

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, Bernett, Hooton, Kipp, Sirota, Woodrow, Bacon, Bird, Boesenecker, Caraveo, Duran, Froelich, Jackson, Jodeh, Kennedy, Lontine, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Tipper, Titone

**SENATE SPONSORSHIP**

**Gonzales and Garcia**,

**House Committees**

Energy & Environment  
Finance  
Appropriations

**Senate Committees**

State, Veterans, & Military Affairs  
Appropriations

**A BILL FOR AN ACT**

101 **CONCERNING THE MANAGEMENT OF PLASTIC PRODUCTS.**

**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 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.

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.*

HOUSE  
3rd Reading Unamended  
May 5, 2021

HOUSE  
Amended 2nd Reading  
May 4, 2021

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.

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

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3 **SECTION 1. In Colorado Revised Statutes, repeal 25-17-104 as**

4 **follows:**

1 ~~**25-17-104. Local government preemption. No unit of local**~~  
2 ~~**government shall require or prohibit the use or sale of specific types of**~~  
3 ~~**plastic materials or products or restrict or mandate containers, packaging,**~~  
4 ~~**or labeling for any consumer products.**~~

5 **SECTION 2.** In Colorado Revised Statutes, **add** part 5 to article  
6 17 of title 25 as follows:

7 **PART 5**  
8 **MANAGEMENT OF PLASTIC PRODUCTS**

9 **25-17-501. Short title.** THE SHORT TITLE OF THIS PART 5 IS THE  
10 "PLASTIC POLLUTION REDUCTION ACT".

11 **25-17-502. Legislative declaration.** THE GENERAL ASSEMBLY  
12 FINDS, DETERMINES, AND DECLARES THAT LIMITING THE USE OF  
13 SINGLE-USE PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE  
14 PRODUCTS WILL MITIGATE THE HARMFUL EFFECTS ON OUR STATE'S  
15 NATURAL RESOURCES AND OUR ENVIRONMENT THAT RESULT FROM  
16 DISPOSING OF THESE PRODUCTS IN OUR LANDFILLS.

17 **25-17-503. Definitions - rules.** AS USED IN THIS PART 5, UNLESS  
18 THE CONTEXT OTHERWISE REQUIRES:

19 (1) (a) "CARRYOUT BAG" MEANS A BAG THAT IS FURNISHED TO A  
20 CUSTOMER AT A STORE OR RETAIL FOOD ESTABLISHMENT AT THE POINT OF  
21 SALE FOR USE BY THE CUSTOMER TO TRANSPORT OR CARRY PURCHASED  
22 ITEMS.

23 (b) "CARRYOUT BAG" DOES NOT INCLUDE:

24 (I) A BAG MADE OF PAPER WHEN THE PAPER HAS A BASIS WEIGHT  
25 OF THIRTY POUNDS OR LESS;

26 (II) A BAG THAT A PHARMACY PROVIDES TO A CUSTOMER  
27 PURCHASING PRESCRIPTION MEDICATION;

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

(A) PACKAGE LOOSE OR BULK ITEMS, SUCH AS FRUITS, VEGETABLES, NUTS, GRAINS, CANDY, OR GREETING CARDS; NAILS, BOLTS, SCREWS, OR OTHER SMALL HARDWARE ITEMS; LIVE INSECTS, FISH, CRUSTACEANS, MOLLUSKS, OR OTHER SMALL SPECIES; AND BULK SEED, BULK LIVESTOCK FEED, OR BULK PET FEED;

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

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

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

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

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

- (a) FOR EXPANDABLE BEAD POLYSTYRENE, FUSION OF POLYMER SPHERES;
- (b) INJECTION MOLDING;
- (c) FOAM MOLDING; AND

1 (d) FOR EXTRUDED FOAM POLYSTYRENE, EXTRUSION BLOW  
2 MOLDING.

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

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

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

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

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

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

22 (a) RECYCLED MATERIAL; OR

23 (b) OTHER POST-CONSUMER CONTENT.

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

27 (b) "RETAIL FOOD ESTABLISHMENT" DOES NOT INCLUDE FARMERS

1        MARKETS AND ROADSIDE MARKETS AS DESCRIBED IN SECTION 25-4-1602

2        (14)(j).

3                (10) (a) "REUSABLE CARRYOUT BAG" MEANS A CARRYOUT BAG  
4        THAT IS DESIGNED AND MANUFACTURED FOR AT LEAST ONE HUNDRED  
5        TWENTY-FIVE USES, CAN CARRY AT LEAST TWENTY-TWO POUNDS OVER A  
6        DISTANCE OF ONE HUNDRED SEVENTY-FIVE FEET, HAS STITCHED HANDLES,  
7        AND IS MADE OF CLOTH, FIBER, OR OTHER FABRIC OR A RECYCLED  
8        MATERIAL SUCH AS POLYETHYLENE TEREPHTHALATE (PET).

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

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15                (11) "SCHOOL" HAS THE MEANING SET FORTH IN SECTION  
16        23-3.9-101 (6).

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

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

24                (13) (a) "STORE" MEANS A GROCERY STORE, SUPERMARKET,  
25        CONVENIENCE STORE, LIQUOR STORE, DRY CLEANER, PHARMACY, DRUG  
26        STORE, CLOTHING STORE, OR OTHER TYPE OF RETAIL ESTABLISHMENT AT  
27        WHICH CARRYOUT BAGS ARE TRADITIONALLY PROVIDED TO CUSTOMERS.

1 (b) "STORE" INCLUDES A FARMERS' MARKET, ROADSIDE MARKET  
2 OR STAND, FESTIVAL, OR OTHER TEMPORARY VENDOR OR EVENT THAT  
3 INCLUDES TEMPORARY VENDORS.

4 **25-17-504. Restrictions on use of single-use plastic carryout**  
5 **bag - inventory exception - repeal.** (1) SUBJECT TO SECTION 25-17-505  
6 (1), ON AND AFTER JANUARY 1, 2024, A STORE OR RETAIL FOOD  
7 ESTABLISHMENT SHALL NOT PROVIDE A SINGLE-USE PLASTIC CARRYOUT  
8 BAG TO A CUSTOMER; EXCEPT THAT A RETAIL FOOD ESTABLISHMENT NEED  
9 NOT COMPLY WITH THIS SECTION IF THE RETAIL FOOD ESTABLISHMENT:

10 (a) PREPARES OR SERVES FOOD IN INDIVIDUAL PORTIONS FOR  
11 IMMEDIATE ON- OR OFF-PREMISES CONSUMPTION; AND

12 (b) IS NOT A GROCERY STORE OR CONVENIENCE STORE.

13 (2) (a) SUBJECT TO THE CARRYOUT BAG FEE APPLIED TO  
14 SINGLE-USE PLASTIC CARRYOUT BAGS IN SECTION 25-17-505, A STORE OR  
15 RETAIL FOOD ESTABLISHMENT MAY PROVIDE A SINGLE-USE PLASTIC  
16 CARRYOUT BAG TO A CUSTOMER ON OR BEFORE JUNE 1, 2024, IF THE  
17 SINGLE-USE PLASTIC CARRYOUT BAG WAS PART OF THE STORE'S OR RETAIL  
18 FOOD ESTABLISHMENT'S INVENTORY BEFORE JANUARY 1, 2024.

19 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
20 2024.

21 **25-17-505. Carryout bag fee - disposition of money - repeal.**

22 (1) (a) ON AND AFTER JANUARY 1, 2023, AND BEFORE JANUARY 1, 2024,  
23 A STORE MAY PROVIDE A CUSTOMER WITH ONE OR MORE RECYCLED PAPER  
24 CARRYOUT BAGS OR SINGLE-USE PLASTIC CARRYOUT BAGS AT THE POINT  
25 OF SALE ONLY IF THE CUSTOMER PAYS A CARRYOUT BAG FEE OF TEN CENTS  
26 PER RECYCLED PAPER CARRYOUT BAG OR SINGLE-USE PLASTIC CARRYOUT  
27 BAG, OR A HIGHER FEE IF A MUNICIPALITY OR COUNTY IN WHICH THE STORE

1 IS LOCATED RAISES THE FEE AMOUNT BY ORDINANCE OR RESOLUTION. FOR  
2 EACH CARRYOUT BAG FEE COLLECTED PURSUANT TO THIS SUBSECTION  
3 (1)(a), THE STORE SHALL:

4 (I) REMIT, IN ACCORDANCE WITH SUBSECTION (3)(d) OF THIS  
5 SECTION, SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH THE STORE  
6 IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A MUNICIPALITY, TO  
7 THE COUNTY WITHIN WHICH THE STORE IS LOCATED, WHICH MUNICIPALITY  
8 OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

9 (A) ITS ADMINISTRATIVE AND ENFORCEMENT COSTS INCURRED AS  
10 A RESULT OF THIS SECTION; AND

11 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE  
12 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION  
13 ACTIVITIES; AND

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

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

20 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
21 2024.

22 (2) (a) ON AND AFTER JANUARY 1, 2024, A STORE MAY PROVIDE A  
23 CUSTOMER WITH ONE OR MORE RECYCLED PAPER CARRYOUT BAGS AT THE  
24 POINT OF SALE ONLY IF THE CUSTOMER PAYS A CARRYOUT BAG FEE OF TEN  
25 CENTS PER RECYCLED PAPER CARRYOUT BAG, OR A HIGHER FEE IF A  
26 MUNICIPALITY OR COUNTY IN WHICH THE STORE IS LOCATED RAISES THE  
27 FEE AMOUNT BY ORDINANCE OR RESOLUTION. FOR EACH CARRYOUT BAG



1 FEE COLLECTED PURSUANT TO THIS SUBSECTION (2), THE STORE SHALL:

2 (I) REMIT, IN ACCORDANCE WITH SUBSECTION (3)(d) OF THIS  
3 SECTION, SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH THE STORE  
4 IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A MUNICIPALITY, TO  
5 THE COUNTY WITHIN WHICH THE STORE IS LOCATED, WHICH MUNICIPALITY  
6 OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

7 (A) ITS ADMINISTRATIVE AND ENFORCEMENT COSTS INCURRED AS  
8 A RESULT OF THIS SECTION; AND

9 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE  
10 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION  
11 ACTIVITIES; AND

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

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

18 (c) (I) BEGINNING JANUARY 1, 2024, AND ENDING JUNE 1, 2024, A  
19 STORE MAY PROVIDE A CUSTOMER WITH A SINGLE-USE PLASTIC CARRYOUT  
20 BAG AT THE POINT OF SALE FOR THE CARRYOUT BAG FEE DESCRIBED IN  
21 SUBSECTION (2)(a) OF THIS SECTION ONLY IF THE SINGLE-USE PLASTIC  
22 CARRYOUT BAG IS WITHIN THE STORE'S REMAINING INVENTORY PURSUANT  
23 TO SECTION 25-17-504 (2)(a). THE STORE SHALL REMIT THE FEE  
24 COLLECTED PURSUANT TO THIS SUBSECTION (2)(c) IN ACCORDANCE WITH  
25 SUBSECTION (2)(a) OF THIS SECTION.

26 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2024.

27 (3) IN PROVIDING CARRYOUT BAGS FOR A FEE PURSUANT TO THIS

1 SECTION, A STORE SHALL:

2 (a) FOR EACH CUSTOMER PROVIDED A CARRYOUT BAG FOR A FEE,  
3 PROVIDE ON THE CUSTOMER'S TRANSACTION RECEIPT A RECORD OF THE  
4 NUMBER OF CARRYOUT BAGS PROVIDED AS PART OF THE TRANSACTION  
5 AND THE TOTAL AMOUNT OF FEES CHARGED FOR THE CARRYOUT BAGS  
6 PROVIDED, ITEMIZED BY TYPE OF CARRYOUT BAG;

7 (b) NOT REFUND TO THE CUSTOMER ANY PORTION OF THE  
8 CARRYOUT BAG FEE, EITHER DIRECTLY OR INDIRECTLY, OR ADVERTISE OR  
9 OTHERWISE CONVEY TO CUSTOMERS THAT ANY PORTION OF THE  
10 CARRYOUT BAG FEE WILL BE REFUNDED;

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

14 (d) (I) ON A QUARTERLY BASIS STARTING APRIL 1, 2024, REMIT  
15 FROM THE TOTAL AMOUNT OF CARRYOUT BAG FEES COLLECTED IN THE  
16 PREVIOUS QUARTER THE AMOUNT THAT IS OWED TO THE MUNICIPALITY OR  
17 COUNTY:

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

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

23 (II) A STORE NEED NOT REMIT CARRYOUT BAG FEES COLLECTED IN  
24 ANY QUARTER IN WHICH THE COLLECTED FEES TOTAL LESS THAN TWENTY  
25 DOLLARS. THE STORE SHALL RETAIN THOSE COLLECTED FEES UNTIL THE  
26 STORE HAS MORE THAN TWENTY DOLLARS WORTH OF COLLECTED FEES TO  
27 REMIT AND SHALL REMIT THOSE FEES AS PART OF THE NEXT QUARTERLY

1 REMITTANCE.

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4           **25-17-506. Prohibition on use of expanded polystyrene food**  
5 **containers.** (1) EXCEPT AS PROVIDED IN SUBSECTION (2) OF THIS SECTION,  
6 EFFECTIVE JANUARY 1, 2024, A RETAIL FOOD ESTABLISHMENT SHALL NOT  
7 DISTRIBUTE AN EXPANDED POLYSTYRENE PRODUCT FOR USE AS A  
8 CONTAINER FOR READY-TO-EAT FOOD IN THIS STATE.

9           (2) IF A RETAIL FOOD ESTABLISHMENT PURCHASED EXPANDED  
10 POLYSTYRENE PRODUCTS BEFORE JANUARY 1, 2024, THE RETAIL FOOD  
11 ESTABLISHMENT MAY DISTRIBUTE ANY REMAINING INVENTORY OF THE  
12 EXPANDED POLYSTYRENE PRODUCTS THEN PURCHASED FOR USE AS  
13 CONTAINERS FOR READY-TO-EAT FOOD IN THIS STATE UNTIL THE  
14 INVENTORY IS DEPLETED.

15           **25-17-507. Enforcement - possible penalties.** (1) (a) EXCEPT AS  
16 PROVIDED IN SUBSECTIONS (1)(b) AND (1)(c) OF THIS SECTION, A LOCAL  
17 GOVERNMENT MAY ENFORCE A VIOLATION OF THIS PART 5 AGAINST A  
18 STORE OR RETAIL FOOD ESTABLISHMENT THAT IS LOCATED WITHIN THE  
19 BOUNDARIES OF THE LOCAL GOVERNMENT IN THE MANNER THAT THE  
20 LOCAL GOVERNMENT CHOOSES.

21           (b) (I) A COUNTY THAT CHOOSES TO ENFORCE A VIOLATION OF THIS  
22 PART 5 AGAINST A STORE OR RETAIL FOOD ESTABLISHMENT LOCATED  
23 WITHIN THE UNINCORPORATED BOUNDARIES OF THE COUNTY MAY SEEK  
24 INJUNCTIVE RELIEF AGAINST THE STORE OR RETAIL FOOD ESTABLISHMENT  
25 OR MAY ASSESS THE FOLLOWING CIVIL PENALTIES AGAINST THE STORE OR  
26 RETAIL FOOD ESTABLISHMENT:

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

1 (B) UP TO ONE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT  
2 VIOLATION.

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

6 (c) A LOCAL GOVERNMENT SHALL NOT ENFORCE A VIOLATION OF  
7 THIS PART 5 AGAINST A RETAIL FOOD ESTABLISHMENT LOCATED WITHIN A  
8 SCHOOL.

9 (2) FOR PURPOSES OF THIS SECTION, EACH RETAIL SALES  
10 TRANSACTION IN WHICH A VIOLATION OF THIS PART 5 IS COMMITTED,  
11 REGARDLESS OF WHETHER MULTIPLE VIOLATIONS OF THIS PART 5 ARE  
12 COMMITTED IN ONE RETAIL SALES TRANSACTION, CONSTITUTES A SINGLE  
13 VIOLATION OF THIS PART 5.

14 **25-17-508. Local government regulation - preemption. ON AND**  
15 **AFTER JULY 1, 2024, A LOCAL GOVERNMENT MAY ENACT, IMPLEMENT, OR**  
16 **ENFORCE ANY ORDINANCE, RESOLUTION, RULE, OR CHARTER PROVISION**  
17 **THAT IS AS STRINGENT AS OR MORE STRINGENT THAN THIS PART 5.**

18 **25-17-509. Exemption for medical products. NOTHING IN THIS**  
19 **PART 5 PROHIBITS OR LIMITS THE USE OF ANY MATERIAL USED IN THE**  
20 **PACKAGING OF A PRODUCT THAT IS REGULATED AS A DRUG, MEDICAL**  
21 **DEVICE, OR DIETARY SUPPLEMENT BY THE FOOD AND DRUG**  
22 **ADMINISTRATION IN THE UNITED STATES DEPARTMENT OF HEALTH AND**  
23 **HUMAN SERVICES UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC**  
24 **ACT", 21 U.S.C. SEC. 321 ET SEQ., AS AMENDED, OR ANY EQUIPMENT AND**  
25 **MATERIALS USED TO MANUFACTURE SUCH PRODUCTS.**

26 **SECTION 3. Effective date. This act takes effect upon passage;**  
27 **except that section 1 of this act takes effect July 1, 2024.**

1           **SECTION 4. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, or safety.