

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.



SENATE BILL 26-016

BY SENATOR(S) Cutter and Wallace, Amabile, Jodeh, Kipp, Marchman, Roberts, Sullivan, Weissman, Coleman;
also REPRESENTATIVE(S) Smith and Lukens, Bacon, Boesenecker, Brown, Duran, Espenoza, Froelich, Garcia, Goldstein, Jackson, Lindsay, Mabrey, McCormick, Nguyen, Phillips, Rutinel, Sirota, Stewart K., Titone, McCluskie.

CONCERNING PROHIBITING THE DISCHARGE OF PREPRODUCTION PLASTIC MATERIALS.

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

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

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

SECTION 2. In Colorado Revised Statutes, **add** part 11 to article

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

8 of title 25 as follows:

PART 11
PLASTIC PELLET-FREE WATERS ACT

25-8-1101. Short title.

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

25-8-1102. Definitions.

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

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

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

(b) "FACILITY" DOES NOT INCLUDE A DOMESTIC WASTEWATER TREATMENT WORKS, AS DEFINED IN SECTION 25-8-103 (5).

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

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

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

25-8-1103. Discharge of preproduction plastic materials

prohibited.

A PERSON SHALL NOT DISCHARGE PLASTIC PELLETS OR OTHER PREPRODUCTION PLASTIC MATERIALS FROM A FACILITY IN THE STATE.

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

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

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

SECTION 4. In Colorado Revised Statutes, **add** 25-15-329 as follows:

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

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

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

(b)(I) "FACILITY" MEANS A FACILITY THAT MAKES, USES, PACKAGES, OR TRANSPORTS PLASTIC PELLETS OR OTHER PREPRODUCTION PLASTIC MATERIALS IN THE STATE.

(II) "FACILITY" DOES NOT INCLUDE A DOMESTIC WASTEWATER TREATMENT WORKS, AS DEFINED IN SECTION 25-8-103 (5).

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

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

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

SECTION 5. Act subject to petition - effective date - applicability. (1) This act takes effect August 12, 2027; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within the ninety-day period after final adjournment of the general assembly, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect August 12, 2027.

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

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO