

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

**INTRODUCED**

LLS NO. 23-0944.02 Yelana Love x2295

**HOUSE BILL 23-1285**

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**HOUSE SPONSORSHIP**

**Valdez,**

**SENATE SPONSORSHIP**

**(None),**

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**House Committees**  
Finance

**Senate Committees**

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**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.**

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**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.*

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.

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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~~ IN THE SECOND  
8 CALENDAR QUARTER OF 2023, remit from the total amount of carryout bag  
9 fees collected in the previous quarter the amount that is owed to the  
10 municipality or county:

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

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

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

21 (1.5) "COMPOSTABLE FOOD CONTAINER" MEANS A FOOD CONTAINER  
22 THAT IS CAPABLE OF UNDERGOING AEROBIC BIOLOGICAL DECOMPOSITION  
23 IN A CONTROLLED COMPOSTING SYSTEM AS DEMONSTRATED BY MEETING

1     ASTM D6400 OR ASTM D6868, OR ANY SUCCESSOR STANDARDS.

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

4             (a) RECYCLED MATERIAL; OR

5             (b) OTHER POST-CONSUMER CONTENT.

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