



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Final Fiscal Note

Drafting Number:	LLS 23-0338	Date:	July 31, 2023
Prime Sponsors:	Sen. Roberts; Will Rep. Froelich; Frizell	Bill Status:	Signed into Law
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Bill Topic: REQUIRE LABELING DISPOSABLE WIPES

Summary of Fiscal Impact:	<input checked="" type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
	<input checked="" type="checkbox"/> State Expenditure	<input checked="" type="checkbox"/> Local Government
	<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

The bill requires the packaging of certain disposable wipes to be labeled with the phrase "Do Not Flush." Noncompliance constitutes a deceptive trade practice subject to civil penalties. The bill may increase state revenue and state and local workload beginning in FY 2023-24.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: The fiscal note reflects the enacted bill.

Summary of Legislation

Beginning December 31, 2023, manufacturers and retailers of pre-moistened, nonwoven disposable wipes must label their packages with the phrase "Do Not Flush." The bill specifies labeling requirements and failure to comply constitutes a deceptive trade practice under the Colorado Consumer Protection Act.

State Revenue

The bill may increase state revenue from civil penalties and filing fees beginning in FY 2023-24.

Civil penalties. Under the Colorado Consumer Protection Act, a person committing a deceptive trade practice may be subject to a civil penalty of up to \$20,000 for each violation. Additional penalties may be imposed for subsequent violations of a court order or injunction. This revenue is classified as a damage award and not subject to TABOR. Given the uncertainty about the number of cases that may be pursued by the Attorney General and district attorneys, as well as the wide range in potential penalty amounts, the fiscal note cannot estimate the potential impact of these civil penalties.

Filing fees. The bill may increase revenue to the Judicial Department from an increase in civil case filings. Revenue from filing fees is subject to TABOR.

State Expenditures

The bill will minimally increase state workload in the Department of Agriculture, and may increase workload in the Department of Law and the Judicial Department beginning in FY 2023-24.

Department of Agriculture. Workload will increase to review labels as part of its pesticide product registration program to ensure compliance with the bill. This workload can be accomplished within existing appropriations.

Department of Law. Workload in the Department of Law will minimally increase to the extent that deceptive trade practice complaints are filed. The department will review complaints under the bill and prioritize investigations as necessary within the overall number of deceptive trade practice complaints and available resources.

Judicial Department. The trial courts in the Judicial Department may have an increase in cases filed under the Colorado Consumer Protection Act from the addition of a new deceptive trade practice. It is assumed that entities will abide by the law and that any violation of the legislation will result in minimal number of new cases. The fiscal note assumes that this can be accomplished within existing resources and that no change in appropriations is required.

Local Government

Similar to the state, to the extent district attorneys receive deceptive trade practice complaints related to the new deceptive trade practice under the bill, workload will increase to investigate complaints and seek relief when appropriate. The fiscal note assumes most such cases will be handled at the state level by the Attorney General.

Effective Date

The bill was signed into law by the Governor on April 11, 2023, and takes effect on August 7, 2023, assuming no referendum petition is filed.

State and Local Government Contacts

Agriculture
Law

Information Technology
Public Health and Environment

Judicial