

File No. 251272

Committee Item No. _____
Board Item No. 15 _____

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: January 6, 2026

Cmte Board

<input type="checkbox"/>	<input checked="" type="checkbox"/>	Motion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>AB 762</u>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
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Prepared by: Arthur Khoo
Prepared by: _____

Date: December 18, 2025
Date: _____

1 [Supporting California State Assembly Bill No. 762 (Irwin and Wilson) - Disposable, Battery-
2 Embedded Vapor Inhalation Device: Prohibition]

3 **Resolution supporting California State Assembly Bill No. 762 (AB 762), introduced by**
4 **Assemblymembers Jacqui Irwin and Lori Wilson, which would prohibit the sale of**
5 **disposable, battery-embedded vapor inhalation devices and authorizes State**
6 **departments to enforce this prohibition.**

7
8 WHEREAS, The San Francisco Board of Supervisors has a long-standing commitment
9 to protecting public health, advancing environmental sustainability, and reducing youth
10 exposure to harmful and addictive products; and

11 WHEREAS, Disposable, battery-embedded vapor inhalation devices—often marketed
12 as single-use electronic cigarettes or “vapes”—contain lithium-ion batteries, plastics, heavy
13 metals, and toxic chemicals that pose serious risks to public health and the environment; and

14 WHEREAS, These disposable vaping products lack a standardized recycling process
15 and are thus frequently discarded in landfills, streets, and waterways, where embedded
16 batteries create fire hazards, contribute to toxic waste, and undermine local and statewide
17 efforts to safely manage electronic waste; and

18 WHEREAS, Lithium-ion batteries contained in disposable vaporizers pose costly safety
19 issues at every point of the waste stream, leading to increased fires at waste management
20 and recycling facilities as well as placing sanitation workers and first responders at risk; and

21 WHEREAS, Disposable vaporizers are disproportionately used by youth and young
22 adults with over 55 percent of minors that use vapes reporting using disposable vapes in part
23 due to their low cost, ease of concealment, high nicotine concentrations, and flavors that
24 intentionally appeal to minors; and

1 WHEREAS, Public health evidence demonstrates that nicotine exposure during
2 adolescence harms brain development, increases the risk of lifelong addiction, and is
3 associated with adverse mental and physical health outcomes; and

4 WHEREAS, The State of California and the City and County of San Francisco have
5 been national leaders in restricting flavored tobacco products and advancing tobacco control
6 policies, yet disposable, battery-embedded vaporizers continue to proliferate amongst
7 licensed sellers; and

8 WHEREAS, California State Assembly Bill No. 762 (AB 762) would ban the sale and
9 distribution of disposable, battery-embedded vaporizers in California while allowing reusable
10 and rechargeable alternatives that can be more safely managed and regulated; and

11 WHEREAS, AB 762 aligns with San Francisco's environmental goals, including waste
12 reduction, climate stewardship, and restricting the distribution of electronic cigarettes by
13 discouraging single-use electronic products that contribute to pollution and greenhouse gas
14 emissions; and

15 WHEREAS, Supporting AB 762 would reinforce San Francisco's commitment to youth
16 health and environmental justice; now, therefore, be it

17 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
18 hereby supports Assembly Bill No. 762, which would ban disposable, battery-embedded
19 vaporizers in the State of California; and, be it

20 FURTHER RESOLVED, That the Board of Supervisors urges the California State
21 Legislature and the Governor to enact AB 762 into law; and, be it

22 FURTHER RESOLVED, That the Clerk of the Board of Supervisors shall transmit a
23 copy of this resolution upon passage to the Governor of California, the President pro Tempore
24 of the California State Senate, the Speaker of the California Assembly, Assemblymember
25 Jacqui Irwin, Assemblymember Lori Wilson, and San Francisco's legislative delegation.



AB-762 Disposable, battery-embedded vapor inhalation device: prohibition. (2025-2026)

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Date Published: 03/28/2025 09:00 PM

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–2026 REGULAR SESSION

ASSEMBLY BILL

NO. 762

Introduced by Assembly Members Irwin and Wilson

February 18, 2025

An act to add Chapter 5.1 (commencing with Section 42260) to Part 3 of Division 30 of the Public Resources Code, relating to vapor inhalation devices.

LEGISLATIVE COUNSEL'S DIGEST

AB 762, as amended, Irwin. Disposable, battery-embedded vapor inhalation device: prohibition.

Existing

(1) *Existing* law regulates the manufacture, sale, and disposal of various single-use products, including single-use foodware accessories and condiments and single-use carryout bags. Existing law prohibits a store from, among other things, providing, distributing, or selling a carryout bag at the point of sale, except as specified. Existing law defines terms for these purposes.

This bill would prohibit, beginning January 1, 2026, a person from selling, distributing, or offering for sale a new or refurbished disposable, battery-embedded vapor inhalation device in this state. The bill would define a "disposable, battery-embedded vapor inhalation device" to mean a vaporization device that is not designed or intended to be reused, as specified.

Existing law authorizes a city, county, city and county, or the state, to impose civil liability on a person or entity that knowingly violated, or reasonably should have known that it violated, provisions relating to the above-described carryout bag prohibition in specified fine amounts, including \$1,000 per day for the first violation. Existing law requires any civil penalties collected to be paid to whichever office brought the action, as specified, and authorizes the Attorney General to expend any penalties it collects, upon appropriation by the Legislature, to enforce those provisions.

This bill would authorize a city, a county, a city and county, or the state, to enforce the above-described disposable, battery-embedded vapor inhalation device prohibition and to impose civil liability on a person or

entity in violation of the prohibition in specified fine amounts, including \$500 for the first violation. The bill would require any civil penalties collected to be paid to whichever office brought the action, as specified, and would authorize the Attorney General to expended any penalties it collects, upon appropriation by the Legislature, to enforce these provisions. The bill would specify that any remedies provided pursuant to these provisions are not exclusive and are in addition to the remedies that may be available pursuant to specified provisions relating to unfair competition.~~The~~

The bill would make any person who violates the above-described disposable battery-embedded vapor inhalation device prohibition guilty of an infraction punishable by a fine of not more than \$500. By expanding the scope of an infraction, this bill would impose a state-mandated local program.

(2) Existing law, the Cigarette and Tobacco Products Licensing Act of 2003, provides for the licensure and regulation of manufacturers, importers, distributors, wholesalers, and retailers of cigarettes and tobacco products by the State Board of Equalization.

Existing law requires every person desiring to engage in the sale of cigarettes or tobacco products as, among other things, a wholesaler to file with the board an application for a license, as specified. Existing law authorizes the California Department of Tax and Fee Administration to suspend or revoke a license described above, as specified, of any importer or any manufacturer that has failed to comply with specified provisions relating to monthly reporting of distributors and wholesale costs.

This bill would authorize the department to revoke or suspend any license to engage in the sale of cigarettes or tobacco products, as defined, of any person with a license who is in violation of the above-described prohibition for a disposable, battery-embedded vapor inhalation device containing a tobacco product.

(3) The Control, Regulate and Tax Adult Use of Marijuana Act (AUMA), an initiative measure approved as Proposition 64 at the November 8, 2016, statewide general election, authorizes a person who obtains a state license under AUMA to engage in commercial adult-use cannabis activity pursuant to that license and applicable local ordinances. Existing law, the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), among other things, consolidates the licensure and regulation of commercial medicinal and adult-use cannabis activities, including retail commercial cannabis activity.

MAUCRSA establishes the Department of Cannabis Control within the Business, Consumer Services, and Housing Agency to administer the act. MAUCRSA authorizes the department to issue state licenses only to qualified applicants, and authorizes the department to revoke or suspend a license if, among other things, a licensee fails to actively and diligently pursue requirements for a license.

This bill would authorize the department to revoke or suspend a license issued by the department of any person with a license who is in violation of the above-described prohibition for a disposable, battery-embedded vapor inhalation device containing a cannabis product, as defined.

The bill would specify that any penalty described above is in addition to the other penalties authorized by the bill. The bill would require costs incurred by a state agency in carrying out these provisions to be recoverable by the Attorney General, upon the request of the agency, from the liable person or persons.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: ~~no~~yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 5.1 (commencing with Section 42260) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 5.1. Disposable, Battery-embedded Vapor Inhalation Devices

42260. (a) (1) For purposes of this section, a "disposable, battery-embedded vapor inhalation device" means a vaporization device that is not designed or intended to be reused, and includes any vaporization device that meets either, or both, of the following requirements:

- (A) (i) The vaporization device is not refillable.

(ii) For purposes of this subparagraph, a vaporization device is not considered refillable unless it is designed to include any of the following:

(I) A single-use container that is separately available and can be replaced.

(II) A container that can be refilled.

(III) A coil that is not intended to be replaced by an individual user in the normal course of use, including any coil that is contained in a single-use cartridge or pod that is not separately available and cannot be replaced.

(B) (i) The vaporization device is not rechargeable.

(ii) For purposes of this subparagraph, a vaporization device is not considered rechargeable if it is designed to contain a battery that cannot be recharged.

(2) "Disposable, battery-embedded vapor inhalation device" does not include a device, as defined in Section 321(h) of Title 21 of the United States Code, if either of the following applies:

(A) It is a class I device as defined in subsection (a) of Section 360c of Title 21 of the United States Code, and either of the following applies:

(i) It is a device described in Section 414.202 of Title 42 of the Code of Federal Regulations.

(ii) Either of the following applies:

(I) The device is predominantly used in a health care setting by a provider.

(II) The device is predominantly prescribed by a health care provider.

(B) It is a class II or class III device as defined in subsection (a) of Section 360c of Title 21 of the United States Code.

(b) On and after January 1, 2026, a person shall not sell, distribute, or offer for sale a new or refurbished disposable, battery-embedded vapor inhalation device in this state.

(c) (1) A city, a county, a city and county, or the state may enforce this section and impose civil liability on a person or entity in violation of this section in the amount of five hundred dollars (\$500) for the first violation, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and any subsequent violations.

(2) Any civil penalties collected pursuant to paragraph (1) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce this chapter.

(3) The remedies provided by this section are not exclusive and are in addition to the remedies that may be available pursuant to Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code.

(d) Any person who violates this section shall be guilty of an infraction punishable by a fine of not more than five hundred dollars (\$500).

(e) (1) The California Department of Tax and Fee Administration may revoke or suspend a license to engage in the sale of cigarettes or tobacco products, pursuant to the provisions applicable to the revocation or suspension of a license set forth in the Cigarette and Tobacco Products Licensing Act of 2003 (Division 8.6 (commencing with Section 22970) of the Business and Professions Code), of any person with a license who is in violation of this section for a disposable, battery-embedded vapor inhalation device containing a tobacco product.

(2) For purposes of this subdivision, "tobacco product" has the same meaning as that term is defined in Section 22971 of the Business and Professions Code.

(f) (1) The Department of Cannabis Control may revoke or suspend a license issued by the department, pursuant to Medicinal and Adult-Use Cannabis Regulation and Safety Act (Division 10 (commencing with Section 26000) of the Business and Professions Code), of any person with a license who is in violation of this section for a disposable, battery-embedded vapor inhalation device containing a cannabis product.

(2) For purposes of this subdivision, "cannabis" or "cannabis product" have the same meaning as those terms are defined in Section 26001 of the Business and Professions Code.

(g) Any penalty described in this section is in addition to the other penalties authorized by this section.

(4)

(h) The costs incurred by a state agency in carrying out this chapter shall be recoverable by the Attorney General, upon the request of the agency, from the liable person or persons.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIIIIB of the California Constitution.



April 3, 2025

The Honorable Jacqui Irwin
Member, California State Assembly
1021 O Street, Room 6220
Sacramento, CA 95814

**RE: Assembly Bill 762 – SUPPORT
As Amended March 28, 2025**

Dear Assembly Member Irwin:

On behalf of the Rural County Representatives of California (RCRC), California League of Cities (Cal Cities), and California State Association of Counties (CSAC), we support your Assembly Bill 762 related to single-use vapes.

Assembly Bill 762 bans the sale of disposable battery-embedded vape devices.

Single-use vapes are commonly encountered in the waste stream and must be managed as hazardous waste because they contain residual chemicals, batteries, and electronic components and cause fires. Single-use vapes are frequently encountered as litter in public spaces and the environment. Most troubling, single-use vapes are increasingly used by school children and (if lucky) confiscated by school officials as contraband. These devices are becoming ubiquitous, yet they pose significant public health, environmental, and safety challenges for parents, schools, and local governments that operate waste management systems and must manage illegally disposed vapes.

Designing and marketing single-use vapes perpetuates safety and addiction risks. Single-use vapes are now commonly encountered with digital displays on which the user can play games, thereby increasing the risk of addiction among children. These video display devices pose additional management challenges for solid waste collection programs and local household hazardous waste facilities. Even if detected, it can be difficult to remove embedded batteries from single-use vapes, thereby increasing the risk that the device (and battery) will be crushed and cause a fire either in the environment, in the back of a trash truck, or at a solid waste facility.

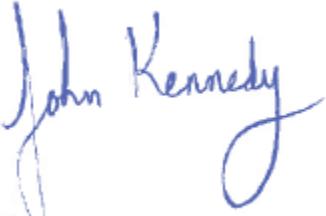
By banning the sale of single-use, disposable vapes, AB 762 will reduce local waste management (and illegal disposal cleanup) costs, reduce the risk of fires, reduce

The Honorable Jacqui Irwin
Assembly Bill 762 - SUPPORT
April 3, 2025
Page 2

the likelihood that schools will have to deal with confiscated vapes, and reduce the risk of childhood addiction.

For the above reasons, we support your AB 762. If you should have any questions, please do not hesitate to contact us.

Sincerely,



JOHN KENNEDY
RCRC
Senior Policy Advocate
jkennedy@rcrcnet.org



MELISSA SPARKS-KRANZ
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Jordan Wells
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cc: The Honorable Lori Wilson, Member of the California State Assembly
The Honorable Damon Connolly, Chair, Assembly Environmental Safety and
Toxic Materials Committee
Members, Assembly Environmental Safety and Toxic Materials Committee
Josh Tooker, Chief Consultant, Assembly Environmental Safety and Toxic
Materials Committee
Gino Folchi, Consultant, Assembly Republican Caucus Office of Policy and
Budget

Introduction Form

(by a Member of the Board of Supervisors or the Mayor)

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee (Ordinance, Resolution, Motion or Charter Amendment)
- 2. Request for next printed agenda (For Adoption Without Committee Reference)
(Routine, non-controversial and/or commendatory matters only)
- 3. Request for Hearing on a subject matter at Committee
- 4. Request for Letter beginning with "Supervisor" inquires..."
- 5. City Attorney Request
- 6. Call File No. from Committee.
- 7. Budget and Legislative Analyst Request (attached written Motion)
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the Board on

The proposed legislation should be forwarded to the following (please check all appropriate boxes):

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission
- Human Resources Department

General Plan Referral sent to the Planning Department (proposed legislation subject to Charter 4.105 & Admin 2A.53):

- Yes
- No

(Note: For Imperative Agenda items (a Resolution not on the printed agenda), use the Imperative Agenda Form.)

Sponsor(s):

Subject:

Long Title or text listed:

Signature of Sponsoring Supervisor: