

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

ENGROSSED

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

LLS NO. 26-0155.01 Clare Haffner x6137

SENATE BILL 26-016

SENATE SPONSORSHIP

Cutter and Wallace,

HOUSE SPONSORSHIP

Smith and Lukens,

Senate Committees
Transportation & Energy

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROHIBITING THE DISCHARGE OF PREPRODUCTION**
102 **PLASTIC MATERIALS.**

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>.)

The bill prohibits the discharge of plastic pellets and other preproduction plastic materials through land application or into state waters, wastewater, storm water runoff, or other runoff by a facility, point source, or person that makes, uses, handles, packages, or transports plastic pellets or other preproduction plastic materials in the state.

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.

SENATE
Amended 2nd Reading
February 12, 2026

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that plastic feedstock materials, including both virgin
4 and recycled plastic pellets, when released into the environment,
5 contribute to plastic pollution, harm aquatic life, and disproportionately
6 impact communities located near industrial and transportation corridors.

7 (2) Therefore, it is the intent of the general assembly to prevent
8 these releases.

9 **SECTION 2.** In Colorado Revised Statutes, **add** part 11 to article
10 8 of title 25 as follows:

11 PART 11

12 PLASTIC PELLET-FREE WATERS ACT

13 **25-8-1101. Short title.**

14 THE SHORT TITLE OF THIS PART 11 IS THE "PLASTIC PELLET-FREE
15 WATERS ACT".

16 **25-8-1102. Definitions.**

17 AS USED IN THIS PART 11, UNLESS THE CONTEXT OTHERWISE
18 REQUIRES:

19 (1) "DISCHARGE" MEANS THE INTRODUCTION OR ADDITION OF
20 PREPRODUCTION PLASTIC MATERIALS INTO STATE WATERS, WASTEWATER,
21 STORM WATER RUNOFF, OR OTHER RUNOFF.

22 (2) (a) "FACILITY" MEANS A FACILITY THAT MAKES, USES,
23 PACKAGES, OR TRANSPORTS PLASTIC PELLETS OR OTHER PREPRODUCTION
24 PLASTIC MATERIALS IN THE STATE.

25 (b) "FACILITY" DOES NOT INCLUDE A TREATMENT WORKS, AS
26 DEFINED IN SECTION 212 OF THE FEDERAL ACT.

1 (3) (a) "PREPRODUCTION PLASTIC MATERIALS" MEANS
2 PREPRODUCTION PLASTIC PELLETS, FLAKES, FIBERS, POWDERS, OR
3 POWDERED COLORING FOR PLASTICS, IN THEIR RAW OR PRIMARY STATE.

4 (b) "PREPRODUCTION PLASTIC MATERIALS" INCLUDES
5 PREPRODUCTION PLASTIC MATERIALS PRODUCED FROM VIRGIN RESIN OR
6 FROM RECYCLED OR POST-CONSUMER PLASTIC SOURCES, PRIOR TO
7 INCORPORATION OR REINCORPORATION INTO A FINISHED PLASTIC
8 PRODUCT.

9 (c) "PREPRODUCTION PLASTIC MATERIALS" DOES NOT INCLUDE
10 MATERIALS RESULTING FROM THE BREAKDOWN OF MANUFACTURED OR
11 OTHERWISE USEFUL PLASTIC PRODUCTS.

12 **25-8-1103. Discharge of preproduction plastic materials**
13 **prohibited.**

14 A FACILITY SHALL NOT DISCHARGE PLASTIC PELLETS OR OTHER
15 PREPRODUCTION PLASTIC MATERIALS IN THE STATE. ==

16 **SECTION 3.** In Colorado Revised Statutes, 25-8-501, **add** (7) as
17 follows:

18 **25-8-501. Permits required for discharge of pollutants -**
19 **administration.**

20 (7) NOTWITHSTANDING SUBSECTION (2) OF THIS SECTION, THE
21 DIVISION SHALL NOT ISSUE A PERMIT FOR THE DISCHARGE OF PLASTIC
22 PELLETS OR OTHER PREPRODUCTION PLASTIC MATERIALS INTO STATE
23 WATERS.

24 **SECTION 4.** In Colorado Revised Statutes, 25-8-609, **amend** (1)
25 as follows:

26 **25-8-609. Criminal pollution - penalties.**

27 (1) ~~Any~~ A person ~~who~~ THAT recklessly, knowingly, intentionally,

1 or with criminal negligence discharges ~~any~~ A pollutant into any state
2 waters or into any domestic wastewater treatment works commits
3 criminal pollution if such discharge is made:

4 (a) In violation of ~~any~~ A permit issued under this ~~article~~; or
5 ARTICLE 8;

6 (b) In violation of ~~any~~ A cease-and-desist order or clean-up order
7 issued by the division ~~which~~ THAT is final and not stayed by court order;
8 or

9 (c) Without a permit, if a permit is required by ~~the provisions of~~
10 this ~~article~~ ARTICLE 8 for such discharge; or

11 ~~(d) Repealed.~~

12 ~~(e)~~ (d) In violation of any pretreatment regulations ~~promulgated~~
13 ADOPTED by the commission; OR

14 (e) IN VIOLATION OF THE PROHIBITION ON THE DISCHARGE OF
15 PREPRODUCTION PLASTIC MATERIALS DESCRIBED IN SECTION 25-8-1103.

16 **SECTION 5.** In Colorado Revised Statutes, **add** 25-15-329 as
17 follows:

18 **25-15-329. Discharge of preproduction plastic materials**
19 **prohibited - definitions.**

20 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
21 REQUIRES:

22 (a) "DISCHARGE" MEANS THE INTRODUCTION OR ADDITION OF
23 PREPRODUCTION PLASTIC MATERIALS THROUGH LAND APPLICATION AT A
24 LOCATION THAT DOES NOT HAVE FEDERAL INTERIM STATUS, A FEDERAL
25 PERMIT GRANTED PURSUANT TO THE FEDERAL ACT, OR A STATE PERMIT
26 GRANTED BY THE DEPARTMENT PURSUANT TO SECTION 25-15-303.

27 (b) (I) "FACILITY" MEANS A FACILITY THAT MAKES, USES,

1 PACKAGES, OR TRANSPORTS PLASTIC PELLETS OR OTHER PREPRODUCTION
2 PLASTIC MATERIALS IN THE STATE.

3 (II) "FACILITY" DOES NOT INCLUDE A TREATMENT WORKS, AS
4 DEFINED IN SECTION 212 OF THE FEDERAL "CLEAN WATER ACT", 33
5 U.S.C. SEC. 1251 ET SEQ.

6 (c) "LAND APPLICATION" MEANS A DISCHARGE BEING APPLIED TO
7 THE LAND.

8 (d) "PREPRODUCTION PLASTIC MATERIALS" HAS THE MEANING SET
9 FORTH IN SECTION 25-8-1102.

10 (2) A FACILITY SHALL NOT DISCHARGE PLASTIC PELLETS OR OTHER
11 PREPRODUCTION PLASTIC MATERIALS IN THE STATE.

12 **SECTION 6. Act subject to petition - effective date -**
13 **applicability.** (1) This act takes effect August 12, 2027; except that, if
14 a referendum petition is filed pursuant to section 1 (3) of article V of the
15 state constitution against this act or an item, section, or part of this act
16 within the ninety-day period after final adjournment of the general
17 assembly, then the act, item, section, or part will not take effect unless
18 approved by the people at the general election to be held in November
19 2026 and, in such case, will take effect August 12, 2027.

20 (2) This act applies to conduct occurring on or after the applicable
21 effective date of this act.