

First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0749.01 Jennifer Berman x3286

HOUSE BILL 23-1163

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HOUSE SPONSORSHIP

DeGraaf, Bottoms, Winter T.

SENATE SPONSORSHIP

(None),

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House Committees  
Energy & Environment

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING A PROHIBITION AGAINST CLASSIFYING CARBON DIOXIDE  
102 AS A POLLUTANT.

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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>.)*

**Section 1** of the bill makes legislative findings regarding the minimal negative effects of carbon dioxide in the atmosphere as a contributor to greenhouse gases in comparison to other, more harmful emissions.

**Section 2** prohibits the classification of carbon dioxide as a pollutant in the state and establishes that, notwithstanding any other law

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.

to the contrary, state statute, executive agency rules, and any regulations of local governments or other political subdivisions of the state must not include the regulation of carbon dioxide emissions as a pollutant. Any portion of an executive agency rule that treats carbon dioxide emissions as a pollutant is void.

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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 determines that:

4 (a) Water vapor is the primary greenhouse gas, comprising an  
5 average of 4% of the Earth's atmosphere, compared to the 0.04% that  
6 carbon dioxide and 0.0002% that methane respectively comprise of the  
7 Earth's atmosphere;

8 (b) Energy is moved through the atmosphere by both evaporation  
9 and radiation;

10 (c) Evaporation transports 78 watts per meter squared of heat  
11 through the atmosphere, or 54%, while infrared radiation transports 68  
12 watts per meter squared of heat through the atmosphere, or 46%;

13 (d) Under the laws of spectral absorption, water vapor absorbs  
14 over 90% of the infrared radiation captured in the atmosphere, while  
15 carbon dioxide absorbs approximately 10% of the infrared radiation  
16 captured in the atmosphere;

17 (e) The annual global combustion of hydrocarbons contributes  
18 approximately 4 parts per million (ppm), or about 1% of the 400 ppm in  
19 the atmosphere;

20 (f) Only approximately 15% of the global hydrocarbon  
21 combustion is attributable to the United States and this accounts for only  
22 0.007% of the overall heat energy in the atmosphere (15% of 1% of 10%  
23 of 46%); and

1 (g) Carbon dioxide is the primary building block of all life, and  
2 plant life is in constant battle to incorporate carbon dioxide via  
3 photosynthesis.

4 (2) The general assembly therefore declares that:

5 (a) Carbon dioxide is not a pollutant; and

6 (b) Expenditures toward reducing carbon dioxide are of negligible  
7 effect and do not merit taxpayer money.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 40-3.2-110 as  
9 follows:

10 **40-3.2-110. Prohibit treatment of carbon dioxide as a**  
11 **pollutant.** (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW:

12 (a) CARBON DIOXIDE SHALL NOT BE CLASSIFIED AS A POLLUTANT  
13 IN THE STATE; AND

14 (b) ANY STATUTE CONCERNING SOURCES OF POLLUTION OR ANY  
15 REGULATION OF POLLUTION BY THE DEPARTMENT OF PUBLIC HEALTH AND  
16 ENVIRONMENT, THE PUBLIC UTILITIES COMMISSION, THE COLORADO OIL  
17 AND GAS CONSERVATION COMMISSION, OR ANY OTHER STATE AGENCY,  
18 LOCAL GOVERNMENT, OR POLITICAL SUBDIVISION OF THE STATE, WHETHER  
19 PURSUANT TO A STATE STATUTE, ADMINISTRATIVE RULE, ORDINANCE,  
20 RESOLUTION, OR OTHER METHOD OF REGULATION ENACTED, ADOPTED, OR  
21 IMPLEMENTED BY THE GENERAL ASSEMBLY, A STATE AGENCY, A LOCAL  
22 GOVERNMENT, OR A POLITICAL SUBDIVISION OF THE STATE, MUST NOT  
23 INCLUDE THE REGULATION OF CARBON DIOXIDE EMISSIONS AS A  
24 POLLUTANT.

25 (2) ON AND AFTER THE EFFECTIVE DATE OF THIS SECTION:

26 (a) ANY STATE STATUTE OR ANY LOCAL ORDINANCE, RESOLUTION,  
27 OR RULE THAT TREATS CARBON DIOXIDE AS A POLLUTANT IS

1 UNENFORCEABLE; AND

2 (b) ANY PORTION OF AN EXECUTIVE AGENCY RULE ADOPTED  
3 UNDER PART 1 OF ARTICLE 4 OF TITLE 24 THAT TREATS CARBON DIOXIDE  
4 AS A POLLUTANT IS VOID.

5 **SECTION 3. Act subject to petition - effective date.** This act  
6 takes effect at 12:01 a.m. on the day following the expiration of the  
7 ninety-day period after final adjournment of the general assembly; except  
8 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
9 of the state constitution against this act or an item, section, or part of this  
10 act within such period, then the act, item, section, or part will not take  
11 effect unless approved by the people at the general election to be held in  
12 November 2024 and, in such case, will take effect on the date of the  
13 official declaration of the vote thereon by the governor.