

SENATE, No. 4271

STATE OF NEW JERSEY
221st LEGISLATURE

INTRODUCED MARCH 17, 2025

Sponsored by:

Senator BOB SMITH

District 17 (Middlesex and Somerset)

Senator JOSEPH F. VITALE

District 19 (Middlesex)

Co-Sponsored by:

Senator McKeon

SYNOPSIS

"Electronic Cigarette Extended Producer Responsibility Act."

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning the end-of-life management of electronic
2 cigarettes and supplementing Title 13 of the Revised Statutes.

3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6

7 1. This act shall be known and may be cited as the "Electronic
8 Cigarette Extended Producer Responsibility Act."

9

10 2. a. The Legislature finds and declares that:

11 (1) In the past decade, consumption and sales of electronic
12 cigarettes, or e-cigarettes, have risen dramatically worldwide;

13 (2) Approximately 60 million e-cigarettes and refills are sold
14 annually, and one-third of these are designed for single-use,
15 according to a 2019 study in the Journal of Environmental
16 Management;

17 (3) E-cigarettes are a growing waste management concern
18 because, despite their small size, they are consumed and discarded
19 much more quickly than typical electronics;

20 (4) The disposal of e-cigarette waste products into the
21 environment is problematic due to the presence of oxidants, reactive
22 oxygen species, nanoparticles, metals, and toxic compounds
23 including nicotine, carbonyls, and volatile organic compounds
24 (VOCs) such as benzene and toluene;

25 (5) Local governments, businesses, and residents of the State do
26 not have ready access to an efficient, environmentally sound, and
27 cost-effective disposal method for e-cigarettes;

28 (6) The producers of e-cigarettes are best able to assume
29 responsibility for the development and implementation of a cost-
30 effective e-cigarette stewardship program that will promote the
31 refurbishment, reuse, and recycling of e-cigarettes, including
32 vaporizers and batteries, and will provide for the collection,
33 transportation, and processing of discarded e-cigarettes.

34 b. The Legislature therefore determines that it is in the best
35 interests of the State for the producers of e-cigarettes to form a
36 producer responsibility organization and to develop and implement
37 a program to collect, reuse, recycle, transport, and soundly dispose
38 of discarded e-cigarettes.

39

40 3. As used in this act:

41 "Department" means the Department of Environmental
42 Protection.

43 "Distributor" means a person who has a contractual relationship
44 with one or more producers to market and sell e-cigarettes to
45 retailers.

46 "E-cigarette stewardship plan" or "stewardship plan" means the
47 plan developed pursuant to section 5 of this act, and which provides
48 for the environmentally sound life-cycle management, by

1 participating producers, of e-cigarettes that are sold or offered for
2 sale in New Jersey.

3 "Electronic cigarette" or "e-cigarette" means: (1) any device that
4 employs a battery or other mechanism to heat a solution or
5 substance to produce a vapor or aerosol intended for inhalation,
6 including an electronic cigar, electronic cigarillo, electronic pipe,
7 electronic hookah, or vape pen; (2) any cartridge or container of a
8 solution or substance intended to be used with or in the device or to
9 refill the device; or (3) any solution or substance, whether or not it
10 contains nicotine, intended for use in the device. "Electronic
11 cigarette" does not include: cigarettes, as defined in section 102 of
12 the "Cigarette Tax Act," P.L.1948, c.65 (C.54:40A-2), any product
13 approved by the United States Food and Drug Administration for
14 sale as a tobacco cessation product, a tobacco dependence product,
15 or for other medical purposes, and which is marketed and sold
16 solely for that approved purpose, or any asthma inhaler prescribed
17 by a physician for that condition that is marketed and sold solely for
18 that approved purpose.

19 "Environmentally sound management practices" means policies
20 or procedures for the collection, storage, transportation, reuse,
21 recycling, and disposal of e-cigarettes, which ensure compliance
22 with all applicable federal, State, and local laws, rules, regulations,
23 and ordinances, and the protection of human health and the
24 environment, and which address matters such as adequate
25 recordkeeping, accurate tracking and documentation of the use,
26 reuse, recycling, or disposal of post-consumer e-cigarettes within
27 and outside of the State, and adequate provision of environmental
28 liability coverage for professional services and for the operations of
29 contractors working on behalf of a producer or representative
30 organization.

31 "Federal waste management hierarchy" means the four-tiered
32 hierarchy, established by the United States Environmental
33 Protection Agency, that guides waste management determinations
34 through the promotion of source reduction, recycling, energy
35 recovery, and waste treatment and disposal, in that order, to the
36 extent feasible.

37 "Post-consumer e-cigarette" means an e-cigarette that is not used
38 and no longer wanted by a consumer.

39 "Producer" means a manufacturer of an e-cigarette that is sold,
40 offered for sale, or distributed in the State, either under the
41 producer's own name or under any other brand name.

42 "Producer responsibility organization" or "PRO" means an
43 organization that is exempt from taxation under Section 501(c)(3)
44 of the federal Internal Revenue Code of 1986 and is formed for the
45 purpose of implementing a producer responsibility plan to meet the
46 requirements of this act.

47 "Recycling" means any process by which materials or products
48 that would otherwise become solid waste are collected, separated,

1 or processed and returned to the economic mainstream in the form
2 of raw materials or products. "Recycling" shall not include energy
3 recovery or energy generation resulting from combustion or
4 incineration processes.

5 "Reuse" means the return of a product into the economic stream
6 for use in the same kind of application originally intended for the
7 product, without a change in the product's original composition or
8 identity.

9 "Sell" or "sale" means any transfer of title for consideration,
10 including, but not limited to, remote sales transactions conducted
11 through sales outlets, catalogs, or the Internet, or through any other
12 similar electronic means.

13

14 4. a. No later than two years after the effective date of this act,
15 each producer of e-cigarettes shall join a producer responsibility
16 organization. Upon the formation of the producer responsibility
17 organization, the members shall elect a governing body, and the
18 governing body shall submit an application to the department
19 demonstrating that the producer responsibility organization meets
20 the requirements for approval pursuant to this act.

21 b. The department shall approve, for the purposes of this act, the
22 formation of at most one producer responsibility organization.

23 c. The producer responsibility organization shall:

24 (1) comply with the requirements of this act and the rules and
25 regulations adopted pursuant thereto;

26 (2) have a governing board that consists of producers
27 representing the e-cigarettes placed in the market in New Jersey,
28 and, if deemed by the producers to be warranted, include nonvoting
29 members who represent material trade associations and companies;
30 and

31 (3) demonstrate, to the department's satisfaction, that it has
32 adequate financial responsibility and financial controls in place,
33 including fraud prevention measures and an auditing schedule, to
34 ensure the proper management of the producer responsibility
35 organization's funds.

36 d. If the department determines that the producer responsibility
37 organization approved pursuant to this section no longer meets the
38 requirements of this act or has failed to implement and administer
39 an approved e-cigarette stewardship plan in a manner that
40 effectuates the purposes of this act, the department shall revoke the
41 producer responsibility organization's approval.

42 e. Commencing two years after the effective date of this act, any
43 entity that becomes a producer of e-cigarettes shall, within six
44 months of qualifying as a producer, join the approved producer
45 responsibility organization.

46 f. Each producer shall file its primary business address with the
47 department, and notify the department of any change in their
48 business address within 30 days after the change. A producer

1 responsibility organization may satisfy the requirements of this
2 subsection, on behalf of a producer, by including the producer's
3 primary business address in an e-cigarette stewardship plan, update,
4 or annual report submitted to the department, or by otherwise
5 notifying the department of the producer's address.

6 g. A producer responsibility organization approved pursuant to
7 this section shall notify the department, within 30 days, of any the
8 following:

9 (1) the end of any three-month period in which the producer
10 responsibility organization unsuccessfully attempted to obtain a fee,
11 records, or information from a producer, or received incomplete or
12 incorrect records or information from a producer;

13 (2) the date on which a producer no longer participates in the
14 producer responsibility organization's approved e-cigarette
15 stewardship plan; and

16 (3) any other instance of noncompliance by a producer.
17

18 5. a. No later than five years after the effective date of this act,
19 the producer responsibility organization approved pursuant to
20 section 4 of this act shall prepare and submit to the department, for
21 the department's approval, an e-cigarette stewardship plan. The
22 plan shall minimize the involvement of, and eliminate costs to, the
23 public sector in association with the collection, transportation, and
24 processing of post-consumer e-cigarettes by reducing the amount of
25 waste associated with their consumption, promoting their reuse and
26 recycling, and negotiating and executing agreements for their
27 collection, transportation, reuse, recycling, burning for energy
28 recovery, incineration, and disposal, using environmentally sound
29 management practices and consistent with the federal waste
30 management hierarchy.

31 b. The plan submitted pursuant to this section shall:

32 (1) provide for convenient and available Statewide collection of
33 post-consumer e-cigarettes from urban, suburban, and rural areas of
34 the State;

35 (2) provide collection site locations Statewide that will accept
36 post-consumer e-cigarettes such that at least 90 percent of State
37 residents have a permanent collection site within 15 miles of their
38 residence, that permanent collection sites be established for every
39 30,000 residents of a population center, and that collection sites be
40 distributed to provide convenient and equitable access for residents
41 within each population center, unless otherwise authorized by the
42 department. For those persons who do not have a permanent
43 collection site within 15 miles of their residence, the plan shall
44 provide for annual collection events, unless more frequent
45 collection events are deemed to be necessary, and are required, in
46 writing, by the department;

47 (3) address, to the extent reasonably feasible and mutually
48 agreeable, the coordination of the e-cigarette stewardship program

1 with the existing infrastructure of local governments and the
2 existing electronic waste collection infrastructure in the State,
3 provided that there are no additional costs to the local, county, or
4 State governments for the collection, transportation, or processing
5 of post-consumer e-cigarettes;

6 (4) describe how the program will follow the federal waste
7 management hierarchy;

8 (5) describe the educational materials and outreach efforts that
9 will be used to inform consumers about the e-cigarette stewardship
10 program. Educational materials shall include, but need not be
11 limited to, information at the point of purchase identifying the end-
12 of-life management options that are available for post-consumer e-
13 cigarette through the e-cigarette stewardship program;

14 (6) describe how the stewardship plan will be administered, and
15 identify the staff members who will be responsible for ensuring
16 proper administration of the plan;

17 (7) include a description of the fee system developed pursuant to
18 subsection d. of this section and the annual fee to be imposed on
19 each producer; and

20 (8) include a proposed budget that has been reviewed and
21 certified by an independent financial auditor, and which confirms
22 that the fees charged to producers by the PRO will cover and
23 sustain the costs of the e-cigarette program. The cost of any work
24 performed by an independent financial auditor pursuant to this
25 paragraph shall be funded by the e-cigarette stewardship program.
26 The proposed budget shall also include a description of surplus
27 funds, if any, that are in reserve for future use.

28 c. The producer responsibility organization shall notify the
29 department, in writing, within 30 days of any of the following
30 changes to a plan approved pursuant to section 6 of this act:

31 (1) the location or number of collection sites identified in the
32 plan;

33 (2) the identity of the processors that manage the post-consumer
34 e-cigarettes collected; or

35 (3) the designated transporters of post-consumer e-cigarettes.

36 d. The producer responsibility organization shall annually raise
37 sufficient revenue to fully fund all costs identified in its budget.
38 The revenue shall be raised through a system of fees to be imposed
39 on producers that are members of the producer responsibility
40 organization. The fee system shall impose fees on producers in
41 proportion to the amount, by weight or volume, as appropriate, of e-
42 cigarettes sold, offered for sale, imported, or distributed in or into
43 the State by the producer. In addition, the fee system shall impose
44 fees that are proportional to the environmental impact of the e-
45 cigarettes, consistent with the following provisions:

46 (1) reusable e-cigarettes shall be associated with a lower fee;

1 (2) e-cigarettes that are composed of recycled content, are
2 readily recyclable using curbside recycling in New Jersey, or are
3 biodegradable shall be associated with a lower fee;

4 (3) the presence of hazardous materials in the e-cigarettes, as
5 identified by the Department of Health or the department, shall be
6 associated with a higher fee; and

7 (4) the incorporation of elements, including, but not limited to,
8 inks, labels, and adhesives, that prevent an otherwise recyclable or
9 biodegradable product from being recyclable or biodegradable, as
10 applicable, shall be associated with a higher fee.

11

12 6. a. Not more than 120 days after receipt of a completed e-
13 cigarette stewardship plan, submitted pursuant to section 5 of this
14 act, the department shall approve, conditionally approve, or
15 disapprove the plan and provide written notice of the determination
16 to the producer responsibility organization. If the department does
17 not provide written notice of the determination made pursuant to
18 this section within the timeframe specified by this subsection, the
19 plan shall be deemed to have been approved, and the producer
20 responsibility organization shall proceed to implement the plan as
21 provided by paragraph (1) of subsection c. of this section. In
22 making a determination pursuant to this section, the department
23 may solicit information from the representatives of recycling
24 facilities and other stakeholders, as the department deems
25 appropriate.

26 b. A stewardship plan shall not be approved, pursuant to this
27 section, unless the department determines that:

28 (1) the producer responsibility organization has engaged in
29 satisfactory consultation with stakeholders in the development of
30 the plan;

31 (2) the plan adequately addresses all of the elements described
32 in subsection b. of section 5 of this act in sufficient detail to
33 demonstrate that the objectives of the plan will be met; and

34 (3) the plan contains an adequate financing mechanism,
35 developed pursuant to subsection d. of section 5 of this act, and a
36 budget that has been verified by an independent financial auditor.

37 c. (1) If an e-cigarette stewardship plan is approved pursuant to
38 this section, the producer responsibility organization shall begin
39 implementing the approved plan within 90 days after receipt of the
40 department's written notice or after the expiration of the 120-day
41 period established by subsection a. of this section, as the case may
42 be, or within another timeframe agreed to by the department.

43 (2) If an e-cigarette stewardship plan is conditionally approved
44 pursuant to this section, the department's written notice shall
45 specify the conditions that are to be satisfied in order for the plan to
46 be approved pursuant to this act. The producer responsibility
47 organization shall implement the conditionally approved plan, in
48 accordance with the conditions specified in the notice, either within

1 90 days after receipt of the department's notice or within another
2 timeframe agreed to by the department.

3 (3) If an e-cigarette stewardship plan is disapproved pursuant to
4 this section, the department's written notice shall be accompanied
5 by a detailed statement describing the reasons for disapproval. Not
6 more than 30 days after receipt of the department's notice and
7 accompanying statement of the reasons for disapproval, the
8 producer responsibility organization shall submit a revised e-
9 cigarette stewardship plan to the department, who shall approve,
10 conditionally approve, or disapprove of the revised plan in
11 accordance with the provisions of subsection a. of this section.

12 d. Not more than 90 days after approving an e-cigarette
13 stewardship plan pursuant to this section, or any revisions thereto,
14 the department shall post the plan at a publicly accessible location
15 on the department's Internet website.

16 e. (1) A stewardship plan approved pursuant to this section
17 shall be reviewed and updated by the producer responsibility
18 organization, and reapproved by the department, at least once every
19 five years, in accordance with the procedures specified in this
20 section.

21 (2) Notwithstanding the provisions of paragraph (1) of this
22 subsection to the contrary, the department may, at any time, review
23 a previously approved e-cigarette stewardship plan to determine
24 whether the plan is being implemented in accordance with this act.
25 If the department, at any time, finds that the approved plan, as
26 implemented, is deficient, the department may order the producer
27 responsibility organization to incorporate modifications to the plan
28 or to the implementation thereof, as may be necessary to ensure that
29 the plan, as implemented, fully complies with the provisions of this
30 act.

31

32 7. a. Commencing six years after the effective date of this act, a
33 producer, distributor, or retailer shall not sell e-cigarettes or offer e-
34 cigarettes for sale to any person in the State unless the producer of
35 the e-cigarettes is a member of a producer responsibility
36 organization that is engaged in the implementation of, or has fully
37 implemented, an e-cigarette stewardship plan approved by the
38 department pursuant to section 6 of this act.

39 b. (1) A producer, distributor, or retailer who violates the
40 provisions of subsection a. of this section shall be subject to: (a) a
41 written warning for a first offense; and (b) a civil penalty of \$500
42 for each subsequent offense. A civil penalty under this subsection
43 shall be collected by the department, a municipality, or an entity
44 certified pursuant to the "County Environmental Health Act,"
45 P.L.1977, c.443 (C.26:3A2-21 et seq.) in a civil action by a
46 summary proceeding under the "Penalty Enforcement Law of
47 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). The Superior Court
48 and the municipal court shall have jurisdiction to enforce the

1 provisions of the "Penalty Enforcement Law of 1999" pursuant to
2 this subsection.

3 (2) The department, a municipality, or an entity certified
4 pursuant to the "County Environmental Health Act," P.L.1977,
5 c.443 (C.26:3A2-21 et seq.) may institute a civil action for
6 injunctive relief to enforce the provisions, or prevent a violation, of
7 this section, and the court may proceed in the action in a summary
8 manner.

9 c. (1) Whenever the department determines that any producer,
10 distributor, or retailer is in violation of a provision of this act, the
11 department may assess a civil administrative penalty of not more
12 than \$10,000 for each violation, and each day of violation shall
13 constitute an additional, separate, and distinct violation. A civil
14 administrative penalty shall not be levied until a violator has been
15 provided with written notice, by certified mail or personal service,
16 of the following:

- 17 (a) the statutory or regulatory basis of the violation;
- 18 (b) the specific act or omission that constituted the violation;
- 19 (c) the amount of the civil administrative penalty to be imposed;
- 20 (d) the right of the violator to contest, through a hearing, any
21 matter contained in the notice; and
- 22 (e) the procedures for requesting a hearing on any contested
23 matter.

24 (2) A producer, distributor, or retailer who receives a notice
25 pursuant to this subsection may, within 20 calendar days following
26 receipt of the notice of violation, request a hearing on any matter
27 contained in the notice. Any person requesting a hearing shall
28 comply with all requisite procedures therefor, as specified in the
29 notice. Failure to submit a timely request or to comply with all
30 requisite procedures shall constitute grounds for denial of a hearing
31 request. After a hearing and upon a finding that a violation has
32 occurred, the department shall issue a final order assessing the
33 amount of the civil administrative penalty specified in the notice. If
34 a violator does not request a hearing or fails to satisfy the statutory
35 and administrative requirements for requesting a hearing, the notice
36 of assessment of a civil administrative penalty, issued pursuant to
37 paragraph (1) of this subsection, shall become a final order on the
38 21st calendar day following receipt of the notice by the violator. If
39 the department denies a hearing request made pursuant to this
40 paragraph, the notice of denial shall become a final order upon
41 receipt of the notice by the violator.

42 (3) A civil administrative penalty may be settled by the
43 department on such terms and conditions as the department may
44 determine.

45 (4) Payment of a civil administrative penalty shall not be deemed
46 to affect the availability of any other enforcement remedy in
47 connection with the violation for which the penalty was levied.

1 (5) If a civil administrative penalty imposed pursuant to this
2 section is not paid within 30 days of the date that the penalty is due
3 and owing, and the penalty is not contested by the producer,
4 distributor, or retailer against whom the penalty has been assessed,
5 or if the producer, distributor, or retailer fails to make a payment
6 pursuant to a payment schedule entered into with the department, an
7 interest charge shall accrue on the amount of the penalty from the
8 30th day that the amount was due and owing. In the case of an
9 appeal of a civil administrative penalty, if the amount of the penalty
10 is upheld, in whole or in part, the rate of interest shall be calculated
11 on that amount as of the 30th day from the date the amount was due
12 and owing under the administrative order. The rate of interest shall
13 be that established by the New Jersey Supreme Court for interest
14 rates on judgments, as set forth in the Rules of Court.

15 d. The department may post on its Internet website a list of
16 producers, distributors, and retailers that are in violation of this act.
17

18 8. a. Except as provided in subsection b. of this section, an
19 action undertaken by a producer or producer responsibility
20 organization that is necessary to develop or implement an approved
21 e-cigarette stewardship plan shall not be deemed to constitute a
22 violation of any State law relating to antitrust, restraint of trade,
23 unfair trade practices, or the regulation of trade or commerce.

24 b. The provisions of subsection a. of this section shall not apply
25 to:

26 (1) any agreement establishing or affecting the price of a
27 product; or

28 (2) any agreement restricting the output or production of a
29 product or the geographic area or customers to which a product will
30 be sold.
31

32 9. a. One year after the department provides notification to a
33 producer responsibility organization of its approval of a plan in
34 accordance with section 6 of this act, and annually thereafter, the
35 producer responsibility organization shall submit a report to the
36 department describing its e-cigarette stewardship program. The
37 report shall include, at a minimum:

38 (1) a description of the methods used to reduce, reuse, collect,
39 transport, recycle, and process post-consumer e-cigarettes under the
40 program;

41 (2) the estimated quantity of post-consumer e-cigarettes
42 collected under the program during the preceding year;

43 (3) the volume of post-consumer e-cigarettes processed under
44 the program by method of disposition, including reuse, recycling,
45 energy recovery, incineration, and disposal;

46 (4) the estimated quantity of post-consumer e-cigarettes
47 collected at each collection site under the program;

- 1 (5) a list of all processors of post-consumer e-cigarette from the
2 time of collection to final disposition that are used in the program
3 and the disposition method used by each processor;
- 4 (6) a list of all producers participating in the program;
- 5 (7) the total cost of implementing the program, which shall
6 include, but need not be limited to, separate figures for the cost of
7 collection, transportation, disposition, communication, and
8 independent financial audit;
- 9 (8) an evaluation of the effectiveness of the program and any
10 steps necessary to improve the program;
- 11 (9) samples of the educational materials provided to consumers
12 of e-cigarettes, together with an evaluation of the methods used to
13 disseminate those materials and an assessment of the educational
14 and outreach effectiveness of those materials; and
- 15 (10) a certification to the validity of the information contained
16 in the report.

17 b. Within 90 days after receipt of an annual report, the
18 department may meet with interested stakeholders to review the
19 report. If the department chooses to meet with interested
20 stakeholders, the department shall post the minutes of each
21 stakeholder meeting, on its Internet website, within 30 days after
22 the date of the meeting.

23 c. Each report submitted pursuant to subsection a. of this section
24 shall be posted on the department's Internet website. The
25 department shall not disclose financial, production, or sales data
26 reported by a producer responsibility organization pursuant to this
27 section, except that the department may disclose such data in
28 aggregate or summary format, provided that individual producers,
29 distributors, or retailers and their financial, production, or sales data
30 are not specifically identified, and the summary omits any reference
31 to unique characteristics from which the identities of individual
32 producers, distributors, or retailers might be ascertained.

33
34 10. The department shall adopt, pursuant to the "Administrative
35 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
36 regulations as are necessary to effectuate the purposes of this act.

37
38 11. This act shall take effect immediately.

39
40

41 STATEMENT

42
43 This bill, to be known as the "Electronic Cigarette Extended
44 Producer Responsibility Act," would require producers of electronic
45 cigarettes (e-cigarettes) and their component parts to form a
46 producer responsibility organization (PRO) and develop and
47 implement a plan to provide for the sound disposal of e-cigarettes.

1 The bill would require the formation of the PRO within two
2 years after the bill's enactment. The bill would require the PRO to
3 be approved by the Department of Environmental Protection (DEP),
4 and to meet certain standards established by the bill. Within five
5 years after the bill's enactment, the bill would require the PRO to
6 submit an "e-cigarette stewardship plan" to the DEP. The plan
7 would be required to, among other things, provide collection site
8 locations Statewide that will accept post-consumer e-cigarettes such
9 that: (1) at least 90 percent of State residents have a permanent
10 collection site within 15 miles of their residence; (2) permanent
11 collection sites be established for every 30,000 residents of a
12 population center, and (3) collection sites be distributed to provide
13 convenient and equitable access for residents within each
14 population center.

15 The bill would also require the PRO to charge fees to its
16 members, in order to fund the PRO's activities and the
17 implementation of the e-cigarette stewardship plan. The fees would
18 be based, in part, on the quantity of e-cigarettes sold by the member
19 in the State. The fees would also be based on the environmental
20 impact of the e-cigarette, with, for example, lower fees being
21 charged for reusable e-cigarettes and e-cigarettes that contain
22 recycled content. The bill would require the DEP to approve the e-
23 cigarette stewardship plan, according to certain procedures
24 established in section 6 of the bill, and the bill would require the
25 plan to be updated at least every five years.

26 Beginning six years after the bill's effective date, the bill would
27 prohibit the sale of e-cigarettes made by producers that do not join
28 the PRO, and the bill would establish civil penalties of \$500 for
29 producers, distributors, and retailers that sell the prohibited e-
30 cigarettes. The bill would authorize the DEP, municipalities, and
31 county environmental enforcement agencies to enforce this
32 prohibition. The bill would also authorize the DEP to assess civil
33 administrative penalties of up to \$10,000 per violation for any
34 violation of the bill's provisions.