

HB 451-FN - FINAL VERSION

13Mar2025... 0458h
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2026 SESSION

25-0600
08/02

HOUSE BILL

451-FN

AN ACT establishing the paint product stewardship program.

SPONSORS: Rep. Ebel, Merr. 7; Rep. J. Aron, Sull. 4; Rep. M. Murray, Hills. 37; Rep. Bixby, Straf. 13; Rep. Creighton, Hills. 30; Rep. Grote, Rock. 24; Rep. N. Germana, Ches. 15; Sen. Watters, Dist 4; Sen. Ricciardi, Dist 9; Sen. Pearl, Dist 17; Sen. Avar, Dist 12; Sen. Rosenwald, Dist 13

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill establishes the paint product stewardship program.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT establishing the paint product stewardship program.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Subdivision; Paint Product Stewardship Program. Amend RSA 149-M by inserting after section 64 the following new subdivision:

Paint Product Stewardship Program

149-M:65 Definitions. In this subdivision:

I. "Aerosol coating product" means a pressurized coating product containing pigments or resins dispensed by means of a propellant and packaged and sold in a disposable aerosol container for hand-held application, or for use in specialized equipment for ground traffic or marking applications.

II. "Architectural paint" means interior and exterior architectural coatings sold in containers of 5 gallons or less.

III. "Collection site" means any location or event at which paint is accepted into a postconsumer paint stewardship program pursuant to a postconsumer paint stewardship program plan.

IV. "Department" means the department of environmental services.

V. "Environmentally sound management practices" means procedures for the collection, storage, transportation, reuse, recycling, energy recovery, and disposal of paint, that comply with all applicable federal, state, and local laws, including adequate record keeping, tracking, and documenting of the final disposition of materials.

VI. "Postconsumer paint" means paint not used and no longer wanted by a purchaser.

VII. "Manufacturer" means a manufacturer of a paint product who sells, offers for sale, or distributes the paint product in the state under the manufacturer's own name or brand.

VIII. "Paint" or "paint product" means architectural paint, aerosol coating products, and additional products as defined in an approved program plan. "Paint" or "paint product" shall not include industrial or original equipment coatings.

IX. "Program" means a postconsumer paint stewardship program established pursuant to RSA 149-M:66.

X. "Representative organization" means a nonprofit organization established by a manufacturer to implement a postconsumer paint stewardship program.

XI. "Retailer" means a company that offers paint or other allied products for retail sale in the state.

149-M:66 Paint Product Stewardship Program Plan.

I. A manufacturer of paint sold at retail in New Hampshire, or representative organization, shall submit to the commissioner a plan for the establishment of a postconsumer paint product stewardship

1 program to cover paint products as defined in RSA 149-M:65. Additional paint products may be proposed
2 in a subsequent program plan in consultation with the department.

3 II. A plan submitted to the department under this section shall:

4 (a) Provide a list of participating manufacturers and brands covered by a program.

5 (b) Provide information on the paint products covered by the program.

6 (c) Describe how paint products covered by a program will be managed using
7 environmentally sound management practices.

8 (d) Describe education and outreach efforts to inform consumers about a program.

9 (e) Describe the assessment added to each unit of paint product sold or transferred for retail
10 sale or to the public in New Hampshire as a result of a program.

11 III. Participation as a collection site is voluntary. A retailer or political subdivision that agrees to
12 comply with any requirements that are consistent with the stewardship plan may request in writing to
13 participate in the stewardship plan as an approved collection site.

14 IV. A manufacturer may, individually or through a stewardship organization, suspend or terminate
15 use of an approved collection site that does not comply with all applicable state, federal, or municipal laws
16 and regulations or adhere to the rules and conditions imposed by the stewardship organization.

17 149-M:67 Plan Submission and Approval.

18 I. A plan required by RSA 149-M:66 shall be submitted within 12 months of the effective date of
19 this subdivision. The department may extend the time for submission of the plan for cause shown. A
20 manufacturer or representative organization may propose an update to an approved program plan by
21 submitting a revised program plan as described in RSA 149-M:66.

22 II. Not later than 90 days after submission of a plan under this section, the department shall
23 approve a plan submitted in accordance with RSA 149-M:66 and send written notification of such approval
24 to the organization that submitted the plan upon determining that the organization submitting the plan
25 fulfilled the requirements of RSA 149-M:66, II.

26 III. If the department does not approve the plan, the department shall provide written notification
27 to the organization that submitted the plan of the reason for the denial. Such denial shall not preclude the
28 organization from submitting an amended plan.

29 149-M:68 Sale of Paint. Upon the date of implementation:

30 I. A manufacturer or retailer shall not sell, or offer for sale, a paint product to any person in New
31 Hampshire unless the manufacturer or manufacturer's representative organization is implementing an
32 approved program plan as required by RSA 149-M:66.

33 II. A retailer shall be in compliance with this section if, on the date the paint product was offered
34 for sale, the manufacturer is listed on the department's website as implementing or participating in an
35 approved program plan, or if the paint brand is listed on the department's website as being included in the
36 program.

37 III. A paint collection site authorized under the provisions of this section shall not charge any
38 additional amount for the management of paint when it is offered for collection.

1 IV. Each manufacturer, distributor, and retailer shall include the per-container assessment
2 amount set forth in an approved plan in the purchase price of any paint product sold in or into New
3 Hampshire.

4 149-M:69 Annual Report.

5 I. A manufacturer or representative organization implementing an approved program plan under
6 this subdivision shall submit a report annually to the commissioner that details the program in accordance
7 with the program plan requirements.

8 II. The first annual report shall be due 120 days after completion of the first year of program
9 implementation, and in no case later than 18 months from the date the plan was approved. Thereafter,
10 annual reports shall be submitted within 120 days after the end of each calendar year.

11 149-M:70 Liability and Disclosure.

12 I. A manufacturer or representative organization implementing or participating in a program shall
13 be exempt from RSA 356 with respect to any claim of a violation of antitrust, restraint of trade, unfair trade
14 practice, or other anticompetitive conduct arising from conduct undertaken in accordance with a program.

15 II. Financial, production, or sales data reported to the department by a manufacturer or by the
16 representative organization is not a public record pursuant to RSA 91-A:5, IV and rules adopted by the
17 department pursuant thereto and shall not be subject to public inspection or disclosure. The
18 commissioner may release a summary form of such data that does not disclose financial, production, or
19 sales data of the manufacturer, retailer, or representative organization.

20 149-M:71 Administrative Reimbursement.

21 I. Manufacturers and stewardship organizations shall collectively pay the department's
22 reasonably incurred administrative costs related to implementing this chapter. The timing and amount of
23 administrative payments shall be determined in consultation with the department.

24 II. No later than 90 days before a stewardship plan is required to be submitted to the department,
25 the department shall notify each manufacturer acting individually and each representative organization of
26 its reasonably incurred administrative costs related to implementing this chapter. This shall include
27 reasonable actual costs associated with rulemaking and other startup activities before the stewardship
28 plan is submitted and approved.

29 149-M:72 Implementation. A program plan shall be implemented within 6 months of the date of
30 approval by the department. The department may extend the date of implementation for good cause
31 shown. The department may adopt rules under RSA 541-A to implement the program.

32 149-M:73 Postconsumer Paint from Households and Small Businesses.

33 I. Postconsumer paint that is otherwise defined as hazardous waste by RSA 147-A and rules
34 adopted by the department pursuant thereto, and that is received at a collection site, shall be managed as
35 universal waste in accordance with rules established by the department.

36 II. Any person who agrees to operate a collection point and who responsibly implements
37 environmentally-sound management practices in good faith shall not be subject to penalties for the
38 acceptance or storage of, or for any spill, leak, or discharge of collected paint, or other materials that are
39 inadvertently accepted pursuant to the program, and which occurs despite the implementation of such
40 practices.

1 III. Nothing in this section shall be construed as restricting the collection of postconsumer paint
2 by a stewardship program where such collection is authorized under any other laws or regulations.

3 IV. Nothing in this section shall be construed to affect any requirements applicable to facilities
4 that treat, dispose of, or recycle postconsumer paint products under an otherwise applicable law, rule, or
5 regulation.

6 2 Effective Date. This act shall take effect upon its passage.

7
8 VETOED March 16, 2026 / Veto Sustained April 9, 2026

HB 451-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2025-0458h)

AN ACT establishing the paint product stewardship program.

FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.

Estimated State Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
Revenue	\$0	\$49,000	\$48,000	\$50,000
<i>Revenue Fund(s)</i>	General Fund			
Expenditures*	\$0	\$49,000	\$48,000	\$50,000
<i>Funding Source(s)</i>	General Fund			
Appropriations*	\$0	\$0	\$0	\$0
<i>Funding Source(s)</i>	None			

*Expenditure = Cost of bill

*Appropriation = Authorized funding to cover cost of bill

Estimated Political Subdivision Impact				
	FY 2025	FY 2026	FY 2027	FY 2028
County Revenue	\$0	\$0	\$0	\$0
County Expenditures	\$0	\$0	\$0	\$0
Local Revenue	\$0	\$0	\$0	\$0
Local Expenditures	\$0	\$0	Indeterminable Decrease (\$150,000+)	Indeterminable Decrease (\$150,000+)

METHODOLOGY:

This bill would amend RSA 149-M to create a paint stewardship program, managed by manufacturers or a representative organization, which would submit a plan to the Department of Environmental Services detailing collection, management, funding through fees, and site distribution. The Department would oversee rulemaking, plan reviews, regulatory enforcement, and evaluation, with administrative costs reimbursed annually by manufacturers through a fee paid to the General Fund.

The Department estimates implementing this bill would require hiring a part-time Environmentalist IV (SOC 19, Band 8) for approximately 20 hours per week, starting July 1, 2025, with an expense for salary and position costs of \$49,000 for FY 2026 and \$48,000 for FY 2027, to handle rulemaking and startup activities. It is assumed the \$50,000 cost in FY 2028 would be included in the Department's FY 2028 and FY 2029 budget requests. Additionally, the costs for this position are expected to be fully covered by administrative fees paid by manufacturers or a representative organization and reflected in the increase in General Fund revenue above.

The Department also states the impact to local expenditures is an indeterminable decrease of at least \$150,000 per a year, starting in FY 2027, for reduced expenditures in waste paint management as these costs would shift to the paint stewardship program. While data on municipal solid waste paint disposal costs are unavailable, the Department has some data on household hazardous waste (HHW) paint management. In FY 2024, invoices from HHW collection events show municipalities spent at least \$150,000 on paint disposal. This figure is incomplete, as it only includes municipalities reimbursed through the Department's HHW Grant Program, and some invoices combine costs, making it difficult to calculate paint-specific expenses. Despite these gaps, the total statewide cost is likely to be much higher, however \$150,000 serves as a baseline for potential savings under this bill.

It is assumed that any fiscal impact will occur after FY 2025.

AGENCIES CONTACTED:

Department of Environmental Services