local law or regulation that include, at a minimum, that the recyclable latex paint is stored and handled in a manner that minimizes the chance of exposing the handler and the environment to potentially hazardous constituents that may be in, or have been incidentally added to, the recyclable latex paint.

(2) The recyclable latex paint is still in liquid form and is in its original packaging or is in a closed container that is clearly labeled.

~~(3) Any latex paint that is accepted as recyclable by the location and that is later discovered to be nonrecyclable shall be deemed to be a waste generated at the location where the discovery is made and the latex paint shall be managed as a waste in accordance with this chapter.~~

~~(4) If the recyclable latex paint is not excluded or exempted from regulation under Chapter I (commencing with Section 1.1) of Title 40 of the Code of Federal Regulations, the location meets all applicable federal requirements.~~

~~(5) The recyclable latex paint is stored for no longer than 180 days.~~

(b)(1) For purposes of this subdivision the following definitions shall apply:

(A) "Permanent household hazardous waste collection facility" has the same meaning as defined in subdivision (h) of Section 25218.1.

(B) "VSQG" means a very small quantity generator, as specified in Section 25218.1.

~~(2) A permanent household hazardous waste collection facility that is authorized to accept hazardous waste from a VSQG~~

pursuant to Section 25218.3 may accept recyclable latex paint from any generator in accordance with this article if the permanent household hazardous waste collection facility does all of the following:

~~(A)Complies with subdivision (a):~~

~~(B)Sends the recyclable latex paint, for recycling, to a latex paint recycling facility operating pursuant to this article:~~

~~(C)Maintains a monthly log of the volume of latex paint collected from each generator and submits that information annually with the report submitted pursuant to Section 25218.9 for household hazardous waste collected from household hazardous waste generators:~~

~~(3)A permanent household hazardous waste collection facility that takes the actions specified in paragraph (2) is not subject to the weight and volume limits on the amount of recyclable latex paint that may be accepted, pursuant to subdivision (b) of Section 25218.3:~~

~~(4)A permanent household waste collection facility may take the action specified in paragraph (2) notwithstanding a permit condition imposed upon the facility, a regulation adopted by the department to ensure a household hazardous waste collection facility does not accept hazardous waste from a commercial generator other than a VSQG, or the status of the generator:~~

SEC. 4. Section 25218.1 of the Health and Safety Code is amended to read:

25218.1. For purposes of this article, the following terms have the following meanings:

~~(a)“Curbside household hazardous waste collection program” means a collection service authorized by a public agency that is operated in accordance with Section 25163 and subdivision (d) of Section 25218.5 and that collects one or more of the following types of household hazardous waste:~~

~~(1)Latex paint:~~

~~(2)Used oil:~~

~~(3)Used oil filters:~~

~~(4)Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department:~~

~~(b)“Door-to-door household hazardous waste collection program” or “household hazardous waste residential pickup service” means a household hazardous waste service that meets all of the following requirements:~~

~~(1)The program or service is operated by a public agency or its contractor:~~

~~(2)The program or service is operated in accordance with subdivision (e) of Section 25218.5:~~

~~(3)The program or service collects household hazardous waste from individual residences and transports that waste in an inspected and certified hazardous waste transport vehicle operated by a registered hazardous waste transporter, to either of the following:~~

~~(A)An authorized household hazardous waste collection facility:~~

~~(B)A hazardous waste facility, as defined in Section 66260.10 of Title 22 of the California Code of Regulations:~~

~~(c)“Household” means a single detached residence or a single unit of a multiple residence unit and all appurtenant structures:~~

~~(d)(1)“Household hazardous waste” means hazardous waste generated incidental to owning or maintaining a place of residence:~~

~~(2)Household hazardous waste does not include waste generated in the course of operating a business concern at a residence:~~

~~(3)Notwithstanding paragraph (2), a vape pen confiscated by a school as contraband shall be presumed to have been generated by a household and shall not lose its status as household hazardous waste when properly managed and disposed of at a household hazardous waste collection facility or through a household hazardous waste collection program:~~

~~(e)“Household hazardous waste collection facility” means a facility operated by a public agency, or its contractor, for the purpose of collecting, handling, treating, storing, recycling, or disposing of household hazardous waste. The operation of a household hazardous waste collection facility may include accepting hazardous waste from very small quantity generators if that acceptance is authorized pursuant to Section 25218.3. Household hazardous waste collection facilities include permanent household hazardous waste collection facilities, temporary household hazardous waste collection facilities, recycle-only household hazardous waste collection facilities, curbside household hazardous waste collection programs, door-to-door household~~

~~hazardous waste collection program or household hazardous waste residential pickup service, and mobile household hazardous waste collection facilities.~~

~~(f)“Materials exchange program” means a program conducted at a household hazardous waste collection facility that makes reusable household hazardous products or materials available to recipients.~~

~~(g)“Mobile household hazardous waste collection facility” means a portable structure within which a household hazardous waste collection facility is operated and that meets all of the following conditions:~~

~~(1)The facility is operated not more than four times in any one calendar year at the same location.~~

~~(2)The facility is operated not more than three consecutive weeks within a two month period at the same location.~~

~~(3)Upon the termination of operations, all equipment, materials, and waste are removed from the site within 144 hours.~~

~~(h)“Permanent household hazardous waste collection facility” means a permanent or semipermanent structure at a fixed location that meets both of the following conditions:~~

~~(1)The facility is operated at the same location on a continuous, regular schedule.~~

~~(2)The hazardous waste stored at the facility is removed within one year after collection.~~

~~(i)“Person authorized by the public agency” means an employee of a public agency or a person from whom services are contracted by the public agency.~~

~~(j)“Public agency” means a state or federal agency, county, city, or district.~~

~~(k)“Quality assurance plan” means a written protocol prepared by a public agency, or its contractor, that is designed to ensure that reusable household hazardous products or materials that are collected by a household hazardous waste collection facility are evaluated to verify that the products or materials can be made available through a materials exchange program operated by that household hazardous waste collection facility.~~

~~(l)“Recipient” means a person, as defined in Section 25118, including, but not limited to, a commercial entity, that accepts a reusable household hazardous product or material from a public agency, or its contractor, operating a materials exchange program pursuant to this article and that intends to use the product or material for its originally intended purpose or has a known market or disposition for the product or material.~~

~~(m)“Recyclable household hazardous waste material” means any of the following:~~

~~(1)Latex paint.~~

~~(2)Used oil.~~

~~(3)Used oil filters.~~

~~(4)Antifreeze.~~

~~(5)Spent lead-acid batteries.~~

~~(6)Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department, except a universal waste for which the department determines, by regulation, that there is no readily available authorized recycling facility capable of accepting and recycling that waste.~~

~~(n)“Recycle-only household hazardous waste collection facility” means a household hazardous waste collection facility that is operated in accordance with Section 25218.8 and accepts for recycling only recyclable household hazardous waste materials.~~

~~(o)“Reusable household hazardous product or material” means a container of household hazardous product, or a container of household hazardous material received at a household hazardous waste collection facility that is determined, in accordance with a quality assurance plan, to be suitable and acceptable for distribution in a materials exchange program at a household hazardous waste collection facility operating pursuant to this article.~~

~~(p)“School” includes both of the following:~~

~~(1)A public school, including a charter school, or a private school that serves pupils in kindergarten or any of grades 1 to 12, inclusive.~~

~~(2)A local educational agency, as defined in Section 56026.3 of the Education Code.~~

~~(q)“Temporary household hazardous waste collection facility” means a household hazardous waste collection facility that meets both of the following conditions:~~

~~(1)The facility is operated not more than once for a period of not more than two days in any one month at the same location.~~

~~(2)Upon termination of operations, all equipment, materials, and waste are removed from the site within 144 hours.~~

~~(r)“Vape pen” means an electronic device that is powered by one or more removable or embedded batteries and that delivers solely, or a combination of, nicotine, cannabis, or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah.~~

~~(s)“Very small quantity generator” or “VSQG” means a generator that meets the criteria specified in Section 262.13 of Title 40 of the Code of Federal Regulations.~~

~~SEC. 5.Section 25218.5 of the Health and Safety Code is amended to read:~~

~~25218.5.(a)(1)Except as provided in paragraph (2), hazardous waste transported to a household hazardous waste collection facility shall be transported by any of the following:~~

~~(A)The individual or VSQG who generated the waste.~~

~~(i)Another person may transport the waste to the household hazardous waste collection facility on behalf of an individual who generated the waste, provided the individual who generated the waste is unable or unavailable to transport the waste, for reasons, including, but not limited to, death, illness, or disability.~~

~~(ii)The person transporting waste on behalf of an individual pursuant to clause (i) shall provide a certification or signed statement to the household hazardous waste collection facility at the time of delivery attesting to the circumstances under which the person is delivering the other person’s waste. The person shall also verify that the person is not receiving compensation for their services, and is not employed by an organization, whether for profit or not for profit, that provides a household hazardous waste transportation service.~~

~~(iii)A person transporting waste on behalf of an individual pursuant to clause (i) is subject to the same transportation limits that otherwise apply to the household.~~

~~(B)A curbside household hazardous waste collection program.~~

~~(C)A mobile household hazardous waste collection facility, a temporary or permanent household hazardous waste collection facility, or a recycle-only household hazardous waste collection facility.~~

~~(D)A door-to-door household hazardous waste collection program.~~

~~(E)A household hazardous waste residential pickup service.~~

~~(F)A registered hazardous waste transporter carrying hazardous waste generated by a VSQG.~~

~~(G)A public agency, contractor of a public agency, or a registered hazardous waste transporter carrying hazardous waste from a solid waste facility or operation, including, but not limited to, a solid waste landfill loadcheck program or a transfer station loadcheck program, under agreement with the household hazardous waste collection facility.~~

~~(H)A public agency, contractor of a public agency, or a registered hazardous waste transporter, under agreement with the household hazardous waste collection facility, operating under a contract with a public agency to transport hazardous wastes that were disposed of in violation of this chapter, and that are being removed by, or are being removed under the oversight of, the public agency, provided no more than 55 gallons or 500 pounds are being transported, and the hazardous wastes were not originally disposed of in violation of this chapter by that public agency.~~

~~(I)A school or its contractor, including a registered hazardous waste transporter, transporting vape pens confiscated as contraband at a school facility.~~

~~(2)Spent batteries that are received and transported pursuant to Section 25216.1 may be transported to a household hazardous waste collection facility from a collection location or an intermediate collection location.~~

~~(3)Notwithstanding Section 25218.4, a registered hazardous waste transporter or mobile household hazardous waste collection facility transporting hazardous waste to a household hazardous waste collection facility shall comply with subdivision (f) of Section 25163.~~

~~(b)An individual transporting household hazardous waste generated by that individual, a school or its contractor transporting vape~~

~~pens confiscated as contraband at a school facility, and a VSQG transporting hazardous waste generated by the VSQG to a household hazardous waste collection facility shall meet all of the following conditions:~~

~~(1)(A)Except as provided in subparagraphs (B) and (C) and Section 25218.5.1, the total amount of household hazardous waste transported by an individual or hazardous waste transported by a VSQG to a household hazardous waste collection facility shall not exceed a total liquid volume of five gallons or a total dry weight of 50 pounds. If the hazardous waste transported is both liquid and nonliquid, the total amount transported shall not exceed a combined weight of 50 pounds.~~

~~(B)Subparagraph (A) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.~~

~~(C)A VSQG may transport up to 27 gallons or 220 pounds, but not more than 100 kilograms, per month to a household hazardous waste collection facility, if all of the following conditions are met:~~

~~(i)The hazardous waste being transported was generated by that VSQG.~~

~~(ii)The VSQG contacts the household hazardous waste collection facility before each delivery to confirm that the facility will accept the hazardous waste.~~

~~(iii)The household hazardous waste collection facility provides oral, written, or electronic instructions to the VSQG before each delivery on proper packing for the safe transportation of the specific hazardous waste being transported.~~

~~(iv)The VSQG or employees of the VSQG transport the hazardous waste in a vehicle owned or leased and operated by the VSQG.~~

~~(D)The limits in this subdivision do not apply to recyclable latex paints or oil-based paints transported to a household hazardous waste collection facility.~~

~~(2)The household hazardous waste and VSQG hazardous waste that is transported shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.~~

~~(3)Different household hazardous wastes or different VSQG hazardous wastes shall not be mixed within a container before or during transport.~~

~~(4)If the hazardous waste is an extremely hazardous waste or an acutely hazardous waste, the total amount transported by a VSQG shall not exceed 2.2 pounds.~~

~~(c)(1)Except as provided in paragraph (2), the total combined volume or weight of used oil filters and antifreeze transported to a recycle-only household hazardous waste collection facility by any one individual shall not exceed a total liquid volume of 10 gallons or a total dry weight of 100 pounds. Up to two spent lead-acid batteries may be transported at the same time and not more than 20 gallons of used oil may be transported in the same vehicle if the volume of each individual container does not exceed 5 gallons.~~

~~(2)Paragraph (1) does not apply to spent batteries that are collected by a collection location or intermediate collection location pursuant to Section 25216.1 and transported to a household hazardous waste collection facility.~~

~~(d)A curbside household hazardous waste collection program shall meet all of the following conditions:~~

~~(1)Not more than a total combined weight of 10 pounds of used oil filters shall be collected from a single residence at one time.~~

~~(2)Not more than five gallons of used oil shall be collected from a single residence at one time, and the volume of each individual container collected shall not exceed five gallons.~~

~~(3)The volume of each individual container of architectural paint collected shall not exceed five gallons.~~

~~(4)Hazardous waste containing mercury shall not be collected by a curbside household hazardous waste collection program unless the waste is contained in secure packaging that prevents breakage and spillage.~~

~~(5)Fluorescent light tubes that are four feet or greater in length shall not be collected by a curbside household hazardous waste collection program.~~

~~(6)The transported household hazardous waste shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.~~

~~(7)Different household hazardous wastes shall not be mixed within a container before or during transport.~~

~~(e) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall meet all of the following conditions:~~

~~(1) The transported household hazardous waste shall be in closed containers and packed in a manner that prevents the containers from tipping, spilling, or breaking during transport.~~

~~(2) Different household hazardous wastes shall not be mixed within a container before or during transport.~~

~~(3)(A) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service is exempt from the requirements of Section 25160 regarding the use of a manifest when transporting household hazardous waste collected from individual residences to an authorized hazardous waste collection facility. In lieu of a manifest, a receipt shall be issued for the household hazardous waste collected from an individual residence, and a copy of the receipt shall be retained by the public agency for a period of at least three years.~~

~~(B) If household hazardous waste is transported to a hazardous waste facility, as defined in Section 66260.10 of Title 22 of the California Code of Regulations, the consolidated manifesting procedures specified in Section 25160.8 shall be used by the public agency or its contractor.~~

~~(f) Notwithstanding Section 25218.4, a permanent household hazardous waste collection facility, a mobile household hazardous waste collection facility, a temporary household hazardous waste collection facility, a recycle-only household hazardous waste collection facility, or a solid waste load checking program operating under an agreement with a household hazardous waste collection facility that transports household hazardous waste from the collection facility to a household hazardous waste collection facility pursuant to subdivision (a) shall comply with subdivision (f) of Section 25163 and paragraph (1) of subdivision (d) of Section 25160.~~

~~(g)(1) Except as provided in paragraph (2), a door-to-door household hazardous waste collection program or household hazardous waste residential pickup service shall not be deemed to be a household hazardous waste collection facility for purposes of this chapter if it is operated in conjunction with an authorized household hazardous waste collection facility.~~

~~(2) A door-to-door household hazardous waste collection program or household hazardous waste residential pickup service, under which household hazardous waste is collected from households in one jurisdiction and transported to an authorized household hazardous waste collection facility in another jurisdiction, shall be deemed a household hazardous waste collection facility for purposes of this chapter and shall submit the notification required in Section 25218.2 to each Certified Unified Program Agency in whose jurisdiction the household hazardous waste is collected.~~

SECTION 1. *Section 25218.6 is added to the Health and Safety Code, to read:*

25218.6. *(a) The department shall evaluate opportunities to increase safety and convenience related to the management and disposal of vape pens confiscated from students by a school. The evaluation shall ensure consistency with the federal Resource Conservation and Recovery Act and may include, but need not be limited to, the potential designation of confiscated vape pens as universal wastes. The department shall identify any recommendations that require future legislative action.*

(b) This section shall remain in effect only until January 1, 2029, and as of that date is repealed.

SEC. 6. **SEC. 2.** Section 25218.8 of the Health and Safety Code is amended to read:

25218.8. (a) Except as provided in subdivision (b), a hazardous waste facilities permit shall be obtained for the operation of a household hazardous waste collection facility.

(b) A hazardous waste facilities permit is not required for the operation of a recycle-only household hazardous waste collection facility if all of the following conditions are met:

(1) The facility accepts only the following recyclable household hazardous waste materials for subsequent transport to an authorized recycling facility:

(A) Latex paint.

(B) Used oil.

(C) Used oil filters.

(D) Antifreeze.

(E) Spent lead-acid batteries.

(F) Household hazardous waste that is designated as a universal waste pursuant to this chapter or the regulations adopted by the department.

(G) Oil-based paint accepted pursuant to the requirements in Section 25217.2.1.

(2) No hazardous wastes or other materials are handled at the facility other than the materials specified in paragraph (1).

(3) The materials are transported to the collection facility by either of the following:

(A) The person who generated the material.

(i) Another person may transport the waste to the household hazardous waste collection facility on behalf of an individual who generated the waste, provided the individual who generated the waste is unable or unavailable to transport the waste, for reasons, including, but not limited to, death, illness, or disability.

(ii) The person transporting waste on behalf of an individual pursuant to clause (i) shall provide a certification or signed statement to the household hazardous waste collection facility at the time of delivery attesting to the circumstances under which the person is delivering the other person's waste. The person shall also verify that the person is not receiving compensation for their services, and is not employed by an organization, whether for profit or not for profit, that provides a household hazardous waste transportation service.

(iii) A person transporting waste on behalf of an individual pursuant to clause (i) is subject to the same transportation limits that otherwise apply to the household.

(B) The authorized curbside household hazardous waste collection program or other household hazardous waste programs and sources, including load checking sources.

(4) The materials transported to the facility are transported in accordance with Section 25218.5.

(5) The materials collected are not stored at the facility for more than 180 days, except that less than one ton of spent lead-acid batteries may be stored at the facility for up to one year. More than one ton of spent lead-acid batteries shall not be stored at the facility for more than 180 days.

(6) The materials collected are managed in accordance with the hazardous waste labeling, containerization, emergency response, and personnel training requirements of this chapter.

(7) The facility is in compliance with Section 25218.2.

(c) A household hazardous waste collection facility may 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.

SEC. 7. SEC. 3. Section 25218.12 of the Health and Safety Code is amended to read:

25218.12. (a) A public agency, or its contractor, may conduct a materials exchange program as a part of its household hazardous waste collection program if the public agency, or its contractor, does all of the following:

(1) Determines which reusable household hazardous products or materials are suitable and acceptable for distribution to a recipient in accordance with a quality assurance plan prepared by the public agency, or its contractor.

(2) Instructs a recipient to use the product or material in a manner consistent with the instructions on the label.

(b) If a recipient that is a commercial entity intends to distribute a reusable household hazardous product or material to another recipient or end user, the public agency, or its contractor, shall do all of the following:

(1) Require the commercial entity to provide the following information, with a signed statement certifying the accuracy of the information under penalty of perjury:

(A) The commercial entity's legal name, address, and telephone number.

(B) Documentation supporting that the commercial entity has a known market or markets, or disposition, for any products or materials received, and a detailed description of that known market or markets, or disposition.

(C) A declaration that the commercial entity intends to distribute the reusable household hazardous product or material for its originally intended purpose.

(D) An explanation of how the commercial entity intends to dispose of any household hazardous products or materials it receives that remain unused.

(2) Require the commercial entity to provide the public agency with an annual report, by September 1 of each year, for the period between July 1 of the prior year and June 30 of the current year, that provides a detailed accounting for the products or materials it received. The detailed accounting shall include a list of recipients or end users to whom the commercial entity distributed a product or material, the amount and type of product or material distributed to the recipient or end user, the amount and type of product or material that is awaiting distribution, and the amount, type, and disposition of any product or material that the commercial entity was unable to sell or donate.

(3) Immediately discontinue providing reusable household hazardous products or materials to the commercial entity if the commercial entity cannot verify its compliance with paragraph (1) or (2).

(c) If the recipient of a reusable household hazardous product or material is a business or employer, the recipient shall be responsible for obtaining any written information necessary for compliance with the Hazardous Substances Information and Training Act (Chapter 2.5 (commencing with Section 6360) of Part 1 of Division 5 of the Labor Code).

(d) A recipient of a reusable household hazardous product or material shall do all of the following:

(1) Use the reusable household hazardous product or material in conformance with its label, and use appropriate personal protection.

(2) Manage unused reusable household hazardous products or materials as hazardous waste, as required by applicable California law, or as required by any applicable law in the state in which the product or material is discarded.

(e) Transportation of a reusable household hazardous product or material by a public agency, or its contractor, or by a recipient, shall be in compliance with all applicable shipping requirements of the United States Department of Transportation.

(f) A public agency, or its contractor, shall not include vape pens in a materials exchange program.

SEC. 8. SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.