

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 23-0944.02 Yelana Love x2295

HOUSE BILL 23-1285

HOUSE SPONSORSHIP

Valdez,

SENATE SPONSORSHIP

(None),

House Committees
Finance

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE REQUIREMENT THAT A STORE USE FEES COLLECTED**
102 **FROM SINGLE-USE BAGS TO PURCHASE CERTAIN ITEMS FOR THE**
103 **STORE.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Currently, a store is required to collect a fee for each carryout bag the store provides to a customer. The store must remit a portion of that fee to the municipality or county (local government) in which the store is located. When the local government has not established a process to

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

HOUSE
Amended 2nd Reading
April 14, 2023

accept the remitted fees, the bill requires the store to retain and use the portion of the fee that would otherwise be remitted to a local government to purchase recycled paper carryout bags, 100% recycled cups, or compostable food containers.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 25-17-505, **amend**
3 (3)(d)(I) introductory portion; and **add** (3)(d)(III) as follows:

4 **25-17-505. Carryout bag fee - disposition of money - repeal.**

5 (3) In providing carryout bags for a fee pursuant to this section, a store
6 shall:

7 (d) (I) On a quarterly basis, ~~starting April 1, 2024,~~ remit from the
8 total amount of carryout bag fees collected in the previous quarter the
9 amount that is owed to the municipality or county:

10 (III) IF A MUNICIPALITY OR COUNTY HAS NOT ESTABLISHED A
11 PROCESS TO ACCEPT FEES REMITTED PURSUANT TO SUBSECTION (3)(d)(I) OF
12 THIS SECTION, THE STORE SHALL RETAIN AND USE THE PORTION OF THE FEES
13 COLLECTED IN THE PREVIOUS QUARTER THAT WOULD HAVE BEEN REMITTED
14 TO THE MUNICIPALITY OR COUNTY TO PURCHASE RECYCLED PAPER
15 CARRYOUT BAGS, RECYCLED CUPS, OR COMPOSTABLE FOOD CONTAINERS.

16 **SECTION 2.** In Colorado Revised Statutes, 25-17-503, **add** (1.5)
17 and (7.5) as follows:

18 **25-17-503. Definitions - rules.** As used in this part 5, unless the
19 context otherwise requires:

20 (1.5) "COMPOSTABLE FOOD CONTAINER" MEANS A FOOD CONTAINER
21 THAT IS CAPABLE OF UNDERGOING AEROBIC BIOLOGICAL DECOMPOSITION
22 IN A CONTROLLED COMPOSTING SYSTEM AS DEMONSTRATED BY MEETING
23 ASTM D6400 OR ASTM D6868, OR ANY SUCCESSOR STANDARDS.

1 (7.5) "RECYCLED CUP" MEANS A CUP MADE FROM ONE HUNDRED
2 PERCENT:

3 (a) RECYCLED MATERIAL; OR

4 (b) OTHER POST-CONSUMER CONTENT.

5 **SECTION 3. Safety clause.** The general assembly hereby finds,
6 determines, and declares that this act is necessary for the immediate
7 preservation of the public peace, health, or safety.