

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0395.01 Jennifer Berman x3286

HOUSE BILL 21-1162

HOUSE SPONSORSHIP

Valdez A. and Cutter, Amabile, Bennett, Hooton, Kipp, Sirota, Woodrow

SENATE SPONSORSHIP

Gonzales and Garcia,

House Committees

Energy & Environment
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE MANAGEMENT OF PLASTIC PRODUCTS, AND, IN**
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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>.)

Under current law, local governments are prohibited from requiring or banning the use or sale of specific types of plastic materials or products. **Section 1** repeals the prohibition on July 1, 2023.

Section 2 prohibits stores and retail food establishments, on and after September 1, 2022, from providing single-use plastic carryout bags to customers. The prohibition does not apply to inventory purchased

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

before September 1, 2022, and used on or before March 31, 2023, which may be supplied to a customer at the point of sale for a 10-cent fee.

Between September 1, 2021, and September 1, 2022, a store may furnish a recycled paper carryout bag or a single-use plastic carryout bag to a customer at the point of sale if the customer pays a fee of 10 cents per bag or a higher fee adopted by the municipality or county in which the store is located.

On and after September 1, 2022, a store may furnish only a recycled paper carryout bag to a customer at the point of sale at a fee of 10 cents per bag or a higher fee imposed by the municipality or county in which the store is located.

A store is required to remit, on a quarterly basis beginning January 1, 2022, 60% of the carryout bag fee revenues to the municipality or county within which the store is located and may retain the remaining 40% of the carryout bag fee revenues. A municipality or county may use its portion of the carryout bag fee revenues to pay for its administrative and enforcement costs and any recycling, composting, or other waste diversion programs or related outreach or education activities.

The carryout bag fee does not apply to a customer that provides evidence to the store that the customer is a participant in a federal or state food assistance program.

Section 2 also prohibits a retail food establishment, on and after January 1, 2022, from distributing an expanded polystyrene product for use as a container for ready-to-eat food in this state. The prohibition does not apply to retail food establishments located within certain schools until January 1, 2023; except that the prohibition does not apply to a high school until January 1, 2024.

Retail food establishments that purchase expanded polystyrene products before January 1, 2022, may continue to use the products until their supply is depleted.

Section 2 also authorizes a local government to enforce against a violation of section 2 and expressly authorizes a county to impose a civil penalty against a store or retail food establishment of \$500 for a second violation or \$1,000 for a third or subsequent violation.

On and after July 1, 2023, a local government may enact, implement, or enforce an ordinance, resolution, rule, or charter provision that is as stringent as or more stringent than the requirements set forth in the bill.

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

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SECTION 1. In Colorado Revised Statutes, **add** part 5 to article

1 17 of title 25 as follows:

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PART 5

3

MANAGEMENT OF PLASTIC PRODUCTS

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25-17-501. Short title. THE SHORT TITLE OF THIS PART 5 IS THE

5

"PLASTIC POLLUTION REDUCTION ACT".

6

25-17-502. Legislative declaration. THE GENERAL ASSEMBLY

7

FINDS, DETERMINES, AND DECLARES THAT LIMITING THE USE OF

8

SINGLE-USE PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE

9

PRODUCTS WILL MITIGATE THE HARMFUL EFFECTS ON OUR STATE'S

10

NATURAL RESOURCES AND OUR ENVIRONMENT THAT RESULT FROM

11

DISPOSING OF THESE PRODUCTS IN OUR LANDFILLS.

12

25-17-503. Definitions - rules. AS USED IN THIS PART 5, UNLESS

13

THE CONTEXT OTHERWISE REQUIRES:

14

(1) (a) "CARRYOUT BAG" MEANS A BAG THAT IS FURNISHED TO A

15

CUSTOMER AT A STORE OR RETAIL FOOD ESTABLISHMENT AT THE POINT OF

16

SALE FOR USE BY THE CUSTOMER TO TRANSPORT OR CARRY PURCHASED

17

ITEMS.

18

(b) "CARRYOUT BAG" DOES NOT INCLUDE:

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(I) A BAG MADE OF PAPER WHEN THE PAPER HAS A BASIS WEIGHT

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OF THIRTY POUNDS OR LESS;

21

(II) A BAG THAT A PHARMACY PROVIDES TO A CUSTOMER

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PURCHASING PRESCRIPTION MEDICATION;

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(III) A BAG THAT A CUSTOMER USES INSIDE A STORE TO:

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(A) PACKAGE LOOSE OR BULK ITEMS, SUCH AS FRUITS,

26

VEGETABLES, NUTS, GRAINS, CANDY, GREETING CARDS, OR SMALL

27

HARDWARE ITEMS SUCH AS NAILS, BOLTS, OR SCREWS;

1 (B) CONTAIN OR WRAP FROZEN FOODS, MEAT, SEAFOOD, FISH,
2 FLOWERS, POTTED PLANTS, OR OTHER ITEMS THAT, IF THEY WERE TO COME
3 IN CONTACT WITH OTHER ITEMS, COULD DAMPEN OR CONTAMINATE THE
4 OTHER ITEMS; OR

5 (C) CONTAIN UNWRAPPED PREPARED FOODS OR BAKERY GOODS;
6 OR

7 (IV) A LAUNDRY, DRY CLEANING, OR GARMENT BAG.

8 (2) "CONTAINER" MEANS A RECEPTACLE UPON WHICH OR INSIDE
9 WHICH FOOD MAY BE PLACED FOR CONSUMPTION, WHETHER OR NOT THE
10 RECEPTACLE CAN BE FULLY CLOSED. "CONTAINER" INCLUDES HINGED
11 FOOD CONTAINERS, PLATES, BOWLS, CUPS, AND TRAYS.

12 (3) "EXPANDED POLYSTYRENE" MEANS BLOWN POLYSTYRENE,
13 COMMONLY KNOWN AS STYROFOAM™, AND ANY OTHER EXPANDED OR
14 EXTRUDED FOAM CONSISTING OF THERMOPLASTIC PETROCHEMICAL
15 MATERIALS UTILIZING A STYRENE MONOMER AND PROCESSED BY
16 TECHNIQUES THAT MAY INCLUDE:

17 (a) FOR EXPANDABLE BEAD POLYSTYRENE, FUSION OF POLYMER
18 SPHERES;

19 (b) INJECTION MOLDING;

20 (c) FOAM MOLDING; AND

21 (d) FOR EXTRUDED FOAM POLYSTYRENE, EXTRUSION BLOW
22 MOLDING.

23 (4) (a) "FOOD" MEANS ANY RAW, COOKED, OR PROCESSED EDIBLE
24 SUBSTANCE, ICE, BEVERAGE, OR INGREDIENT USED OR INTENDED FOR USE
25 OR FOR SALE, IN WHOLE OR IN PART, FOR HUMAN CONSUMPTION.

26 (b) "FOOD" DOES NOT INCLUDE A DRUG, AS THAT TERM IS DEFINED
27 IN SECTION 25-5-402 (9).

1 (5) "PLASTIC" MEANS A SYNTHETIC MATERIAL MADE FROM
2 LINKING MONOMERS THROUGH A CHEMICAL REACTION TO CREATE A
3 POLYMER CHAIN THAT CAN BE MOLDED OR EXTRUDED AT HIGH HEAT INTO
4 VARIOUS SOLID FORMS THAT RETAIN THEIR DEFINED SHAPES DURING THEIR
5 LIFE CYCLE AND AFTER DISPOSAL.

6 (6) "POINT OF SALE" MEANS A CHECK-OUT STAND, CASH REGISTER,
7 OR OTHER POINT AT WHICH A SALES TRANSACTION OCCURS IN A STORE OR
8 RETAIL FOOD ESTABLISHMENT OR, FOR PRODUCTS THAT ARE ORDERED
9 REMOTELY FROM A STORE OR RETAIL FOOD ESTABLISHMENT AND
10 DELIVERED, THE LOCATION WHERE THE PRODUCTS ARE DELIVERED.

11 (7) "READY-TO-EAT FOOD" MEANS FOOD THAT IS COOKED OR
12 OTHERWISE PREPARED IN ADVANCE FOR IMMEDIATE CONSUMPTION.

13 (8) "RECYCLED PAPER CARRYOUT BAG" MEANS A CARRYOUT BAG
14 MADE FROM ONE HUNDRED PERCENT:

15 (a) RECYCLED MATERIAL; OR

16 (b) OTHER POST-CONSUMER CONTENT.

17 (9) (a) "RETAIL FOOD ESTABLISHMENT" HAS THE MEANING SET
18 FORTH IN SECTION 25-4-1602 (14) EXCEPT AS PROVIDED IN SUBSECTION
19 (9)(b) OF THIS SECTION.

20 (b) "RETAIL FOOD ESTABLISHMENT" INCLUDES A FARMERS'
21 MARKET, ROADSIDE MARKET OR STAND, FESTIVAL, OR OTHER TEMPORARY
22 FOOD VENDOR OR EVENT THAT INCLUDES TEMPORARY FOOD VENDORS.

23 (10) (a) "REUSABLE CARRYOUT BAG" MEANS A CARRYOUT BAG
24 THAT IS DESIGNED AND MANUFACTURED FOR AT LEAST ONE HUNDRED
25 TWENTY-FIVE USES, CAN CARRY AT LEAST TWENTY-TWO POUNDS OVER A
26 DISTANCE OF ONE HUNDRED SEVENTY-FIVE FEET, HAS STITCHED HANDLES,
27 AND IS MADE OF CLOTH, FIBER, OR OTHER FABRIC OR A RECYCLED

1 MATERIAL SUCH AS POLYETHYLENE TEREPHTHALATE (PET).

2 (b) "REUSABLE CARRYOUT BAG" DOES NOT INCLUDE BAGS MADE
3 OF BIOLOGICALLY BASED POLYMERS SUCH AS CORN OR OTHER PLANT
4 SOURCES; EXCEPT THAT A CARRYOUT BAG MADE OF HEMP IS A REUSABLE
5 CARRYOUT BAG IF IT IS DESIGNED AND MANUFACTURED IN ACCORDANCE
6 WITH SUBSECTION (10)(a) OF THIS SECTION.

7 (11) "RURAL SCHOOL" HAS THE MEANING SET FORTH IN SECTION
8 23-3.9-101 (5).

9 (12) "SCHOOL" HAS THE MEANING SET FORTH IN SECTION
10 23-3.9-101 (6).

11 (13) (a) "SINGLE-USE PLASTIC CARRYOUT BAG" MEANS A
12 CARRYOUT BAG THAT IS A SINGLE-USE PLASTIC PRODUCT MADE
13 PREDOMINANTLY OF PLASTIC DERIVED FROM NATURAL GAS, PETROLEUM,
14 OR A BIOLOGICALLY BASED SOURCE, SUCH AS CORN OR OTHER PLANT
15 SOURCES, AND THAT IS PROVIDED TO A CUSTOMER AT THE POINT OF SALE.

16 (b) "SINGLE-USE PLASTIC CARRYOUT BAG" DOES NOT INCLUDE A
17 REUSABLE CARRYOUT BAG.

18 (14) (a) "STORE" MEANS A GROCERY STORE, SUPERMARKET,
19 CONVENIENCE STORE, LIQUOR STORE, DRY CLEANER, PHARMACY, DRUG
20 STORE, CLOTHING STORE, OR OTHER TYPE OF RETAIL ESTABLISHMENT AT
21 WHICH CARRYOUT BAGS ARE TRADITIONALLY PROVIDED TO CUSTOMERS.

22 (b) "STORE" INCLUDES A FARMERS' MARKET, ROADSIDE MARKET
23 OR STAND, FESTIVAL, OR OTHER TEMPORARY VENDOR OR EVENT THAT
24 INCLUDES TEMPORARY VENDORS.

25 **25-17-504. Restrictions on use of single-use plastic carryout**
26 **bag - inventory exception - repeal.** (1) SUBJECT TO SECTION 25-17-505
27 (1), ON AND AFTER SEPTEMBER 1, 2022, A STORE OR RETAIL FOOD

1 ESTABLISHMENT SHALL NOT PROVIDE A SINGLE-USE PLASTIC CARRYOUT
2 BAG TO A CUSTOMER.

3 (2) (a) SUBJECT TO THE CARRYOUT BAG FEE APPLIED TO
4 SINGLE-USE PLASTIC CARRYOUT BAGS IN SECTION 25-17-505, A STORE OR
5 RETAIL FOOD ESTABLISHMENT MAY PROVIDE A SINGLE-USE PLASTIC
6 CARRYOUT BAG TO A CUSTOMER ON OR BEFORE MARCH 31, 2023, IF THE
7 SINGLE-USE PLASTIC CARRYOUT BAG WAS PART OF THE STORE'S OR RETAIL
8 FOOD ESTABLISHMENT'S INVENTORY BEFORE SEPTEMBER 1, 2022.

9 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
10 2023.

11 **25-17-505. Carryout bag fee - disposition of money - repeal.**

12 (1) (a) ON AND AFTER SEPTEMBER 1, 2021, AND BEFORE SEPTEMBER 1,
13 2022, A STORE MAY PROVIDE A CUSTOMER WITH ONE OR MORE RECYCLED
14 PAPER CARRYOUT BAGS OR SINGLE-USE PLASTIC CARRYOUT BAGS AT THE
15 POINT OF SALE ONLY IF THE CUSTOMER PAYS A CARRYOUT BAG FEE OF TEN
16 CENTS PER RECYCLED PAPER CARRYOUT BAG OR SINGLE-USE PLASTIC
17 CARRYOUT BAG, OR A HIGHER FEE IF A MUNICIPALITY OR COUNTY IN
18 WHICH THE STORE IS LOCATED RAISES THE FEE AMOUNT BY ORDINANCE OR
19 RESOLUTION. FOR EACH CARRYOUT BAG FEE COLLECTED PURSUANT TO
20 THIS SUBSECTION (1)(a), THE STORE SHALL:

21 (I) REMIT, IN ACCORDANCE WITH SUBSECTION (3)(d) OF THIS
22 SECTION, SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH THE STORE
23 IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A MUNICIPALITY, TO
24 THE COUNTY WITHIN WHICH THE STORE IS LOCATED, WHICH MUNICIPALITY
25 OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

26 (A) ITS ADMINISTRATIVE AND ENFORCEMENT COSTS INCURRED AS
27 A RESULT OF THIS SECTION; AND

1 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE
2 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION
3 ACTIVITIES; AND

4 (II) RETAIN FORTY PERCENT, WHICH PORTION OF THE FEE DOES NOT
5 COUNT AS REVENUE FOR THE PURPOSE OF CALCULATING SALES TAX.

6 (b) THE CARRYOUT BAG FEE SET FORTH IN SUBSECTION (1)(a) OF
7 THIS SECTION DOES NOT APPLY TO A CUSTOMER THAT PROVIDES EVIDENCE
8 TO THE STORE THAT THE CUSTOMER IS A PARTICIPANT IN A FEDERAL OR
9 STATE FOOD ASSISTANCE PROGRAM.

10 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE SEPTEMBER 1,
11 2022.

12 (2) (a) ON AND AFTER SEPTEMBER 1, 2022, A STORE MAY PROVIDE
13 A CUSTOMER WITH ONE OR MORE RECYCLED PAPER CARRYOUT BAGS AT
14 THE POINT OF SALE ONLY IF THE CUSTOMER PAYS A CARRYOUT BAG FEE OF
15 TEN CENTS PER RECYCLED PAPER CARRYOUT BAG, OR A HIGHER FEE IF A
16 MUNICIPALITY OR COUNTY IN WHICH THE STORE IS LOCATED RAISES THE
17 FEE AMOUNT BY ORDINANCE OR RESOLUTION. FOR EACH CARRYOUT BAG
18 FEE COLLECTED PURSUANT TO THIS SUBSECTION (2), THE STORE SHALL:

19 (I) REMIT, IN ACCORDANCE WITH SUBSECTION (3)(d) OF THIS
20 SECTION, SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH THE STORE
21 IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A MUNICIPALITY, TO
22 THE COUNTY WITHIN WHICH THE STORE IS LOCATED, WHICH MUNICIPALITY
23 OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

24 (A) ITS ADMINISTRATIVE AND ENFORCEMENT COSTS INCURRED AS
25 A RESULT OF THIS SECTION; AND

26 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE
27 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION

1 ACTIVITIES; AND

2 (II) RETAIN FORTY PERCENT, WHICH PORTION OF THE FEE DOES NOT
3 COUNT AS REVENUE FOR THE PURPOSE OF CALCULATING SALES TAX.

4 (b) THE CARRYOUT BAG FEE SET FORTH IN SUBSECTION (2)(a) OF
5 THIS SECTION DOES NOT APPLY TO A CUSTOMER THAT PROVIDES EVIDENCE
6 TO THE STORE THAT THE CUSTOMER IS A PARTICIPANT IN A FEDERAL OR
7 STATE FOOD ASSISTANCE PROGRAM.

8 (c) (I) BEGINNING SEPTEMBER 1, 2022, AND ENDING MARCH 31,
9 2023, A STORE MAY PROVIDE A CUSTOMER WITH A SINGLE-USE PLASTIC
10 CARRYOUT BAG AT THE POINT OF SALE FOR THE CARRYOUT BAG FEE
11 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION ONLY IF THE
12 SINGLE-USE PLASTIC CARRYOUT BAG IS WITHIN THE STORE'S REMAINING
13 INVENTORY PURSUANT TO SECTION 25-17-504 (2)(a). THE STORE SHALL
14 REMIT THE FEE COLLECTED PURSUANT TO THIS SUBSECTION (2)(c) IN
15 ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION.

16 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2023.

17 (3) IN PROVIDING CARRYOUT BAGS FOR A FEE PURSUANT TO THIS
18 SECTION, A STORE SHALL:

19 (a) FOR EACH CUSTOMER PROVIDED A CARRYOUT BAG FOR A FEE,
20 PROVIDE ON THE CUSTOMER'S TRANSACTION RECEIPT A RECORD OF THE
21 NUMBER OF CARRYOUT BAGS PROVIDED AS PART OF THE TRANSACTION
22 AND THE TOTAL AMOUNT OF FEES CHARGED FOR THE CARRYOUT BAGS
23 PROVIDED, ITEMIZED BY TYPE OF CARRYOUT BAG;

24 (b) NOT REFUND TO THE CUSTOMER ANY PORTION OF THE
25 CARRYOUT BAG FEE, EITHER DIRECTLY OR INDIRECTLY, OR ADVERTISE OR
26 OTHERWISE CONVEY TO CUSTOMERS THAT ANY PORTION OF THE
27 CARRYOUT BAG FEE WILL BE REFUNDED;

1 (c) CONSPICUOUSLY DISPLAY A SIGN IN A LOCATION INSIDE OR
2 OUTSIDE THE STORE, WHICH SIGN ALERTS CUSTOMERS ABOUT THE
3 CARRYOUT BAG FEE; AND

4 (d) (I) ON A QUARTERLY BASIS STARTING JANUARY 1, 2022, REMIT
5 FROM THE TOTAL AMOUNT OF CARRYOUT BAG FEES COLLECTED IN THE
6 PREVIOUS QUARTER THE AMOUNT THAT IS OWED TO THE MUNICIPALITY OR
7 COUNTY:

8 (A) TO THE FINANCE DEPARTMENT OR DIVISION OR EQUIVALENT
9 AGENCY OF THE MUNICIPALITY WITHIN WHICH THE STORE IS LOCATED; OR

10 (B) IF THE STORE IS NOT LOCATED WITHIN A MUNICIPALITY, TO THE
11 FINANCE DEPARTMENT OR DIVISION OR EQUIVALENT AGENCY OF THE
12 COUNTY WITHIN WHICH THE STORE IS LOCATED.

13 (II) A STORE NEED NOT REMIT CARRYOUT BAG FEES COLLECTED IN
14 ANY QUARTER IN WHICH THE COLLECTED FEES TOTAL LESS THAN TWENTY
15 DOLLARS. THE STORE SHALL RETAIN THOSE COLLECTED FEES UNTIL THE
16 STORE HAS MORE THAN TWENTY DOLLARS WORTH OF COLLECTED FEES TO
17 REMIT AND SHALL REMIT THOSE FEES AS PART OF THE NEXT QUARTERLY
18 REMITTANCE.

19 (III) (A) THE REMITTANCE MADE ON JANUARY 1, 2022, PURSUANT
20 TO SUBSECTION (3)(d)(I) OF THIS SECTION MUST INCLUDE ANY FEES
21 COLLECTED DURING THE MONTH OF SEPTEMBER 2021.

22 (B) THIS SUBSECTION (3)(d)(III) IS REPEALED, EFFECTIVE JULY 1,
23 2022.

24 **25-17-506. Prohibition on use of expanded polystyrene food**
25 **containers - definition.** (1) (a) EXCEPT AS PROVIDED IN SUBSECTIONS
26 (1)(b) AND (2) OF THIS SECTION, EFFECTIVE JANUARY 1, 2022, A RETAIL
27 FOOD ESTABLISHMENT SHALL NOT DISTRIBUTE AN EXPANDED

1 POLYSTYRENE PRODUCT FOR USE AS A CONTAINER FOR READY-TO-EAT
2 FOOD IN THIS STATE.

3 (b) A RETAIL FOOD ESTABLISHMENT LOCATED WITHIN A
4 KINDERGARTEN THROUGH TWELFTH GRADE, MIDDLE, JUNIOR HIGH, OR
5 HIGH SCHOOL OR A RURAL SCHOOL NEED NOT COMPLY WITH SUBSECTION
6 (1)(a) OF THIS SECTION UNTIL:

7 (I) JANUARY 1, 2024, IF THE SCHOOL IS A MIDDLE OR JUNIOR HIGH
8 SCHOOL, A RURAL ELEMENTARY SCHOOL, OR A KINDERGARTEN THROUGH
9 TWELFTH GRADE SCHOOL; OR

10 (II) JANUARY 1, 2025, IF THE SCHOOL IS A HIGH SCHOOL.

11 (2) IF A RETAIL FOOD ESTABLISHMENT THAT IS NOT LOCATED
12 WITHIN A SCHOOL PURCHASED EXPANDED POLYSTYRENE PRODUCTS
13 BEFORE JANUARY 1, 2022, THE RETAIL FOOD ESTABLISHMENT MAY
14 DISTRIBUTE ANY REMAINING INVENTORY OF THE EXPANDED POLYSTYRENE
15 PRODUCTS THEN PURCHASED FOR USE AS CONTAINERS FOR READY-TO-EAT
16 FOOD IN THIS STATE UNTIL THE INVENTORY IS DEPLETED. A RETAIL FOOD
17 ESTABLISHMENT LOCATED WITHIN A SCHOOL MAY DISTRIBUTE ANY
18 REMAINING INVENTORY OF THE EXPANDED POLYSTYRENE PRODUCTS THAT
19 IT PURCHASED BEFORE ITS COMPLIANCE WITH THIS SECTION IS REQUIRED
20 UNDER SUBSECTION (1)(b) OF THIS SECTION FOR A PERIOD OF THREE
21 MONTHS AFTER ITS COMPLIANCE WITH THIS SECTION IS REQUIRED.

22 **25-17-507. Enforcement - possible penalties.** (1) (a) EXCEPT AS
23 PROVIDED IN SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION, A LOCAL
24 GOVERNMENT MAY ENFORCE A VIOLATION OF THIS PART 5 AGAINST A
25 STORE OR RETAIL FOOD ESTABLISHMENT THAT IS LOCATED WITHIN THE
26 BOUNDARIES OF THE LOCAL GOVERNMENT IN THE MANNER THAT THE
27 LOCAL GOVERNMENT CHOOSES.

1 (b) (I) A COUNTY THAT CHOOSES TO ENFORCE A VIOLATION OF THIS
2 PART 5 AGAINST A STORE OR RETAIL FOOD ESTABLISHMENT LOCATED
3 WITHIN THE UNINCORPORATED BOUNDARIES OF THE COUNTY MAY SEEK
4 INJUNCTIVE RELIEF AGAINST THE STORE OR RETAIL FOOD ESTABLISHMENT
5 OR MAY ASSESS THE FOLLOWING CIVIL PENALTIES AGAINST THE STORE OR
6 RETAIL FOOD ESTABLISHMENT:

7 (A) UP TO FIVE HUNDRED DOLLARS FOR A SECOND VIOLATION; OR

8 (B) UP TO ONE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT
9 VIOLATION.

10 (II) A COUNTY THAT CHOOSES TO ENFORCE A VIOLATION OF THIS
11 PART 5 MAY BOTH SEEK INJUNCTIVE RELIEF AND IMPOSE A CIVIL PENALTY
12 IN ACCORDANCE WITH THIS SUBSECTION (1)(b).

13 (c) A LOCAL GOVERNMENT SHALL NOT ENFORCE A VIOLATION OF
14 THIS PART 5 AGAINST A RETAIL FOOD ESTABLISHMENT LOCATED WITHIN A
15 SCHOOL.

16 (2) FOR PURPOSES OF THIS SECTION, EACH RETAIL SALES
17 TRANSACTION IN WHICH A VIOLATION OF THIS PART 5 IS COMMITTED,
18 REGARDLESS OF WHETHER MULTIPLE VIOLATIONS OF THIS PART 5 ARE
19 COMMITTED IN ONE RETAIL SALES TRANSACTION, CONSTITUTES A SINGLE
20 VIOLATION OF THIS PART 5.

21 **25-17-508. Exemption for medical products.** NOTHING IN THIS
22 PART 5 PROHIBITS OR LIMITS THE USE OF ANY MATERIAL USED IN THE
23 PACKAGING OF A PRODUCT THAT IS REGULATED AS A DRUG, MEDICAL
24 DEVICE, OR DIETARY SUPPLEMENT BY THE FOOD AND DRUG
25 ADMINISTRATION IN THE UNITED STATES DEPARTMENT OF HEALTH AND
26 HUMAN SERVICES UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC
27 ACT", 21 U.S.C. SEC. 321 ET SEQ., AS AMENDED, OR ANY EQUIPMENT AND

1 MATERIALS USED TO MANUFACTURE SUCH PRODUCTS.

2 **SECTION 2. Appropriation.** For the 2021-22 state fiscal year,
3 \$51,838 is appropriated to the department of corrections for use by
4 institutions. This appropriation is from the general fund. To implement
5 this act, the department may use this appropriation for operating expenses
6 related to the food service subprogram.

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