

2015 -- S 0206

=====  
LC000071  
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

—————  
A N A C T

RELATING TO HEALTH AND SAFETY - PROPER MANAGEMENT OF UNUSED PAINT

Introduced By: Senators Walaska, and Ruggerio

Date Introduced: February 11, 2015

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 23-24.12-2 of the General Laws in Chapter 23-24.12 entitled  
2 "Proper Management of Unused Paint" is hereby amended to read as follows:

3 **23-24.12-2. Management of unused architectural paint -- Definitions. --** (1)

4 "Architectural paint" means interior and exterior architectural coatings sold in containers of five  
5 (5) gallons or less. Architectural paint does not include industrial, original equipment, ~~or~~ specialty  
6 coatings [or latex paint](#).

7 (2) "Department" means the department of environmental management.

8 (3) "Director" means the director of the department of environmental management.

9 (4) "Distributor" means a company that has a contractual relationship with one or more  
10 producers to market and sell architectural paint to retailers in this state.

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

1           (6) "Paint stewardship assessment" means the amount added to the purchase price of  
2 architectural paint sold in this state that is necessary to cover the cost of collecting, transporting  
3 and processing post-consumer paint by the representative organization pursuant to the paint  
4 stewardship program.

5           (7) "Post-consumer paint" means architectural paint that is not used and that is no longer  
6 wanted by a purchaser of architectural paint.

7           (8) "Producer" means a manufacturer of architectural paint who sells, offers for sale,  
8 distributes or contracts to distribute architectural paint in this state.

9           (9) "Recycling" means any process by which discarded products, components and by-  
10 products are transformed into new, usable or marketable materials in a manner in which the  
11 original products may lose their identity.

12           (10) "Representative organization" means the nonprofit organization created by  
13 producers to implement the paint stewardship program described in § 23-24.11-3.

14           (11) "Retailer" means any person who offers architectural paint for sale at retail in this  
15 state.

16           (12) "Reuse" means the return of a product into the economic stream for use in the same  
17 kind of application as the product was originally intended to be used, without a change in the  
18 product's identity.

19           (13) "Sell" or "sale" means any transfer of title for consideration including, but not  
20 limited to, remote sales conducted through sales outlets, catalogues, the Internet or any other  
21 similar electronic means.

22           SECTION 2. This act shall take effect upon passage and apply to latex paint sold on or  
23 after January 1, 2016.

=====  
LC000071  
=====

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 exempt latex paint from the fee assessment imposed under the paint  
2 stewardship program.

3           This act would take effect upon passage and apply to latex paint sold on or after January  
4 1, 2016.

=====  
LC000071  
=====