

2026 -- H 8499

LC004430

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2026

A N A C T

RELATING TO HEALTH AND SAFETY -- PROPER MANAGEMENT OF UNUSED PAINT

Introduced By: Representatives J. Brien, Baginski, and Chippendale

Date Introduced: May 01, 2026

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 23-24.12 of the General Laws entitled "Proper Management of
2 Unused Paint" is hereby repealed in its entirety.

3 ~~CHAPTER 23-24.12~~

4 ~~Proper Management of Unused Paint~~

5 ~~23-24.12-1. Purpose:~~

6 ~~(a) To establish a cost-effective, convenient, statewide system for the collection, recycling
7 and reuse of post-consumer paint.~~

8 ~~(b) To develop a comprehensive strategy, with the cooperation of state entities, producers,
9 and retailers, for the proper management of post-consumer paint in a safe and environmentally
10 sound manner.~~

11 ~~(c) To provide fiscal and regulatory consistency for all producers of paint that participate
12 in the collection system authorized in this chapter.~~

13 ~~(d) To establish effective collection, recycling, management and education programs
14 resulting in collection of amounts of unused paint consistent with the goals and targets established
15 pursuant to this chapter.~~

16 ~~23-24.12-2. Management of unused architectural paint — Definitions:~~

17 ~~(1) "Architectural paint" means interior and exterior architectural coatings sold in
18 containers of five (5) gallons or less. Architectural paint does not include industrial, original
19 equipment or specialty coatings.~~

1 ~~(2) “Department” means the department of environmental management.~~

2 ~~(3) “Director” means the director of the department of environmental management.~~

3 ~~(4) “Distributor” means a company that has a contractual relationship with one or more~~
4 ~~producers to market and sell architectural paint to retailers in this state.~~

5 ~~(5) “Environmentally sound management practices” means procedures for the collection,~~
6 ~~storage, transportation, reuse, recycling and disposal of architectural paint, to be implemented by~~
7 ~~the representative organization or such representative organization’s contracted partners to ensure~~
8 ~~compliance with all applicable federal, state and local laws, regulations and ordinances and the~~
9 ~~protection of human health and the environment. Environmentally sound management practices~~
10 ~~include, but are not limited to, record keeping, the tracking and documenting of the use and~~
11 ~~disposition of post consumer paint in and outside of this state, and environmental liability coverage~~
12 ~~for professional services and for the operations of the contractors working on behalf of the~~
13 ~~representative organization.~~

14 ~~(6) “Paint stewardship assessment” means the amount added to the purchase price of~~
15 ~~architectural paint sold in this state that is necessary to cover the cost of collecting, transporting~~
16 ~~and processing post consumer paint by the representative organization pursuant to the paint~~
17 ~~stewardship program.~~

18 ~~(7) “Post consumer paint” means architectural paint that is not used and that is no longer~~
19 ~~wanted by a purchaser of architectural paint.~~

20 ~~(8) “Producer” means a manufacturer of architectural paint who sells, offers for sale,~~
21 ~~distributes or contracts to distribute architectural paint in this state.~~

22 ~~(9) “Recycling” means any process by which discarded products, components and by-~~
23 ~~products are transformed into new, usable or marketable materials in a manner in which the original~~
24 ~~products may lose their identity.~~

25 ~~(10) “Representative organization” means the nonprofit organization created by producers~~
26 ~~to implement the paint stewardship program described in § 23-24.11-3.~~

27 ~~(11) “Retailer” means any person who offers architectural paint for sale at retail in this~~
28 ~~state.~~

29 ~~(12) “Reuse” means the return of a product into the economic stream for use in the same~~
30 ~~kind of application as the product was originally intended to be used, without a change in the~~
31 ~~product’s identity.~~

32 ~~(13) “Sell” or “sale” means any transfer of title for consideration including, but not limited~~
33 ~~to, remote sales conducted through sales outlets, catalogues, the Internet or any other similar~~
34 ~~electronic means.~~

1 **23-24.12-3. Establishment of paint stewardship program.**

2 ~~(a) On or before March 1, 2014, each producer shall join the representative organization~~
3 ~~and such representative organization shall submit a plan for the establishment of a paint stewardship~~
4 ~~program to the department for approval. The program shall minimize the public sector involvement~~
5 ~~in the management of post consumer paint by reducing the generation of post consumer paint,~~
6 ~~negotiating agreements to collect, transport, reuse, recycle, and/or burn for energy recovery at an~~
7 ~~appropriately licensed facility post consumer paint using environmentally sound management~~
8 ~~practices.~~

9 ~~(b) The program shall also provide for convenient and available state-wide collection of~~
10 ~~post consumer paint that, at a minimum, provides for collection rates and convenience greater than~~
11 ~~the collection programs available to consumers prior to such paint stewardship program; propose a~~
12 ~~paint stewardship assessment; include a funding mechanism that requires each producer who~~
13 ~~participates in the representative organization to remit to the representative organization payment~~
14 ~~of the paint stewardship assessment for each container of architectural paint sold within the state;~~
15 ~~include an education and outreach program to help ensure the success of the program; and, work~~
16 ~~with the department and Rhode Island commerce corporation to identify ways in which the state~~
17 ~~can motivate local infrastructure investment, business development and job creation related to the~~
18 ~~collection, transportation and processing of post consumer paint.~~

19 ~~(c) The plan submitted to the department pursuant to this section shall:~~

20 ~~(1) Identify each producer participating in the paint stewardship program and the brands of~~
21 ~~architectural paint sold in this state covered by the program;~~

22 ~~(2) Identify how the representative organization will provide convenient, statewide~~
23 ~~accessibility to the program;~~

24 ~~(3) Set forth the process by which an independent auditor will be selected and identify the~~
25 ~~criteria used by the representative organization in selecting independent auditor;~~

26 ~~(4) Identify, in detail, the educational and outreach program that will be implemented to~~
27 ~~inform consumers and retailers of the program and how to participate;~~

28 ~~(5) Identify the methods and procedures under which the paint stewardship program will~~
29 ~~be coordinated with the Rhode Island resource recovery corporation;~~

30 ~~(6) Identify, in detail, the operational plans for interacting with retailers on the proper~~
31 ~~handling and management of post consumer paint;~~

32 ~~(7) Include the proposed, audited paint assessment as identified in this section;~~

33 ~~(8) Include the targeted annual collection rate;~~

34 ~~(9) Include a description of the intended treatment, storage, transportation and disposal~~

1 ~~options and methods for the collected post-consumer paint; and~~

2 ~~(10) Be accompanied by a fee in the amount of two thousand five hundred dollars (\$2,500)~~
3 ~~to be deposited into the environmental response fund to cover the review of said plan by the~~
4 ~~department.~~

5 ~~(d) Not later than sixty (60) days after submission of a plan pursuant to this section, the~~
6 ~~department shall make a determination whether to:~~

7 ~~(1) Approve the plan as submitted;~~

8 ~~(2) Approve the plan with conditions; or~~

9 ~~(3) Deny the plan.~~

10 ~~(e) Not later than three (3) months after the date the plan is approved, the representative~~
11 ~~organization shall implement the paint stewardship program.~~

12 ~~(f) On or before March 1, 2014, the representative organization shall propose a uniform~~
13 ~~paint stewardship assessment for all architectural paint sold in this state. Such proposed paint~~
14 ~~stewardship assessment shall be reviewed by an independent auditor to assure that such assessment~~
15 ~~is consistent with the budget of the paint stewardship program described in this section and such~~
16 ~~independent auditor shall recommend an amount for such paint stewardship assessment to the~~
17 ~~department. The department shall be responsible for the approval of such paint stewardship~~
18 ~~assessment based upon the independent auditor's recommendation. If the paint stewardship~~
19 ~~assessment previously approved by the department pursuant to this section is proposed to be~~
20 ~~changed, the representative organization shall submit the new, adjusted uniform paint stewardship~~
21 ~~assessment to an independent auditor for review. After such review has been completed, the~~
22 ~~representative organization shall submit the results of said auditor's review and a proposal to amend~~
23 ~~the paint stewardship assessment to the department for review. The department shall review and~~
24 ~~approve, in writing, the adjusted paint stewardship assessment before the new assessment can be~~
25 ~~implemented. Any proposed changes to the paint stewardship assessment shall be submitted to the~~
26 ~~department no later than sixty (60) days prior to the date the representative organization anticipates~~
27 ~~the adjusted assessment to take effect.~~

28 ~~(g) On and after the date of implementation of the paint stewardship program pursuant to~~
29 ~~this section, the paint stewardship assessment shall be added to the cost of all architectural paint~~
30 ~~sold to retailers and distributors in this state by each producer. On and after such implementation~~
31 ~~date, each retailer or distributor, as applicable, shall add the amount of such paint stewardship~~
32 ~~assessment to the purchase price of all architectural paint sold in this state.~~

33 ~~(h) Any retailer may participate, on a voluntary basis, as a paint collection point pursuant~~
34 ~~to such paint stewardship program and in accordance with any applicable provision of law or~~

1 ~~regulation.~~

2 ~~(i) Each producer and the representative organization shall be immune from liability for~~
3 ~~any claim of a violation of antitrust law or unfair trade practice if such conduct is a violation of~~
4 ~~antitrust law, to the extent such producer or representative organization is exercising authority~~
5 ~~pursuant to the provisions of this section.~~

6 ~~(j) Not later than the implementation date of the paint stewardship program, the department~~
7 ~~shall list the names of participating producers the brands of architectural paint covered by such~~
8 ~~paint stewardship program and the cost of the approved paint stewardship assessment on its~~
9 ~~website.~~

10 ~~(k)(1) On and after the implementation date of the paint stewardship program, no producer,~~
11 ~~distributor or retailer shall sell or offer for sale architectural paint to any person in this state if the~~
12 ~~producer of such architectural paint is not a member of the representative organization.~~

13 ~~(2) No retailer or distributor shall be found to be in violation of the provisions of this section~~
14 ~~if, on the date the architectural paint was ordered from the producer or its agent, the producer or~~
15 ~~the subject brand of architectural paint was listed on the department's website in accordance with~~
16 ~~the provisions of this section.~~

17 ~~(l) Producers or the representative organization shall provide retailers with educational~~
18 ~~materials regarding the paint stewardship assessment and paint stewardship program to be~~
19 ~~distributed at the point of sale to the consumer. Such materials shall include, but not be limited to,~~
20 ~~information regarding available end-of-life management options for architectural paint offered~~
21 ~~through the paint stewardship program and information that notifies consumers that a charge for~~
22 ~~the operation of such paint stewardship program is included in the purchase price of all architectural~~
23 ~~paint sold in this state.~~

24 ~~(m) On or before October 15, 2015, and annually thereafter, the representative organization~~
25 ~~shall submit a report to the director of the department of environmental management that details~~
26 ~~the paint stewardship program. Said report shall include a copy of the independent audit detailed~~
27 ~~in subdivision (4) below. Such annual report shall include, but not be limited to:~~

28 ~~(1) A detailed description of the methods used to collect, transport and process post-~~
29 ~~consumer paint in this state;~~

30 ~~(2) The overall volume of post-consumer paint collected in this state;~~

31 ~~(3) The volume and type of post-consumer paint collected in this state by method of~~
32 ~~disposition, including reuse, recycling and other methods of processing or disposal;~~

33 ~~(4) The total cost of implementing the program, as determined by an independent financial~~
34 ~~audit, as performed by an independent auditor;~~

1 ~~(5) An evaluation of the adequacy of the program's funding mechanism;~~
2 ~~(6) Samples of all educational materials provided to consumers of architectural paint and~~
3 ~~participating retailers; and~~
4 ~~(7) A detailed list of efforts undertaken and an evaluation of the methods used to~~
5 ~~disseminate such materials including recommendations, if any, for how the educational component~~
6 ~~of the program can be improved.~~

7 ~~(n) The representative organization shall update the plan, as needed, when there are~~
8 ~~changes proposed to the current program. A new plan or amendment will be required to be~~
9 ~~submitted to the department for approval when:~~

10 ~~(1) There is a change to the amount of the assessment; or~~

11 ~~(2) There is an addition to the products covered under the program; or~~

12 ~~(3) There is a revision of the product stewardship organization's goals; or~~

13 ~~(4) Every four (4) years, if requested, in writing, by the department the representative~~
14 ~~organization shall notify the department annually, in writing, if there are no changes proposed to~~
15 ~~the program and the representative organization intends to continue implementation of the program~~
16 ~~as previously approved by the department.~~

17 **23-24.12-4. Regulations.**

18 ~~The department shall promulgate regulations recognizing conditionally exempt small~~
19 ~~quantity generators of hazardous waste consistent with federal Environmental Protection Agency~~
20 ~~standards. The department is hereby authorized to promulgate additional rules and regulations as~~
21 ~~necessary to implement and carry out the provisions of this chapter.~~

22 **23-24.12-5. Violations.**

23 ~~A violation of any of the provisions of this chapter or any rule or regulation promulgated~~
24 ~~pursuant to § 23-24.11-4 shall be punishable by a civil penalty not to exceed one thousand dollars~~
25 ~~(\$1,000). In the case of a second and any subsequent violation, the civil penalty shall not exceed~~
26 ~~five thousand dollars (\$5,000) for each violation.~~

27 **23-24.12-6. Reporting to the general assembly.**

28 ~~Not later than January 15, 2016, and biennially thereafter, the director shall submit a report~~
29 ~~to the general assembly that describes the results and activities of the paint stewardship program as~~
30 ~~enacted pursuant to this chapter including any recommendations to improve the functioning and~~
31 ~~efficiency of the paint collection program, as necessary.~~

32 SECTION 2. This act shall take effect upon passage.

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LC004430
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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO HEALTH AND SAFETY -- PROPER MANAGEMENT OF UNUSED PAINT

- 1 This act would repeal the system for proper management of unused paint.
- 2 This act would take effect upon passage.

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