



Plastic Pollution Reduction Act

House Bill 21-1162

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Legislative Council Staff | Colorado General Assembly | December 2022

Outline

- What does the Act do?
 - Bags, fees, and polystyrene
 - Exemptions
 - Timeline
- How does it impact local governments?
 - Administration, enforcement
 - Revenue, costs, and TABOR

A quick plug...

- You can find the Act on our website:
 - <https://leg.colorado.gov/bills/hb21-1162>
 - *Final text, fiscal note, bill history*



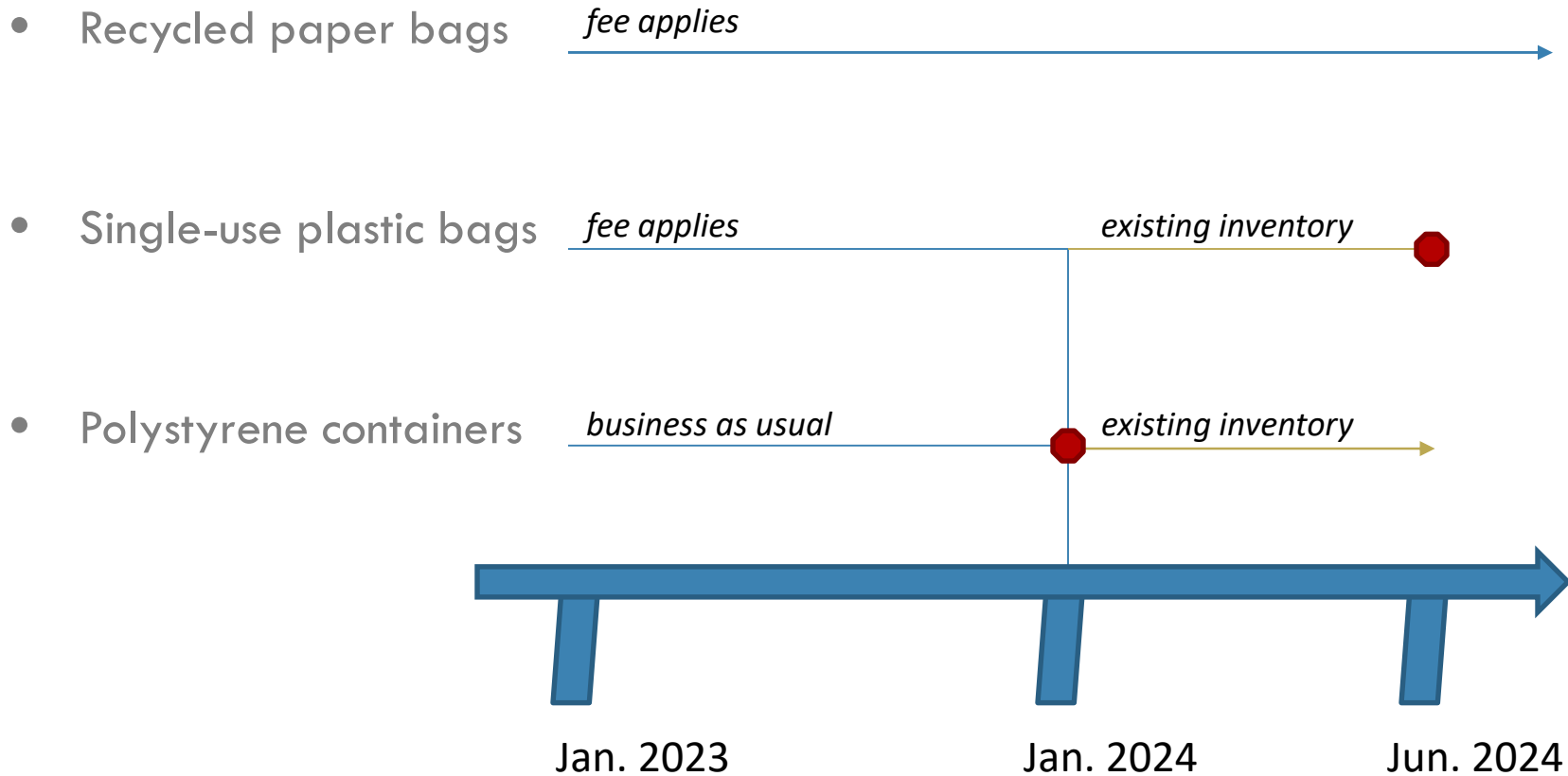
What does the Act do?

- Phases out plastic bags and polystyrene containers
- Establishes a fee for single-use bags
- Allows local governments to regulate plastics for consumer products

Definitions: Bags, Containers, and Stores

- Recycled paper carryout bag
 - Made of recycled paper or other post-consumer content
- Single-use, plastic carryout bag
 - Does not included reusable bags
- Expanded polystyrene
 - think Styrofoam
- Stores
 - Excludes “small stores,” operate three or fewer locations and only in Colorado

Restricting Bags and Containers



Stores' Responsibilities

- Stores must also:
 - Itemize the fee on customer's receipts
 - Conspicuously alert customers to the fee
 - Remit part of the fee quarterly, beginning April 1, 2024
- Stores may not:
 - Refund the fee or suggest that the fee will be refunded

Single-Use Bag Fee



10¢

- Stores retain 40 percent, exempt from sales tax
- Stores remit 60 percent, quarterly
 - Once \$20 has been collected
- **Local governments may increase the fee*

Local Governments - Administration

- Fee are remitted to municipalities or counties based on location
- Fee revenue supports:
 - Administration and enforcement of the Act
 - Recycling, composting, or other waste diversion programs
 - Related outreach and education activities
- TABOR
 - Fee revenue is subject to TABOR
 - Revenue exemptions vary by jurisdiction

Local Governments - Enforcement

- Local governments may provide enforcement, and can decide how
- Enforcement is likely to vary across the state
- A county that enforces the Act may seek injunctive relief and/or assess a penalty:
 - up to \$500 for a 2nd violation; up to \$1,000 for subsequent violations

Local Governments - Enforcement

- Each transaction is one violation
- Violations may not be enforced against a retail food establishment in a school
- Local governments may adopt stricter provisions beginning July 1, 2024



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