SB 1020-1
(LC 1670)
3/24/25 (STN/ps)

Requested by Senator FREDERICK

PROPOSED AMENDMENTS TO
SENATE BILL 1020

On page 1 of the printed bill, delete lines 5 through 25.

Delete pages 2 through 11 and insert:

"SECTION 1. Sections added to chapter. Sections 2 to 17 of this 2025 Act are added to and made a part of ORS chapter 459A.

"SECTION 2. Definitions. As used in sections 2 to 17 of this 2025 Act:

"(1) 'Brand' means any mark, word, name, symbol, design, device or graphical element, or a combination thereof, including a registered or unregistered trademark, that identifies a product and distinguishes the product from other products.

"(2) 'Collection site' means a location at which a consumer may return an inhalant delivery system for the return incentive specified in section 3 of this 2025 Act.

"(3) 'Consolidation point' means a facility where collected inhalant delivery systems are consolidated for further management.

"(4) 'Consumer' means any individual who purchases an inhalant delivery system for consumption.

"(5)(a) 'Inhalant delivery system' means a device that can be used to deliver nicotine in the form of a vapor or aerosol to an individual inhaling from the device.

"(b) 'Inhalant delivery system' does not include:

"(A) Any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose; or

"(B) Any product used to consume a controlled substance listed in Schedule I under the federal Controlled Substances Act, 21 U.S.C. 811 and 812.

"(6) 'Inhalant delivery system producer responsibility organization' means a nonprofit organization designated by a producer or group of producers to act as an agent of the producer or group of producers to develop and implement an inhalant delivery system producer responsibility program on behalf of the producer or group of producers.

"(7) 'Inhalant delivery system producer responsibility program' means a statewide program for the responsible management of inhalant delivery systems that is administered by an inhalant delivery system producer responsibility organization pursuant to a plan approved by the Department of Environmental Quality under section 5 of this 2025 Act.

"(8) 'Nonprofit organization' means an organization or group of organizations described in section 501(c)(3) of the Internal Revenue Code that is exempt from income tax under section 501(a) of the Internal Revenue Code.

"(9) 'Person' means the United States, the state or a public or private corporation, local government unit, public agency, individual, partnership, association, firm, trust, estate or other legal entity.

"(10) 'Producer' means any person, irrespective of the selling technique used:

"(a) That manufactures inhalant delivery systems under a brand that the manufacturer owns or is licensed to use;

"(b) That sells inhalant delivery systems manufactured by others

under a brand that the seller owns;

"(c) That manufactures inhalant delivery systems without affixing a brand;

"(d) That imports inhalant delivery systems into this state for sale or distribution; or

"(e) That first sells an inhalant delivery system into this state.

"(11) 'Responsible management' means the handling, tracking, processing, disposition and other management of collected inhalant delivery systems and materials from collected inhalant delivery systems, from the point of collection through the final destination of the collected material, in a way that complies with all applicable laws and benefits the environment, minimizes risks to public health and worker health and safety and meets standards adopted by the Environmental Quality Commission by rule.

"(12) 'Retailer' means a person that offers inhalant delivery systems for sale at retail through any means, including but not limited to remote offerings such as sales outlets, catalogs or the Internet.

"SECTION 3. Requirements to join inhalant delivery system producer responsibility organization and provide return incentive. (1)(a) A producer may not sell, offer for sale or distribute in or into this state an inhalant delivery system unless:

"(A) The return incentive specified in subsection (6) of this section is clearly indicated on the inhalant delivery system or its label or packaging; and

"(B) The producer satisfies the requirements of sections 2 to 17 of this 2025 Act by participating in an inhalant delivery system producer responsibility organization that successfully implements an inhalant delivery system producer responsibility program.

"(b) A producer must satisfy the requirement to join an inhalant delivery system producer responsibility organization within 90 days of

first selling, offering for sale or distributing an inhalant delivery system in or into this state.

"(2) The failure of an inhalant delivery system producer responsibility organization to satisfy any of the responsibilities delegated to it by a producer for developing and implementing an inhalant delivery system producer responsibility program does not relieve the producer of the producer's responsibility to satisfy the requirements of sections 2 to 17 of this 2025 Act.

"(3) Notwithstanding subsection (1) of this section, a producer is not required to be a member of an inhalant delivery system producer responsibility organization if, for each inhalant delivery system the producer sells, offers to sell or distributes in or into this state, another person has registered with an inhalant delivery system producer responsibility organization as the producer responsible for that inhalant delivery system under sections 2 to 17 of this 2025 Act.

"(4) A producer that is registered with an inhalant delivery system producer responsibility organization must:

"(a) Pay the membership fee established by the organization; and

"(b) Upon request, provide the organization with records or other information necessary for the organization to meet the organization's obligations under sections 2 to 17 of this 2025 Act.

"(5) A retailer may not sell or offer for sale an inhalant delivery system to a consumer unless the return incentive specified under subsection (6) of this section is clearly indicated on the inhalant delivery system or its label or packaging.

"(6) The return incentive for each inhalant delivery system sold or offered for sale in this state shall be $5.

"SECTION 4. Program plans. (1) In the form and manner prescribed by the Department of Environmental Quality, an inhalant delivery system producer responsibility organization must submit to the de-

partment a plan for implementing an inhalant delivery system producer responsibility program as provided in this section.

"(2) An inhalant delivery system producer responsibility program plan must describe how the inhalant delivery system producer responsibility organization will implement an inhalant delivery system producer responsibility program that satisfies the requirements of sections 2 to 17 of this 2025 Act. The plan must include:

"(a) A list of all producers participating in the inhalant delivery system producer responsibility organization.

"(b) A description of how the inhalant delivery system producer responsibility organization will:

"(A) Provide for the responsible management of collected inhalant delivery systems, including how the program will:

"(i) Ensure that collected inhalant delivery systems will be handled, tracked, processed, transported and recycled or disposed of in accordance with all applicable laws;

"(ii) Prioritize the recycling of any components of an inhalant delivery system that can be recycled; and

"(iii) Ensure that materials that cannot be recycled are disposed of in compliance with all applicable laws.

"(B) Establish a convenient and equitable system to accept and pay the return incentive for inhalant delivery systems returned through the program that satisfies the requirements of section 7 of this 2025 Act and meets collection targets, convenience standards and performance standards established by the Environmental Quality Commission.

"(C) Provide for education and public awareness as required by section 8 of this 2025 Act.

"(D) Establish a schedule of membership fees sufficient to meet the financial obligations of the inhalant delivery system producer responsibility organization.

"(E) Ensure continuous improvement of the inhalant delivery system producer responsibility program by establishing and working to achieve measurable performance goals for the program. Performance goals must include the date by which the goal will be met.

"(F) Coordinate with other inhalant delivery system producer responsibility organizations, if applicable.

"(G) Ensure that program inhalant delivery systems are distinguishable from inhalant delivery systems for which the producer does not participate in an inhalant delivery system producer responsibility organization, including any device used to consume a controlled substance listed in Schedule I under the federal Controlled Substances Act, 21 U.S.C. 811 and 812.

"(c) A program budget and narrative that describes how the inhalant delivery system producer responsibility organization will finance the costs of carrying out a program that satisfies the requirements of sections 2 to 17 of this 2025 Act and all other costs of the organization.

"(d) An attestation that all information submitted with the program plan, including all statements, documents and attachments, are true and correct.

"(e) Any other information required by the department to evaluate how the inhalant delivery system producer responsibility organization will implement an inhalant delivery system producer responsibility program that complies with sections 2 to 17 of this 2025 Act.

"SECTION 5. Approval of program plans. (1) The Department of Environmental Quality shall approve an inhalant delivery system producer responsibility program plan submitted to the department under section 4 of this 2025 Act if the plan demonstrates to the department's satisfaction that the plan meets the requirements of section 4 of this 2025 Act and that the inhalant delivery system pro-

ducer responsibility organization will successfully implement the program in accordance with the plan.

"(2) Not later than 90 days after receiving a plan under section 4 of this 2025 Act, the department shall either approve, approve with conditions or reject the plan. If the department rejects the plan, the department shall provide the reason or reasons for the rejection to the inhalant delivery system producer responsibility organization in writing. An inhalant delivery system producer responsibility organization must submit a revised plan to the department not later than 60 days after the date of the rejection.

"(3) Not later than 60 days after receiving a revised plan under subsection (2) of this section, the department shall either approve, approve with conditions or reject the revised plan. If the department rejects the revised plan, the department shall provide the reason or reasons for the rejection to the inhalant delivery system producer responsibility organization in writing. An inhalant delivery system producer responsibility organization must submit a second revised plan to the department no later than 45 days after the date of the rejection.

"(4)(a) Except as provided in paragraph (b) of this subsection, no later than 45 days after receiving a second revised plan under subsection (3) of this section, the department shall either approve the second revised plan or make such modifications to the plan as necessary for approval.

"(b) If, after receiving a second revised plan, the department determines that the inhalant delivery system producer responsibility organization will be unable to successfully implement an inhalant delivery system producer responsibility program in accordance with a proposed or modified plan, the department shall specify the date on which the inhalant delivery system producer responsibility organization must cease to operate an inhalant delivery system producer re-

sponsibility program in this state. The department may consider the past performance of an inhalant delivery system producer responsibility organization when making a determination under this paragraph.

"(5)(a) A plan approved by the department under this section is valid for three years. No less than 180 days before a plan approved under this section expires, an inhalant delivery system producer responsibility organization shall submit an updated plan to be approved under this section for an additional three years. An updated plan must satisfy the requirements of section 4 of this 2025 Act and describe any substantive changes from the previously approved plan.

"(b) The department's rejection of a plan does not relieve an inhalant delivery system producer responsibility organization from continuing to implement an inhalant delivery system producer responsibility program in compliance with a previously approved plan pending a final action by the department on the updated plan.

"(6) Subject to section 16 of this 2025 Act, an inhalant delivery system producer responsibility program plan approved under this section may be made available to the public by the department.

"(7) Beginning no later than 90 days after a plan is approved under this section, an inhalant delivery system producer responsibility organization must implement an inhalant delivery system producer responsibility program as described in the approved plan.

"SECTION 6. Changes to program plans. (1) In a form and manner prescribed by the Department of Environmental Quality, an inhalant delivery system producer responsibility organization must request preapproval from the department for any change to an inhalant delivery system producer responsibility program plan that substantively alters the program. Except as provided in subsection (3) of this section, an inhalant delivery system producer responsibility organization must make a request under this subsection not later than 60 days be-

fore the change is to occur. For purposes of this subsection, the following types of changes substantively alter an inhalant delivery system producer responsibility program:

"(a) Changes involving the methods used to collect inhalant delivery systems, including a change in the number of inhalant delivery systems that a collection site may accept from any one person;

"(b) Changes to the methods, policies and procedures for handling, disposing or other management of inhalant delivery systems; and

"(c) Changes involving methods used to foster public awareness of the inhalant delivery system producer responsibility program.

"(2) The department shall approve or reject a request submitted pursuant to subsection (1) of this section within 60 days of receiving the request. If the department does not approve or reject the request and provide written notice to the inhalant delivery system producer responsibility organization of the department's decision within 60 days of the date on which the department received the request, the proposed change shall be considered approved.

"(3) If an inhalant delivery system producer responsibility organization intends to make a proposed change to an inhalant delivery system producer responsibility program but, for good cause as determined by the department, is unable to make a request 60 days before the proposed change is to occur as required under subsection (1) of this section, the inhalant delivery system producer responsibility organization shall notify the department of the proposed change as far in advance of the proposed change as practicable. Upon receipt of notice described in this subsection, the department shall consult with the inhalant delivery system producer responsibility organization regarding the proposed change. Not later than seven business days after receiving the notice, the department may temporarily approve the proposed change.

"(4) The department may require an inhalant delivery system producer responsibility organization to modify an inhalant delivery system producer responsibility program plan and submit to the department changes for approval as described in subsections (1) to (3) of this section if the department determines that the inhalant delivery system producer responsibility organization is not meeting program goals described in an approved inhalant delivery system producer responsibility program plan.

"(5) In a form and manner prescribed by the department, an inhalant delivery system producer responsibility organization must:

"(a) Not later than 30 days after the change occurs, notify the department of any change to the contact information for the inhalant delivery system producer responsibility organization.

"(b) Not later than 60 days after the change occurs, notify the department of any change involving:

"(A) Which producers are participating in the inhalant delivery system producer responsibility organization;

"(B) The contact information for a producer participating in the inhalant delivery system producer responsibility organization; or

"(C) The ownership of a producer participating in the inhalant delivery system producer responsibility organization.

"(c) Every 30 days, provide the department with a list of collection sites and consolidation points.

"SECTION 7. Collection sites. (1) An inhalant delivery system producer responsibility organization shall establish collection sites throughout this state to accept and pay the return incentive of inhalant delivery systems. The collection sites must provide convenient and equitable service to consumers throughout this state and meet convenience standards established under subsection (3) of this section.

"(2) A collection site may be:

"(a) Operated by a retailer of inhalant delivery systems; or

"(b) Operated by the inhalant delivery system producer responsibility organization at any location that will provide convenient service to consumers.

"(3) Subject to the approval of the Department of Environmental Quality, an inhalant delivery system producer responsibility organization may establish policies to limit the number of inhalant delivery systems that a collection site may accept from any one person.

"(4) An inhalant delivery system producer responsibility organization shall ensure that each collection site is equipped with containers that are adequate to safely collect and store discarded inhalant delivery systems.

"(5) A collection site may not:

"(a) Accept an inhalant delivery system from, or provide a return incentive to, a person under 21 years of age;

"(b) Accept or provide a return incentive for an inhalant delivery system for which the producer does not participate in a inhalant delivery system producer responsibility organization, including any device used to consume a controlled substance listed in Schedule I under the federal Controlled Substances Act, 21 U.S.C. 811 and 812.

"(6) The Environmental Quality Commission shall establish by rule collection targets, convenience standards and performance standards for collection sites.

"SECTION 8. Education and public awareness. (1) An inhalant delivery system producer responsibility organization must develop educational resources and conduct public awareness activities across multiple types of media to advertise and promote, on a regular basis, effective participation in the inhalant delivery system producer responsibility program and to educate the public about the risks related

to improper disposal of inhalant delivery systems.

"(2) An inhalant delivery system producer responsibility organization shall establish a toll-free telephone number and a website address that a person may use to:

"(a) Learn the location of collection sites; and

"(b) Provide feedback about the program.

"(3) An inhalant delivery system producer responsibility organization shall coordinate with other inhalant delivery system producer responsibility organizations, if applicable, to ensure that program users can easily identify, understand and access the services provided by all inhalant delivery system producer responsibility programs that are operational in this state. At a minimum, all of the inhalant delivery system producer responsibility programs that are operational in this state must provide a single toll-free telephone number and a single website address that a program user may use to contact inhalant delivery system producer responsibility organizations and to acquire information about inhalant delivery system producer responsibility programs.

"(4) An inhalant delivery system producer responsibility organization may not promote the use of inhalant delivery systems.

"(5) Educational materials must clearly state that the use of inhalant delivery systems by persons under 21 years of age is prohibited.

"SECTION 9. Memorandum of Understanding with the Oregon Health Authority. (1) The Department of Environmental Quality and the Oregon Health Authority may enter into a memorandum of understanding providing for the authority, consistent with the other powers and duties of the authority provided by law, to implement and enforce sections 2 to 17 of this 2025 Act, including but not limited to:

"(a) Inspection of retailers regulated by the authority that operate

collection sites; and

"(b) Labeling for inhalant delivery systems consistent with sections 2 to 17 of this 2025 Act.

"(2) The authority may adopt rules as necessary to carry the duties of the authority under this section.

"SECTION 10. Annual report. (1) An inhalant delivery system producer responsibility organization must submit to the Department of Environmental Quality, in a form and manner prescribed by the department, an annual report on the development, implementation and operation of the organization's inhalant delivery system producer responsibility program. The annual report must include:

"(a) A list of producers participating in the inhalant delivery system producer responsibility program, the brands associated with each producer and the date the producer began participating in the organization.

"(b) The number of inhalant delivery systems sold in or into this state by the producers participating in the inhalant delivery system producer responsibility organization.

"(c) The number of inhalant delivery systems that were collected and disposed of.

"(d) An assessment of whether the inhalant delivery system producer responsibility organization implemented the program in accordance with the plan approved under section 5 of this 2025 Act.

"(e) A list of collection sites, consolidation points, processors and transporters used by the program during the preceding program year.

"(f) A summary of public awareness and education activities performed by the inhalant delivery system producer responsibility organization, alone or in coordination with one or more inhalant delivery system producer responsibility organizations, sufficient to demonstrate to the department that the organization has satisfied the re-

quirements of section 8 of this 2025 Act.

"(g)(A) An analysis of whether the inhalant delivery system producer responsibility organization met performance goals proposed by the inhalant delivery system producer responsibility program plan; and

"(B) If the inhalant delivery system producer responsibility organization did not meet performance goals, a description of actions the organization will take to meet those goals.

"(h) A summary financial statement documenting the financing of the inhalant delivery system producer responsibility organization's program and an analysis of program costs and expenditures incurred in this state, including an analysis of the program's expenses, such as collection, transportation, recycling, education and administrative overhead.

"(i) A report by an independent certified public accountant, retained by the inhalant delivery system producer responsibility organization at the organization's expense, on the accountant's audit of the financial statements.

"(j) An attestation that:

"(A) All of the information submitted with the annual report, including all statements, documents and attachments, are true and correct; and

"(B) All inhalant delivery systems collected under the inhalant delivery system producer responsibility program were responsibly managed in compliance with applicable laws, rules, and regulations.

"(k) Any other information required by the department to evaluate whether the inhalant delivery system producer responsibility organization has implemented the inhalant delivery system producer responsibility program in accordance with the organization's approved program plan and sections 2 to 17 of this 2025 Act.

"(2) Notwithstanding section 16 of this 2025 Act, a report provided

to the department under this section may be made available to the public by the department.

"SECTION 11. Enforcement. (1) The Department of Environmental Quality shall have the power to enter upon and inspect, at any reasonable time, any public or private property, premises or place for the purpose of investigating either an actual or suspected violation of sections 2 to 17 of this 2025 Act or rules adopted under sections 2 to 17 of this 2025 Act.

"(2) An inhalant delivery system producer responsibility organization shall retain all records related to the implementation and administration of an inhalant delivery system producer responsibility program for not less than three years from the time the record was created and make the records available for inspection by the department upon request.

"(3) In accordance with the applicable provisions of ORS chapter 183 relating to contested case proceedings, the department may issue an order requiring compliance with the provisions of sections 2 to 17 of this 2025 Act.

"(4) In accordance with the applicable provisions of ORS chapter 183 relating to contested case proceedings, and in accordance with ORS 468.130 and rules adopted pursuant to ORS 468.130, the department may issue civil penalties for violations of the provisions of sections 2 to 17 of this 2025 Act and rules adopted under sections 2 to 17 of this 2025 Act. All penalties recovered for violations of sections 2 to 17 of this 2025 Act and rules adopted under sections 2 to 17 of this 2025 Act shall be paid into the State Treasury and credited to the Inhalant Delivery System Producer Responsibility Fund established under section 14 of this 2025 Act.

"(5) The department may issue an order under subsection (3) of this section to suspend or revoke an inhalant delivery system producer

responsibility program plan if the department determines that:

"(a) A violation or repeated violations of sections 2 to 17 of this 2025 Act present a risk to the environment or public health; or

"(b) A violation has had a material impact on the implementation and administration of the inhalant delivery system producer responsibility program plan.

"SECTION 12. Return with intent to defraud. A person may not, with the intent to defraud, return for the return incentive specified in section 3 of this 2025 Act an inhalant delivery system that the person knows was not purchased in this state.

"SECTION 13. Fees. (1) The Environmental Quality Commission shall establish the following fees for the purpose of paying the costs of administering sections 2 to 17 of this 2025 Act:

"(a) A plan review fee for reviewing an inhalant delivery system producer responsibility program plan submitted under section 4 of this 2025 Act.

"(b) An annual fee for expenses associated with the ongoing costs of administering sections 2 to 17 this 2025 Act.

"(2) Each inhalant delivery system producer responsibility organization that operates an inhalant delivery system producer responsibility program in this state is responsible for paying the fees established by this section. If more than one inhalant delivery system producer responsibility organization operates an inhalant delivery system producer responsibility program in this state, the fee established under subsection (1)(b) of this section shall be paid in equal parts by each organization.

"(3) Fees established under subsection (1) of this section must be reasonably calculated to cover the costs of administering sections 2 to 17 of this 2025 Act.

"(4) The department shall deposit fee moneys collected pursuant to

this section into the Inhalant Delivery System Producer Responsibility Fund established under section 14 of this 2025 Act.

"SECTION 14. Inhalant Delivery System Producer Responsibility Fund. (1) The Inhalant Delivery System Producer Responsibility Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Inhalant Delivery System Producer Responsibility Fund shall be credited to the fund.

"(2) The Inhalant Delivery System Producer Responsibility Fund shall consist of:

"(a) Amounts deposited in the fund by the Department of Environmental Quality under section 13 of this 2025 Act;

"(b) Amounts credited to the fund under section 11 of this 2025 Act;

"(c) Amounts appropriated or otherwise transferred to the fund by the Legislative Assembly; and

"(d) Other amounts deposited in the fund from any other source.

"(3) Moneys in the Inhalant Delivery System Producer Responsibility Fund are continuously appropriated to the Department of Environmental Quality for the purpose of carrying out sections 2 to 17 of this 2025 Act.

"SECTION 15. Antitrust immunity. The Legislative Assembly declares that the collaboration of producers through inhalant delivery system producer responsibility organizations to develop and implement inhalant delivery system producer responsibility program plans is in the best interests of the public. Therefore, the Legislative Assembly declares its intent that participating in an inhalant delivery system producer responsibility organization to implement an inhalant delivery system producer responsibility program plan as required by sections 2 to 17 of this 2025 Act and providing the return incentive specified in section 3 of this 2025 Act shall be exempt from state antitrust laws. The Legislative Assembly further declares its intent to provide immu-

nity for participating in an inhalant delivery system producer responsibility organization to implement an inhalant delivery system producer responsibility program plan as required by sections 2 to 17 of this 2025 Act and providing the return incentive specified in section 3 of this 2025 Act from federal antitrust laws. This section does not authorize any person to engage in activities or to conspire to engage in activities that constitute per se violations of state or federal antitrust laws that are not authorized under sections 2 to 17 of this 2025 Act.

"SECTION 16. Confidentiality. A producer or inhalant delivery system producer responsibility organization that submits information or records to the Department of Environmental Quality under sections 2 to 17 of this 2025 Act may request that the information or records be made available only for the confidential use of the department. The department shall consider the request and weigh the harm suffered by the disclosing party against the public interest in disclosure. Information or records for which the department grants a request under this section are confidential and not subject to public disclosure under ORS 192.311 to 192.478, except that the department may disclose summarized information or aggregated data if the information or data does not directly or indirectly identify the confidential information of a specific producer or inhalant delivery system producer responsibility organization.

"SECTION 17. Rules. The Environmental Quality Commission may adopt any rules necessary for the effective administration of sections 2 to 17 of this 2025 Act. Rules adopted under this section may include, but need not be limited to, rules applicable to collection sites, consolidation points, transporters and disposal sites for the responsible management of collected inhalant delivery systems.

"SECTION 18. ORS 459.992 is amended to read:

"459.992. (1) The following are Class A misdemeanors:

"(a) Violation of rules or ordinances adopted under ORS 459.005 to 459.105 and 459.205 to 459.385.

"(b) Violation of ORS 459.205.

"(c) Violation of ORS 459.270.

"(d) Violation of ORS 459A.080.

"(e) Violation of ORS 459.272.

"(2) Each day a violation referred to by subsection (1) of this section continues constitutes a separate offense. The separate offenses may be joined in one indictment or complaint or information in several counts.

"(3) Violation of ORS 459A.705, 459A.710, 459A.718 (7) or 459A.720 is a Class A misdemeanor.

"(4) Violation of ORS 459A.716 **or section 12 of this 2025 Act** is a Class D violation. Each day that a violation referred to in this subsection occurs is a separate offense. The separate offenses may be joined in one indictment or complaint or information in several counts.

"(5) In addition to the penalty prescribed by subsection (3) of this section, the Oregon Liquor and Cannabis Commission or the State Department of Agriculture may revoke or suspend the license of any person who willfully violates ORS 459A.705, 459A.710, 459A.718 (7) or 459A.720, who is required by ORS chapter 471 or 635, respectively, to have a license.

"SECTION 19. ORS 459.995, as amended by section 6, chapter 73, Oregon Laws 2023, is amended to read:

"459.995. (1) Except as provided in subsection (2) of this section, in addition to any other penalty provided by law:

"(a) Any person who violates ORS 459.205, 459.270, 459.272, 459.386 to 459.405, 459.485, 459.705 to 459.790, 459A.005 to 459A.620, 459A.310 to 459A.335, 459A.860 to 459A.975 or 646A.080[,] **or sections 2 to 17 of this 2025 Act** or any rule or order of the Environmental Quality Commission pertaining to the disposal, collection, storage or reuse or recycling of solid wastes,

as defined by ORS 459.005, or any rule or order pertaining to the disposal, storage or transportation of waste tires, as defined by ORS 459.705, or any rule or order pertaining to the sale of novelty items that contain encapsulated liquid mercury or any rule or order pertaining to compact fluorescent lamps or linear fluorescent lamps, as defined by ORS 459.485, **or any rule or order adopted or issued pursuant to sections 2 to 17 of this 2025 Act** incurs a civil penalty not to exceed $25,000 per day for each day of the violation.

"(b) Any person who violates the provisions of ORS 459.420 to 459.426 incurs a civil penalty not to exceed $500 for each violation. Each battery that is disposed of improperly is a separate violation. Each day an establishment fails to post the notice required under ORS 459.426 is a separate violation.

"(c) For each day a city, county or metropolitan service district fails to provide the opportunity to recycle as required under ORS 459A.005, the city, county or metropolitan service district incurs a civil penalty not to exceed $500 for each violation.

"(d) Any person who violates the provisions of ORS 459.247 (1)(f) incurs a civil penalty not to exceed $500 for each violation. Each covered electronic device that is disposed of improperly is a separate violation.

"(e) Any retailer that violates the provisions of ORS 459A.156 or 459A.825 (1) or (2)(b) incurs a civil penalty not to exceed $100 per day for each day of the violation.

"(f) Any producer or renovator that violates the provisions of ORS 459A.156 or 459A.825 (1) incurs a civil penalty not to exceed $1,000 per day for each day of the violation.

"(g) Any stewardship organization that violates the provisions of ORS 459A.150 to 459A.189, 459A.825 (2)(a), 459A.827, 459A.830 to 459A.837 or 459A.842 incurs a civil penalty not to exceed $1,000 per day for each day of the violation.

"(h) Any food vendor that violates ORS 459.468 incurs a civil penalty not

to exceed $100 for each day of the violation.

"(i) Any person that violates ORS 459.471 or 459.474 incurs a civil penalty not to exceed $500 per day for each day of the violation.

"(2) Any product manufacturer or package manufacturer who violates ORS 459A.650 to 459A.665 or any rule adopted under ORS 459A.650 to 459A.665 incurs a civil penalty not to exceed $1,000 per day for each day of the violation. A violation of ORS 459A.650 to 459A.665 is not subject to additional penalties under subsection (1) of this section.

"(3) Any civil penalty authorized by subsection (1) or (2) of this section shall be imposed in the manner provided by ORS 468.135.

"SECTION 20. Required date for initial plan. (1) An inhalant delivery system producer responsibility organization shall first submit an inhalant delivery system producer responsibility program plan to the Department of Environmental Quality for approval under section 4 of this 2025 Act no later than September 1, 2027.

"(2) An inhalant delivery system producer responsibility program plan described in this section must be operational by July 1, 2028.

"SECTION 21. Applicability. Notwithstanding section 3 of this 2025 Act, on or before June 30, 2028:

"(1) A producer may sell, offer for sale or distribute in or into this state an inhalant delivery system without a return incentive clearly indicated on the inhalant delivery system or its packaging.

"(2) A retailer may sell or offer for sale an inhalant delivery system without a return incentive clearly indicated on the inhalant delivery system or its packaging.

"SECTION 22. Section captions. The section captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

"SECTION 23. This 2025 Act takes effect on the 91st day after the

date on which the 2025 regular session of the Eighty-third Legislative Assembly adjourns sine die.".