

[First Reprint]
SENATE, No. 681

STATE OF NEW JERSEY
222nd LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2026 SESSION

Sponsored by:

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SYNOPSIS

"Electronic Cigarette Extended Producer Responsibility Act."

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on October 8, 2026, with amendments.



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, according
15 to a 2019 study in the Journal of Environmental Management;

16 (3) E-cigarettes are a growing waste management concern because,
17 despite their small size, they are consumed and discarded much more
18 quickly than typical electronics ¹, they contribute to litter, and they are
19 a source of fires in waste and recycling trucks, transfer stations, and
20 sorting and processing facilities¹ ;

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

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

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

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

40
41 3. As used in this act:

42 ¹"Consumer" means an individual, corporation, organization,
43 school, or other legal entity who possesses a post-consumer e-
44 cigarette.¹

EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SEN committee amendments adopted October 8, 2026.

1 "Department" means the Department of Environmental Protection.

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

4 "E-cigarette stewardship plan" or "stewardship plan" means the
5 plan developed pursuant to section 5 of this act, and which provides
6 for the environmentally sound life-cycle management, by participating
7 producers, of e-cigarettes that are sold or offered for sale in New
8 Jersey.

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

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

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

40 "Post-consumer e-cigarette" means an e-cigarette that is ¹**not used**
41 **and** ¹**no longer wanted by a consumer.**

42 "Producer" means a ¹**manufacturer of an e-cigarette that is sold,**
43 **offered for sale, or distributed in the State, either under the producer's**
44 **own name or under any other brand name** person that is responsible
45 for an e-cigarette that is sold or offered for sale in or into the State,
46 whether the sale occurs through a physical location, a remote
47 transaction, or another commercial distribution method, as determined

1 in the following order of priority: (1) the first priority is the brand
2 owner, which is a person that has legal ownership of the brand under
3 which the e-cigarette is sold, or that manufactures the e-cigarette under
4 a brand that the person owns or is licensed to use; (2) the second
5 priority is the United States importer, which is a person that imports
6 the e-cigarette into the United States for sale or distribution in or into
7 the State, but only if no person described in paragraph (1) can be
8 identified or is subject to the jurisdiction of the State; (3) the third
9 priority is the distributor, which is a distributor that sells, supplies, or
10 arranges for the sale of the e-cigarette in or into the State, but only if
11 no person described in paragraph (1) or (2) can be identified or is
12 subject to the jurisdiction of the State; and (4) the fourth priority is the
13 first seller into the State, which is the person that first sells or offers
14 the e-cigarette for sale in or into the State, but only if no person
15 described in paragraphs (1) through (3) can be identified or is subject
16 to the jurisdiction of the State¹ .

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

22 "Recycling" means any process by which materials or products
23 that would otherwise become solid waste are collected, separated, or
24 processed and returned to the economic mainstream in the form of raw
25 materials or products. "Recycling" shall not include energy recovery
26 or energy generation resulting from combustion or incineration
27 processes.

28 ¹"Retailer" means a person that offers e-cigarettes for sale through
29 sales outlets, via the internet, mail order, or other means whether or
30 not the seller has a physical presence in the State.¹

31 "Reuse" means the return of a product into the economic stream
32 for use in the same kind of application originally intended for the
33 product, without a change in the product's original composition or
34 identity.

35 "Sell" or "sale" means any transfer of title for consideration,
36 including, but not limited to, remote sales transactions conducted
37 through sales outlets, catalogs, or the Internet, or through any other
38 similar electronic means.

39
40 4. a. No later than two years after the effective date of this act,
41 each producer of e-cigarettes shall join a producer responsibility
42 organization. Upon the formation of the producer responsibility
43 organization, the members shall elect a governing body, and the
44 governing body shall submit an application to the department
45 demonstrating that the producer responsibility organization meets
46 the requirements for approval pursuant to this act.

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

1 c. The producer responsibility organization shall:

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

4 (2) have a governing board that consists of producers
5 representing the e-cigarettes placed in the market in New Jersey,
6 and, if deemed by the producers to be warranted, include nonvoting
7 members who represent material trade associations and companies;
8 and

9 (3) demonstrate, to the department's satisfaction, that it has
10 adequate financial responsibility and financial controls in place,
11 including fraud prevention measures and an auditing schedule, to
12 ensure the proper management of the producer responsibility
13 organization's funds.

14 d. If the department determines that the producer responsibility
15 organization approved pursuant to this section no longer meets the
16 requirements of this act or has failed to implement and administer
17 an approved e-cigarette stewardship plan in a manner that
18 effectuates the purposes of this act, the department shall revoke the
19 producer responsibility organization's approval.

20 e. Commencing two years after the effective date of this act, any
21 entity that becomes a producer of e-cigarettes shall, within six
22 months of qualifying as a producer, join the approved producer
23 responsibility organization.

24 f. Each producer shall file its primary business address with the
25 department, and notify the department of any change in their
26 business address within 30 days after the change. A producer
27 responsibility organization may satisfy the requirements of this
28 subsection, on behalf of a producer, by including the producer's
29 primary business address in an e-cigarette stewardship plan, update,
30 or annual report submitted to the department, or by otherwise
31 notifying the department of the producer's address.

32 g. A producer responsibility organization approved pursuant to
33 this section shall notify the department, within 30 days, of any the
34 following:

35 (1) the end of any three-month period in which the producer
36 responsibility organization unsuccessfully attempted to obtain a fee,
37 records, or information from a producer, or received incomplete or
38 incorrect records or information from a producer;

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

42 (3) any other instance of noncompliance by a producer.
43

44 5. a. No later than ¹【five years after the effective date of】 one
45 year after the department adopts rules and regulations pursuant to
46 section 10 of^d this act, the producer responsibility organization
47 approved pursuant to section 4 of this act shall prepare and submit to
48 the department, for the department's approval, an e-cigarette

1 stewardship plan. The plan shall minimize the involvement of, and
2 eliminate costs to, the public sector in association with the collection,
3 transportation, and processing of post-consumer e-cigarettes by
4 reducing the amount of waste associated with their consumption,
5 promoting their reuse and recycling, and negotiating and executing
6 agreements for their collection, transportation, reuse, recycling,
7 burning for energy recovery, incineration, and disposal, using
8 environmentally sound management practices and consistent with the
9 federal waste management hierarchy.

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

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

14 (2) provide collection site locations Statewide that will accept
15 post-consumer e-cigarettes such that 'there is at least one collection
16 site in each county, that' at least 90 percent of State residents have a
17 permanent collection site within 15 miles of their residence, that
18 permanent collection sites be established for every 30,000 residents of
19 a population center, and that collection sites be distributed to provide
20 convenient and equitable access for residents within each population
21 center, unless otherwise authorized by the department. For those
22 persons who do not have a permanent collection site within 15 miles of
23 their residence, the plan shall provide for annual collection events,
24 unless more frequent collection events are deemed to be necessary,
25 and are required, in writing, by the department;

26 (3) address, to the extent reasonably feasible and mutually
27 agreeable, the coordination of the e-cigarette stewardship program
28 with the existing infrastructure of local governments and the existing
29 electronic waste collection infrastructure in the State, provided that
30 there are no additional costs to the local, county, or State governments
31 for the collection, transportation, or processing of post-consumer e-
32 cigarettes;

33 (4) describe how the program will follow the federal waste
34 management hierarchy;

35 (5) describe the educational materials and outreach efforts that will
36 be used to inform consumers about the e-cigarette stewardship
37 program. Educational materials shall include, but need not be limited
38 to, information at the point of purchase identifying the end-of-life
39 management options that are available for post-consumer e-cigarette
40 through the e-cigarette stewardship program ¹, and an Internet website
41 that includes collection locations and a list of compliant producers and
42 brands¹ ;

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

(7) include a description of the fee system developed pursuant to subsection d. of this section and the annual fee to be imposed on each producer; ¹**and**¹

(8) include a proposed budget that has been reviewed and certified by an independent financial auditor, and which confirms that the fees charged to producers by the PRO will cover and sustain the costs of the e-cigarette program ¹and the annual fee assessed by the department pursuant to section 9 of this act¹. The cost of any work performed by an independent financial auditor pursuant to this paragraph shall be funded by the e-cigarette stewardship program. The proposed budget shall also include a description of surplus funds, if any, that are in reserve for future use ¹;

(9) allow for the participation of public and private schools as collection sites, within 90 days of receiving a request from the school to serve as a collection site. A school collection site shall be designed to collect post-consumer e-cigarettes from school faculty and devices confiscated from students;

(10) describe how the producer responsibility organization will provide collection sites with adequate collection receptacles for post-consumer e-cigarettes and staff training necessary to manage the collection site; and

(11) establish performance goals for the stewardship program, including an e-cigarette collection target and recycling rates¹.

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

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

(2) the identity of the processors that manage the post-consumer e-cigarettes collected ¹or any changes to the end-of-life processing method¹; or

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

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

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

(2) e-cigarettes that are composed of recycled content ¹**],** are readily recyclable using curbside recycling in New Jersey, or are biodegradable¹ shall be associated with a lower fee; ¹and¹

1 (3) the presence of hazardous materials in the e-cigarettes, as
2 identified by the Department of Health or the department, shall be
3 associated with a higher fee ¹]; and

4 (4) the incorporation of elements, including, but not limited to,
5 inks, labels, and adhesives, that prevent an otherwise recyclable or
6 biodegradable product from being recyclable or biodegradable, as
7 applicable, shall be associated with a higher fee¹ .

8
9 6. a. Not more than ¹[120] 180¹ days after receipt of a completed
10 e-cigarette stewardship plan, submitted pursuant to section 5 of this
11 act, the department shall approve, conditionally approve, or disapprove
12 the plan and provide written notice of the determination to the
13 producer responsibility organization. ¹[If the department does not
14 provide written notice of the determination made pursuant to this
15 section within the timeframe specified by this subsection, the plan
16 shall be deemed to have been approved, and the producer
17 responsibility organization shall proceed to implement the plan as
18 provided by paragraph (1) of subsection c. of this section.]¹ In
19 making a determination pursuant to this section, the department may
20 solicit information from the representatives of recycling facilities and
21 other stakeholders, as the department deems appropriate.

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

24 (1) the producer responsibility organization has engaged in
25 satisfactory consultation with stakeholders in the development of the
26 plan;

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

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

33 c. (1) If an e-cigarette stewardship plan is approved pursuant to
34 this section, the producer responsibility organization shall begin
35 implementing the approved plan within ¹[90] 180¹ days after receipt
36 of the department's written notice ¹[or after the expiration of the 120-
37 day period established by subsection a. of this section, as the case may
38 be]¹ , or within another timeframe agreed to by the department.

39 (2) If an e-cigarette stewardship plan is conditionally approved
40 pursuant to this section, the department's written notice shall specify
41 the conditions that are to be satisfied in order for the plan to be
42 approved pursuant to this act. The producer responsibility
43 organization shall implement the conditionally approved plan, in
44 accordance with the conditions specified in the notice, either within 90
45 days after receipt of the department's notice or within another
46 timeframe agreed to by the department.

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

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

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

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

27 ¹f. No later than three years after the date on which department
28 first approves an e-cigarette stewardship plan pursuant to this section,
29 each retailer in the State shall participate in the program as a collection
30 site. The producer responsibility organization shall notify the
31 department of any retailer that refuses to participate as a collection site
32 within 90 days of that refusal.¹

33
34 7. a. Commencing ¹~~【six years after the effective date】~~ 180 days
35 after the department first approves an e-cigarette stewardship plan
36 pursuant to section 6¹ of this act, a producer, distributor, or retailer
37 shall not sell e-cigarettes or offer e-cigarettes for sale to any person in
38 the State unless the producer of the e-cigarettes is a member of a
39 producer responsibility organization that is engaged in the
40 implementation of, or has fully implemented, an e-cigarette
41 stewardship plan approved by the department pursuant to section 6 of
42 this act.

43 b. (1) A producer, distributor, or retailer who violates the
44 provisions of subsection a. of this section shall be subject to: (a) a
45 written warning for a first offense; and (b) a civil penalty of \$500 for
46 each subsequent offense. A civil penalty under this subsection shall be
47 collected by the department, a municipality, or an entity certified

1 pursuant to the "County Environmental Health Act," P.L.1977, c.443
2 (C.26:3A2-21 et seq.) in a civil action by a summary proceeding under
3 the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10
4 et seq.). The Superior Court and the municipal court shall have
5 jurisdiction to enforce the provisions of the "Penalty Enforcement Law
6 of 1999" pursuant to this subsection.

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

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

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

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

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

46 (4) Payment of a civil administrative penalty shall not be deemed
47 to affect the availability of any other enforcement remedy in
48 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, or
5 if the producer, distributor, or retailer fails to make a payment pursuant
6 to a payment schedule entered into with the department, an interest
7 charge shall accrue on the amount of the penalty from the 30th day
8 that the amount was due and owing. In the case of an appeal of a civil
9 administrative penalty, if the amount of the penalty is upheld, in whole
10 or in part, the rate of interest shall be calculated on that amount as of
11 the 30th day from the date the amount was due and owing under the
12 administrative order. The rate of interest shall be that established by
13 the New Jersey Supreme Court for interest rates on judgments, as set
14 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 report
37 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 ¹e-cigarettes sold in New Jersey and
42 the estimated quantity of^f post-consumer e-cigarettes collected under
43 the program during the preceding year;

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

47 (4) the estimated quantity of post-consumer e-cigarettes collected
48 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 and
3 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 steps
10 necessary to improve the program;

11 (9) samples of the educational materials provided to consumers of
12 e-cigarettes, together with an evaluation of the methods used to
13 disseminate those materials and an assessment of the educational and
14 outreach effectiveness of those materials; and

15 (10) a certification to the validity of the information contained in
16 the report.

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

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

32 ¹d. Within 90 days of receiving the initial annual report submitted
33 by the producer responsibility organization pursuant to subsection a. of
34 this section, the department shall establish an annual fee to be paid by
35 the producer responsibility organization that is reasonably calculated
36 to cover the actual costs of the department to administer, implement,
37 and enforce the provisions of this act.¹

38
39 10. The department shall adopt, pursuant to the "Administrative
40 Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
41 regulations as are necessary to effectuate the purposes of this act.

42
43 11. This act shall take effect immediately.