

EPR Takes a Drag: Maine Enacts Vape-Specific Stewardship Program

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KEY POINTS

- Maine's "Act to Create a Stewardship Program for Electronic Smoking Devices and Related Products" (LD 1519) is the first U.S. extended producer responsibility law targeting electronic smoking devices used to consume nicotine and cannabis.
- Producers will have to fund and operate a statewide end-of-life program, including collection, transportation and processing, education and outreach, reporting and compliance, and state oversight costs.
- As part of a new stewardship program, producers must provide consumers with a minimum \$2 incentive to return covered electronic smoking devices.
- By Nov. 1, 2027, each producer must submit a stewardship plan to the Maine Department of Environmental Protection, either individually, as a group, or through one or more stewardship organizations.
- LD 1519 may serve as a template for other states considering extended producer responsibility requirements for electronic smoking devices.

On April 23, 2026, Maine became the first U.S. state to enact an extended producer responsibility (EPR) law that targets "electronic smoking devices" used to consume nicotine and cannabis. The Act to Create a Stewardship Program for Electronic Smoking Devices and Related Products ([LD 1519](#)) applies to every company that qualifies as a "producer" of "electronic smoking devices" sold in Maine. That will likely include all major manufacturers and brand-holders of electronic smoking devices, such as e-cigarettes, vape pens, and refill cartridges.

The law shifts the end-of-life burden for disposing of these devices onto producers and sets aggressive program expectations and timelines. Under LD 1519, producers must fully fund and operate a statewide end-of-life program for all covered electronic smoking devices. That obligation is broad and includes:

- Collection – Offering convenient, no-cost device drop-off options for consumers across Maine.
- Transportation and Processing – Managing the logistics and treatment of returned products.
- Education and Outreach – Funding consumer education so people know how and where to return devices.
- Reporting and Compliance – Tracking and reporting performance to the Maine Department of Environmental Protection (DEP).
- State Oversight Costs – Covering the government's costs to oversee the program.

On top of all of that, producers must provide consumers with at least a \$2 incentive for every device returned. The state has not proposed regulations yet that describe how that incentive will be structured and funded.

By November 1, 2027, each producer, whether individually, as a group, or through a stewardship organization, must submit a stewardship plan to Maine DEP describing how they will comply with the law. As a first of its kind law in the nation, we expect it will be challenging for producers to identify which products are covered, build or join a compliant collection and processing network, design and fund the \$2-per-device incentive, and develop reporting systems and consumer outreach.

Unlike many other EPR regimes, LD 1519 allows more than one stewardship organization to operate in Maine at the outset of the program. Most other state EPR laws authorize only a single stewardship organization (for EPR schemes specific to packaging, this is often the Circular Action Alliance (CAA)) to implement an EPR program. Producers will therefore have to decide whether to form a stewardship organization of their own or whether the CAA will be an option. That decision will drive costs, control, and risk.

Maine DEP has not yet proposed implementing regulations or started rulemaking. Regulations will be critical to clarifying many concepts, including the following:

- Scope of Covered Smoking Devices – Exactly which devices, parts, components, and accessories must be collected (e.g., batteries, pods, chargers, cartridges, integrated vs. refillable systems).
- Program Design Details – Collection standards, performance metrics, and reporting obligations.
- Funding Mechanism for the \$2 Incentive – Whether incentives must be paid directly by producers, pooled through stewardship organizations, or funded via another financial structure.

Maine's law is a national first for electronic smoking devices, and it may become a template for other states.

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