

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

**REVISED**

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

LLS NO. 22-0306.01 Sarah Lozano x3858

**HOUSE BILL 22-1348**

**HOUSE SPONSORSHIP**

**Froelich and Caraveo**, Amabile, Bacon, Bernett, Cutter, Duran, Gray, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, Sirota, Bird, Boesenecker, Gonzales-Gutierrez, McCormick, Ricks, Titone, Valdez A., Weissman

**SENATE SPONSORSHIP**

**Winter,**

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**House Committees**

Energy & Environment  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING ENHANCED OVERSIGHT OF THE CHEMICALS USED IN OIL**  
102 **AND GAS PRODUCTION, AND, IN CONNECTION THEREWITH,**  
103 **MAKING AN APPROPRIATION.**

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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>.)*

The bill establishes a regulatory scheme that requires disclosure of certain chemical information for products used in downhole oil and gas operations (chemical disclosure information). On or before July 31, 2023, the oil and gas conservation commission (commission) is required to utilize or develop a chemical disclosure website to collect and share

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
Amended 2nd Reading  
May 10, 2022

HOUSE  
3rd Reading Unamended  
April 27, 2022

HOUSE  
Amended 2nd Reading  
April 26, 2022

certain chemical disclosure information to the public (chemical disclosure website).

On and after July 31, 2023, a manufacturer that sells or distributes a chemical product for use in underground oil and gas operations (downhole operations) in the state must disclose to the commission:

- The trade name of the chemical product;
- A list of the names of each chemical used in the chemical product;
- The estimated amount of each chemical used in the chemical product; and
- A description of the intended purpose of the chemical used in the chemical product.

The manufacturer must also provide the commission with a declaration that the chemical product contains no intentionally added perfluoroalkyl or polyfluoroalkyl chemicals.

For manufacturers that were already selling or distributing a chemical product for use in downhole operations in the state before July 31, 2023, the disclosure and declaration must be made at least 30 days before July 31, 2023. For manufacturers that begin to sell or distribute a chemical product for use in downhole operations in the state on or after July 31, 2023, the disclosure and declaration must be made at least 30 days before the manufacturer begins selling or distributing the chemical product.

On and after July 31, 2023, an operator of downhole operations using a chemical product must disclose to the commission:

- The date of commencement of downhole operations;
- The county of the well site where downhole operations are being conducted;
- The numerical identifier assigned by the American Petroleum Institute to the well where downhole operations are being conducted; and
- The trade names and quantities of any chemical products the operator plans to use in downhole operations.

The operator must also provide the commission with a declaration that the chemical product contains no intentionally added perfluoroalkyl or polyfluoroalkyl chemicals.

For downhole operations that commenced before July 31, 2023, and that will be ongoing on July 31, 2023, the disclosure and declaration must be made at least 75 days before July 31, 2023. For downhole operations that commence on or after July 31, 2023, the disclosure and declaration must be made at least 75 days before commencement of downhole operations.

The commission will use the chemical disclosure information to create a chemical disclosure list for each well site, which will include:

- An alphabetical list of names of chemicals that will be used

- in downhole operations at the well site; and
- The total estimated amount of each chemical that will be used at the well site.

The commission will post each chemical disclosure list on the chemical disclosure website. The commission shall provide the chemical disclosure list to the applicable operator within 7 days after the operator's disclosures.

Prior to the commencement of downhole operations, the operator is required to disclose the chemical disclosure list to communities near where downhole operations will be conducted, local public water administrators, and, if there is a high-priority habitat near where downhole operations are being conducted, the division of parks and wildlife. For downhole operations that commenced before July 31, 2023, and that will be ongoing on July 31, 2023, the disclosure of the chemical disclosure list by the operator to these entities must be made at least 60 days before July 31, 2023. For downhole operations that commence on or after July 31, 2023, the disclosure of the chemical disclosure list by the operator to these entities must be made at least 60 days before commencement of downhole operations.

If a manufacturer believes that any information that will be included on a chemical disclosure list is a trade secret, the manufacturer must file a trade secret claim with the commission. If the commission determines that the information covered by the trade secret claim constitutes a trade secret, the commission shall not include the information in any applicable chemical disclosure list.

On or before July 31, 2023, the commission must promulgate rules that set standards for the disclosure of the chemical disclosure information to:

- An officer or employee of the United States, the state, or a local government in connection with the officer's or employee's official duties;
- Contractors of the United States, the state, or a local government if the commission determines that the disclosure is necessary for performance of a contract or the protection of public health and safety;
- A health-care professional in connection with an emergency or with diagnosing or treating a patient; and
- In order to protect public safety, a person who is employed in public health or a scientist or researcher employed by an institution of higher education.

No later than February 1, 2025, and no later than February 1 each year thereafter, the commission shall submit and present an annual report to the general assembly based on the chemical disclosure information.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and declares that:

4 (a) There are tens of thousands of active oil and gas wells in  
5 Colorado;

6 (b) Many different types of products that contain chemical  
7 additives are used by operators during the drilling and stimulation of these  
8 wells to break up the subsurface and extract oil and gas from the ground;

9 (c) While water and sand can make up the vast majority of these  
10 products, the amount of chemical additives injected into a well can add  
11 up to tens of thousands of gallons because of the amount of these  
12 products that are used during the course of an oil and gas operation;

13 (d) When these chemical additives are injected into a well, there  
14 is a high risk of contamination to nearby groundwater or surface water;  
15 and

16 (e) Some chemicals used in chemical products, such as  
17 perfluoroalkyl and polyfluoroalkyl chemicals and biocides, have high  
18 aquatic toxicity and can be incredibly harmful to human health and the  
19 environment.

20 (2) The general assembly further finds and declares that:

21 (a) Even though exposure to these chemical additives poses a  
22 danger to public health and the environment, scientists, state and local  
23 regulators, and the public lack full access to information about the  
24 chemical additives used in oil and gas production in the state;

25 (b) While Colorado requires the reporting of certain chemical  
26 information for products that are used in hydraulic fracturing (fracking)  
27 operations for input into a third-party database, there are broad

1 exemptions allowed for chemical information that is deemed proprietary  
2 or confidential by the operator or supplier of a product;

3 (c) In recent years, thousands of operators who conduct fracking  
4 operations have used trade secrecy claims to avoid disclosing information  
5 about the chemicals that they use in their operations;

6 (d) Operators and suppliers of the products often do not have  
7 knowledge of the chemical information that they are required to report to  
8 the state;

9 (e) As a result of the amount of trade secrecy claims and the  
10 operators' and suppliers' lack of knowledge of specific chemical  
11 information, information about the chemical additives that are used in  
12 fracking operations in the state is vastly underreported;

13 (f) Greater transparency regarding chemical use in oil and gas  
14 production is urgently needed and can be achieved by:

15 (I) Requiring manufacturers and disclosers, rather than operators,  
16 to disclose information about chemicals that are used in oil and gas  
17 production in the state;

18 (II) Requiring the Colorado oil and gas conservation commission  
19 to gather the chemical information so that the disclosure of specific  
20 chemical information can be separated from the trade name of a product,  
21 which will thereby protect any proprietary information; and

22 (III) Ensuring that operators disclose chemical information to the  
23 state, local governments, and communities in close proximity to  
24 operations after the operations have commenced; and

25 (g) A full inventory of the chemicals used in oil and gas  
26 production will:

27 (I) Assist state agencies, local governments, health-care

1 professionals, public health officials, and scientists in determining if  
2 highly hazardous chemicals are being used in oil and gas production; and

3  
4 (II) Encourage the disclosers and users of products that contain  
5 highly hazardous chemicals to use less toxic alternatives in future  
6 products and oil and gas operations.

7 (3) Therefore the general assembly determines and declares that  
8 the state should enact a regulatory scheme that provides full disclosure of  
9 the chemicals that are being deposited into the environment through oil  
10 and gas production because:

11 (a) Coloradans have the right to know what chemicals are being  
12 deposited into the environment where they live, work, and recreate; and

13 (b) State and local governments and regulators need this chemical  
14 information to adequately protect the people, water systems, wildlife, and  
15 environment of Colorado.

16 **SECTION 2.** In Colorado Revised Statutes, **add** 34-60-132 as  
17 follows:

18 **34-60-132. Disclosure of chemicals used in downhole oil and**  
19 **gas operations - chemical disclosure lists - community notification**  
20 **- --- - reports - definitions - rules - repeal.** (1) AS USED IN THIS SECTION,

21 UNLESS THE CONTEXT OTHERWISE REQUIRES:

22 (a) (I) "ADDITIVE" MEANS A CHEMICAL OR COMBINATION OF  
23 CHEMICALS ADDED TO A BASE FLUID FOR USE IN A HYDRAULIC  
24 FRACTURING TREATMENT.

25 (II) "ADDITIVE" INCLUDES PROPPANTS.

26 (b) "BASE FLUID" MEANS THE CONTINUOUS PHASE FLUID TYPE,  
27 SUCH AS WATER, USED IN A HYDRAULIC FRACTURING TREATMENT.

1 (c) "CHEMICAL" MEANS ANY ELEMENT, CHEMICAL COMPOUND, OR  
2 MIXTURE OF ELEMENTS OR CHEMICAL COMPOUNDS THAT HAS A SPECIFIC  
3 NAME OR IDENTITY, INCLUDING A CHEMICAL ABSTRACTS SERVICE  
4 NUMBER.

5 (d) "CHEMICAL ABSTRACTS SERVICE NUMBER" MEANS THE UNIQUE  
6 NUMERICAL IDENTIFIER ASSIGNED BY THE CHEMICAL ABSTRACTS SERVICE  
7 TO A CHEMICAL.

8 (e) "CHEMICAL DISCLOSURE INFORMATION" MEANS THE  
9 INFORMATION DISCLOSED TO THE COMMISSION UNDER SUBSECTIONS  
10 (2)(a)(I) AND (3)(a)(I) OF THIS SECTION.

11 (f) "CHEMICAL DISCLOSURE LIST" MEANS A LIST OF CHEMICALS  
12 USED IN DOWNHOLE OPERATIONS AT A WELL SITE.

13 (g) "CHEMICAL DISCLOSURE WEBSITE" MEANS A WEBSITE THAT IS  
14 CAPABLE OF DISPLAYING CHEMICAL DISCLOSURE LISTS AND CAN BE  
15 ACCESSED BY THE PUBLIC.

16 (h) (I) "CHEMICAL PRODUCT" MEANS ANY PRODUCT THAT  
17 CONSISTS OF ONE OR MORE CHEMICALS AND IS SOLD OR DISTRIBUTED FOR  
18 USE IN DOWNHOLE OPERATIONS IN THE STATE.

19 (II) "CHEMICAL PRODUCT" INCLUDES ADDITIVES, BASE FLUIDS,  
20 AND HYDRAULIC FRACTURING FLUIDS.

21 (III) "CHEMICAL PRODUCT" DOES NOT INCLUDE THE STRUCTURAL  
22 AND MECHANICAL COMPONENTS OF A WELL SITE WHERE DOWNHOLE  
23 OPERATIONS ARE BEING CONDUCTED.

24 (i) (I) "DIRECT VENDOR" MEANS ANY DISTRIBUTOR, SUPPLIER, OR  
25 OTHER ENTITY THAT SELLS OR SUPPLIES ONE OR MORE CHEMICAL  
26 PRODUCTS DIRECTLY TO AN OPERATOR OR SERVICE PROVIDER FOR USE AT  
27 A WELL SITE.

1 (II) "DIRECT VENDOR" DOES NOT INCLUDE ENTITIES THAT  
2 MANUFACTURE, PRODUCE, OR FORMULATE CHEMICAL PRODUCTS FOR  
3 FURTHER MANUFACTURE, FORMULATION, SALE, OR DISTRIBUTION BY  
4 THIRD PARTIES PRIOR TO BEING SUPPLIED DIRECTLY TO OPERATORS OR  
5 SERVICE PROVIDERS.

6 (j) "DISCLOSER" MEANS AN OPERATOR, ANY SERVICE PROVIDER  
7 USING ONE OR MORE CHEMICAL PRODUCTS IN THE COURSE OF DOWNHOLE  
8 OPERATIONS, AND ANY DIRECT VENDOR THAT PROVIDES ONE OR MORE  
9 CHEMICAL PRODUCTS DIRECTLY TO THE OPERATOR OR SERVICE PROVIDER  
10 FOR USE AT A WELL SITE.

11 (k) "DIVISION" MEANS THE DIVISION OF PARKS AND WILDLIFE IN  
12 THE DEPARTMENT OF NATURAL RESOURCES.

13 (l) "DOWNHOLE OPERATIONS" MEANS OIL AND GAS PRODUCTION  
14 OPERATIONS THAT ARE CONDUCTED UNDERGROUND.

15 (m) "HEALTH-CARE PROFESSIONAL" MEANS A PHYSICIAN,  
16 PHYSICIAN ASSISTANT, NURSE PRACTITIONER, REGISTERED NURSE, OR  
17 EMERGENCY MEDICAL SERVICE PROVIDER LICENSED OR CERTIFIED BY THE  
18 STATE.

19 (n) "HIGH-PRIORITY HABITAT" MEANS HABITAT AREAS IDENTIFIED  
20 BY THE DIVISION WHERE MEASURES TO AVOID, MINIMIZE, AND MITIGATE  
21 ADVERSE IMPACTS TO WILDLIFE HAVE BEEN IDENTIFIED TO PROTECT  
22 BREEDING, NESTING, FORAGING, MIGRATING, OR OTHER USES BY WILDLIFE.

23 (o) "HYDRAULIC FRACTURING FLUID" MEANS THE FLUID,  
24 INCLUDING ANY BASE FLUID AND ADDITIVES, USED TO PERFORM A  
25 HYDRAULIC FRACTURING TREATMENT.

26 (p) "HYDRAULIC FRACTURING TREATMENT" MEANS ALL STAGES OF  
27 THE TREATMENT OF A WELL BY THE APPLICATION OF HYDRAULIC



1 FRACTURING FLUID UNDER PRESSURE, WHICH TREATMENT IS EXPRESSLY  
2 DESIGNED TO INITIATE OR PROPAGATE FRACTURES IN AN UNDERGROUND  
3 GEOLOGIC FORMATION TO ENHANCE THE PRODUCTION OF OIL AND GAS.

4 (q) "MANUFACTURER" MEANS A PERSON OR ENTITY THAT MAKES,  
5 ASSEMBLES, OR OTHERWISE GENERATES A CHEMICAL PRODUCT OR WHOSE  
6 TRADE NAME IS AFFIXED TO A CHEMICAL PRODUCT.

7 (r) "PERFLUOROALKYL AND POLYFLUOROALKYL SUBSTANCES" OR  
8 "PFAS CHEMICALS" HAS THE MEANING SET FORTH IN SECTION 25-5-1302  
9 (7).

10 (s) "PROPPANTS" MEANS MATERIALS INSERTED OR INJECTED INTO  
11 AN UNDERGROUND GEOLOGIC FORMATION DURING A HYDRAULIC  
12 FRACTURING TREATMENT THAT ARE INTENDED TO PREVENT FRACTURES  
13 FROM CLOSING.

14 (t) "PUBLIC WATER SYSTEMS" HAS THE MEANING SET FORTH IN  
15 SECTION 25-1.5-201 (1).

16 == ==

17 (u) "TYPE III AQUIFER" MEANS AN AQUIFER THAT CONSISTS OF  
18 UNCONSOLIDATED GEOLOGIC MATERIAL, INCLUDING ALLUVIAL,  
19 COLLUVIAL, OR OTHER CONSOLIDATED MATERIALS.

20 (v) "WELL SITE" MEANS THE AREA THAT IS DIRECTLY DISTURBED  
21 DURING OIL AND GAS OPERATIONS.

22 (2) **Discloser chemical disclosure information and declaration.**

23 (a) ON AND AFTER JULY 31, 2023, AND SUBJECT TO SUBSECTION (2)(b) OF  
24 THIS SECTION, A DISCLOSER THAT SELLS OR DISTRIBUTES A CHEMICAL  
25 PRODUCT FOR USE IN DOWNHOLE OPERATIONS IN THE STATE OR THAT USES  
26 A CHEMICAL PRODUCT IN DOWNHOLE OPERATIONS IN THE STATE MUST:

27 (I) DISCLOSE TO THE COMMISSION:

1 (A) THE TRADE NAME OF THE CHEMICAL PRODUCT; AND

2 (B) A LIST OF THE NAMES AND CHEMICAL ABSTRACTS SERVICE  
3 NUMBERS OF EACH CHEMICAL USED IN THE CHEMICAL PRODUCT; AND

4 (C) IF A DISCLOSER BELIEVES THAT A CHEMICAL CONSTITUENT OF  
5 A CHEMICAL PRODUCT IS A TRADE SECRET OR IS PROPRIETARY  
6 INFORMATION, NEVERTHELESS DISCLOSE THE CHEMICAL CONSTITUENT;  
7 AND

8 ==

9 (II) PROVIDE A WRITTEN DECLARATION TO THE COMMISSION THAT  
10 THE CHEMICAL PRODUCT CONTAINS NO INTENTIONALLY ADDED PFAS  
11 CHEMICALS.

12 (b) (I) (A) FOR DISCLOSERS THAT WERE ALREADY SELLING OR  
13 DISTRIBUTING A CHEMICAL PRODUCT FOR USE IN DOWNHOLE OPERATIONS  
14 IN THE STATE BEFORE JULY 31, 2023, OR THAT WERE USING THE CHEMICAL  
15 PRODUCT BEFORE JULY 31, 2023, THE INFORMATION AND DECLARATION  
16 REQUIRED TO BE PROVIDED PURSUANT TO SUBSECTION (2)(a) OF THIS  
17 SECTION MUST BE PROVIDED TO THE COMMISSION AT LEAST THIRTY DAYS  
18 BEFORE JULY 31, 2023.

19 (B) THIS SUBSECTION (2)(b)(I) IS REPEALED, EFFECTIVE JULY 1,  
20 2024.

21 (II) FOR DISCLOSERS THAT BEGIN TO SELL, DISTRIBUTE, OR USE A  
22 CHEMICAL PRODUCT FOR USE IN DOWNHOLE OPERATIONS IN THE STATE ON  
23 OR AFTER JULY 31, 2023, THE INFORMATION AND DECLARATION REQUIRED  
24 TO BE PROVIDED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION MUST  
25 BE PROVIDED TO THE COMMISSION AT LEAST THIRTY DAYS BEFORE THE  
26 DISCLOSER BEGINS SELLING, DISTRIBUTING, OR USING THE CHEMICAL  
27 PRODUCT.

1 (c) THE COMMISSION SHALL      ENSURE THAT THE INFORMATION  
2 AND DECLARATION REQUIRED TO BE PROVIDED UNDER SUBSECTION (2)(a)  
3 OF THIS SECTION IS PROVIDED TO THE COMMISSION.

4 (d) IF A MANUFACTURER DOES NOT PROVIDE THE INFORMATION  
5 DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION FOR A CHEMICAL  
6 PRODUCT THAT IT SELLS OR DISTRIBUTES FOR USE IN DOWNHOLE  
7 OPERATIONS IN THE STATE TO A DISCLOSER UPON THE REQUEST OF THE  
8 DISCLOSER OR THE COMMISSION, THE MANUFACTURER MUST PROVIDE THE  
9 COMMISSION WITH A TRADE SECRET FORM OF ENTITLEMENT, AS  
10 DETERMINED BY THE COMMISSION BY RULE, FOR THE CHEMICAL PRODUCT.  
11 AT A MINIMUM, THE MANUFACTURER MUST INCLUDE IN THE TRADE SECRET  
12 FORM OF ENTITLEMENT FOR THE CHEMICAL PRODUCT:

13 (I) THE NAME OF EACH CHEMICAL USED IN THE CHEMICAL  
14 PRODUCT; AND

15 (II) THE CHEMICAL ABSTRACTS SERVICE NUMBER OF EACH  
16 CHEMICAL USED IN THE CHEMICAL PRODUCT.

17       
18 (e) IF, AFTER MAKING A REQUEST TO THE MANUFACTURER OF THE  
19 CHEMICAL PRODUCT PURSUANT TO SUBSECTION (2)(d) OF THIS SECTION,  
20 A DISCLOSER IS UNABLE TO DISCLOSE THE INFORMATION DESCRIBED IN  
21 SUBSECTION (2)(a)(I) OF THIS SECTION, THE DISCLOSER SHALL DISCLOSE  
22 TO THE COMMISSION:

23 (I) THE NAME OF THE CHEMICAL PRODUCT'S MANUFACTURER;

24 (II) THE CHEMICAL PRODUCT'S TRADE NAME;

25 (III) THE AMOUNT OR WEIGHT OF THE CHEMICAL PRODUCT; AND

26 (IV) A SAFETY DATA SHEET FOR THE CHEMICAL PRODUCT, IF IT IS  
27 AVAILABLE FOR DISCLOSURE BY THE DISCLOSER AND PROVIDES THE

1 INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION.

2 (f) IN THE EVENT THAT THE DISCLOSER IS UNABLE TO DISCLOSE  
3 THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION,  
4 THE COMMISSION SHALL OBTAIN THE INFORMATION DESCRIBED IN  
5 SUBSECTION (2)(a)(I) OF THIS SECTION FROM THE MANUFACTURER.

6 **(3) Operator chemical disclosure information - declaration.**

7 (a) ON AND AFTER JULY 31, 2023, AND SUBJECT TO SUBSECTION (3)(b) OF  
8 THIS SECTION, AN OPERATOR OF DOWNHOLE OPERATIONS USING A  
9 CHEMICAL PRODUCT MUST:

10 (I) DISCLOSE TO THE COMMISSION:

11 (A) THE DATE OF COMMENCEMENT OF DOWNHOLE OPERATIONS;

12 (B) THE COUNTY OF THE WELL SITE WHERE DOWNHOLE  
13 OPERATIONS ARE BEING OR WILL BE CONDUCTED;

14 (C) THE UNIQUE NUMERICAL IDENTIFIER ASSIGNED BY THE  
15 AMERICAN PETROLEUM INSTITUTE TO THE WELL WHERE DOWNHOLE  
16 OPERATIONS ARE BEING OR WILL BE CONDUCTED AND THE US WELL  
17 NUMBER ASSIGNED TO THE WELL WHERE DOWNHOLE OPERATIONS ARE  
18 BEING OR WILL BE CONDUCTED; AND

19 (D) THE TRADE NAMES AND QUANTITIES OF ANY CHEMICAL  
20 PRODUCTS THE OPERATOR USED IN DOWNHOLE OPERATIONS; AND

21 (II) PROVIDE A WRITTEN DECLARATION TO THE COMMISSION THAT  
22 THE CHEMICAL PRODUCT CONTAINS NO INTENTIONALLY ADDED PFAS  
23 CHEMICALS.

24 (b) (I) (A) FOR A DOWNHOLE OPERATION THAT COMMENCED  
25 BEFORE JULY 31, 2023, AND THAT WILL BE ONGOING ON JULY 31, 2023,  
26 THE INFORMATION AND DECLARATION REQUIRED TO BE PROVIDED  
27 PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE PROVIDED TO

1 THE COMMISSION WITHIN ONE HUNDRED TWENTY DAYS AFTER JULY 31,  
2 2023.

3 (B) THIS SUBSECTION (3)(b)(I) IS REPEALED, EFFECTIVE JULY 1,  
4 2024.

5 (II) FOR A DOWNHOLE OPERATION THAT COMMENCES ON OR AFTER  
6 JULY 31, 2023, THE INFORMATION AND DECLARATION REQUIRED TO BE  
7 PROVIDED PURSUANT TO SUBSECTION (3)(a) OF THIS SECTION MUST BE  
8 PROVIDED TO THE COMMISSION WITHIN ONE HUNDRED TWENTY DAYS  
9 AFTER THE COMMENCEMENT OF THE DOWNHOLE OPERATION.

10 (c) THE COMMISSION SHALL     ENSURE THAT THE INFORMATION  
11 AND DECLARATION REQUIRED TO BE PROVIDED UNDER SUBSECTION (3)(a)  
12 OF THIS SECTION IS PROVIDED TO THE COMMISSION.

13 (4) **Change in chemical disclosure information.** IF THERE IS A  
14 CHANGE IN THE INFORMATION PROVIDED UNDER SUBSECTION (2)(a)(I) OR  
15 (3)(a)(I) OF THIS SECTION, THE DISCLOSER OR OPERATOR, OR IN THE CASE  
16 OF DISCLOSURE UNDER SUBSECTION (2)(d) OF THIS SECTION, THE  
17 MANUFACTURER, MUST SUBMIT THE CHANGE TO THE COMMISSION WITHIN  
18 THIRTY DAYS AFTER THE DATE THE DISCLOSER, MANUFACTURER, OR  
19 OPERATOR FIRST KNEW OF THE CHANGE.

20 (5) **Chemical disclosure lists.** (a) THE COMMISSION SHALL USE  
21 THE CHEMICAL DISCLOSURE INFORMATION TO CREATE A CHEMICAL  
22 DISCLOSURE LIST FOR EACH APPLICABLE WELL SITE.

23      
24 (b) (I) THE COMMISSION SHALL INCLUDE IN THE CHEMICAL  
25 DISCLOSURE LIST AN ALPHABETICAL LIST OF THE NAMES AND CHEMICAL  
26 ABSTRACTS SERVICE REGISTRY NUMBERS OF EACH CHEMICAL USED IN  
27 DOWNHOLE OPERATIONS AT THE WELL SITE.

1           (II) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE  
2           COMMISSION SHALL INCLUDE THE NAMES AND CHEMICAL ABSTRACTS  
3           SERVICE REGISTRY NUMBERS OF ALL CHEMICALS USED IN DOWNHOLE  
4           OPERATIONS IN THE CHEMICAL DISCLOSURE LIST AND SHALL NOT PROTECT  
5           THE NAMES OR CHEMICAL ABSTRACTS SERVICE REGISTRY NUMBERS OF  
6           ANY CHEMICAL AS A TRADE SECRET OR PROPRIETARY INFORMATION. ANY  
7           FORMULAS AND PROCESSES CONTINUE TO HAVE TRADE SECRET  
8           PROTECTIONS.

9           (c) THE COMMISSION SHALL NOT INCLUDE IN THE CHEMICAL  
10          DISCLOSURE LIST:

11          (I) THE TRADE NAME OF A CHEMICAL PRODUCT USED IN DOWNHOLE  
12          OPERATIONS AT THE WELL SITE; OR

13          (II) THE TOTAL AMOUNT OF A CHEMICAL IN A CHEMICAL PRODUCT.

14          (d) NO LATER THAN THIRTY DAYS AFTER AN OPERATOR MAKES THE  
15          DISCLOSURES REQUIRED UNDER SUBSECTION (3) OF THIS SECTION, THE  
16          COMMISSION SHALL:

17          (I) POST THE CHEMICAL DISCLOSURE LIST ON THE CHEMICAL  
18          DISCLOSURE WEBSITE AND INCLUDE THE DATE OF THE SUBMISSION OF THE  
19          CHEMICAL DISCLOSURE LIST TO THE COMMISSION IN THE POST; AND

20          (II) PROVIDE THE CHEMICAL DISCLOSURE LIST TO THE OPERATOR  
21          OF THE APPLICABLE WELL.

22          (e) THE COMMISSION SHALL:

23          (I) POST AN UPDATED CHEMICAL DISCLOSURE LIST IF THERE ARE  
24          ANY NOTIFICATIONS RECEIVED FROM A DISCLOSER, MANUFACTURER, OR  
25          OPERATOR UNDER SUBSECTION (4) OF THIS SECTION AND INCLUDE THE  
26          DATE OF THE NOTIFICATION BY THE DISCLOSER, MANUFACTURER, OR  
27          OPERATOR IN THE POST; AND

1 (II) ENSURE THAT:

2 (A) ALL CHEMICAL DISCLOSURE LISTS AND UPDATED CHEMICAL  
3 DISCLOSURE LISTS REMAIN VIEWABLE BY THE PUBLIC;

4 (B) THE CHEMICAL DISCLOSURE WEBSITE IS SEARCHABLE BY  
5 CHEMICAL, DATE OF SUBMISSION OR UPDATE OF A CHEMICAL DISCLOSURE  
6 LIST, NAME AND ADDRESS OF THE OPERATOR, AND COUNTY OF THE WELL  
7 SITE; AND

8 (C) THE CHEMICAL DISCLOSURE WEBSITE ALLOWS MEMBERS OF  
9 THE PUBLIC TO DOWNLOAD CHEMICAL DISCLOSURE LISTS IN AN  
10 ELECTRONIC, DELIMITED FORMAT.

11 (6) **Community notification.** (a) ON OR BEFORE JULY 31, 2023,  
12 AND SUBJECT TO SUBSECTION (6)(b) OF THIS SECTION, AN OPERATOR  
13 SHALL PROVIDE THE CHEMICAL DISCLOSURE LIST TO:

14 (I) ALL OWNERS OF MINERALS THAT ARE BEING DEVELOPED AT THE  
15 WELL SITE;

16 (II) ALL SURFACE OWNERS, BUILDING UNIT OWNERS, AND  
17 RESIDENTS, INCLUDING TENANTS OF BOTH RESIDENTIAL AND COMMERCIAL  
18 PROPERTIES, THAT ARE WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET  
19 OF THE WELL SITE;

20 (III) THE STATE LAND BOARD IF THE STATE OWNS MINERALS THAT  
21 ARE BEING DEVELOPED AT THE WELL SITE;

22 (IV) THE FEDERAL BUREAU OF LAND MANAGEMENT IF THE UNITED  
23 STATES OWNS THE MINERALS THAT ARE BEING DEVELOPED AT THE WELL  
24 SITE;

25 (V) THE SOUTHERN UTE INDIAN TRIBE IF THE MINERALS BEING  
26 DEVELOPED AT THE WELL SITE ARE WITHIN THE EXTERIOR BOUNDARY OF  
27 THE TRIBE'S RESERVATION AND ARE SUBJECT TO THE JURISDICTION OF THE

1 COMMISSION;

2 (VI) ALL SCHOOLS, CHILD CARE CENTERS, AND SCHOOL  
3 GOVERNING BODIES WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF  
4 THE WELL SITE;

5 (VII) POLICE DEPARTMENTS, FIRE DEPARTMENTS, EMERGENCY  
6 SERVICE AGENCIES, AND FIRST RESPONDER AGENCIES THAT HAVE A  
7 JURISDICTION THAT INCLUDES THE WELL SITE;

8 (VIII) LOCAL GOVERNMENTS THAT HAVE A JURISDICTION WITHIN  
9 TWO THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE;

10 (IX) THE ADMINISTRATOR OF ANY PUBLIC WATER SYSTEM THAT  
11 OPERATES:

12 (A) A SURFACE WATER PUBLIC WATER SYSTEM INTAKE THAT IS  
13 LOCATED FIFTEEN STREAM MILES OR LESS DOWNSTREAM FROM THE WELL  
14 SITE;

15 (B) A GROUNDWATER UNDER THE DIRECT INFLUENCE OF A  
16 SURFACE WATER PUBLIC WATER SYSTEM SUPPLY WELL WITHIN TWO  
17 THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE; AND

18 (C) A PUBLIC WATER SYSTEM SUPPLY WELL COMPLETED IN A TYPE  
19 III AQUIFER WITHIN TWO THOUSAND SIX HUNDRED FORTY FEET OF THE  
20 WELL SITE; AND

21 (X) THE DIVISION IF:

22 (A) THERE IS A HIGH-PRIORITY HABITAT AREA WITHIN ONE MILE OF  
23 THE WELL SITE; OR

24 (B) THERE IS A STATE WILDLIFE AREA, AS DEFINED IN SECTION  
25 33-1-102 (42), OR A STATE PARK OR RECREATION AREA WITHIN TWO  
26 THOUSAND SIX HUNDRED FORTY FEET OF THE WELL SITE.

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1 (b) THE CHEMICAL DISCLOSURE LIST MUST BE DISCLOSED IN  
2 ACCORDANCE WITH SUBSECTION (6)(a) OF THIS SECTION WITHIN THIRTY  
3 DAYS AFTER THE OPERATOR'S RECEIPT OF THE CHEMICAL DISCLOSURE LIST  
4 FROM THE COMMISSION.

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6 =====  
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8 **(7) Reporting to the general assembly.** (a) (I) THE COMMISSION  
9 SHALL PREPARE AN ANNUAL REPORT THAT INCLUDES A LIST OF THE  
10 CHEMICALS USED IN DOWNHOLE OPERATIONS IN THE STATE IN THE PRIOR  
11 CALENDAR YEAR.

12 ==  
13 ==

14 **(II) THE COMMISSION SHALL PRESENT THE ANNUAL REPORT TO THE**  
15 TRANSPORTATION AND ENERGY COMMITTEE OF THE SENATE AND THE  
16 ENERGY AND ENVIRONMENT COMMITTEE OF THE HOUSE OF  
17 REPRESENTATIVES, OR THEIR SUCCESSOR COMMITTEES, DURING THE  
18 COMMITTEES' HEARINGS HELD PRIOR TO THE 2026 REGULAR SESSION, AND  
19 EACH SESSION THEREAFTER, OF THE GENERAL ASSEMBLY UNDER THE  
20 "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
21 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF  
22 TITLE 2. THE COMMISSION SHALL ALSO POST THE REPORT ON THE  
23 COMMISSION'S WEBSITE.

24 (b) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
25 REQUIREMENT TO REPORT TO THE LEGISLATIVE COMMITTEES CONTINUES  
26 INDEFINITELY.

27 **(8) Rules.** THE COMMISSION MAY PROMULGATE RULES THAT ARE

1 NECESSARY FOR THE IMPLEMENTATION AND ADMINISTRATION OF THIS  
2 SECTION.

3 **(9) Local governments.** NOTHING IN THIS SECTION OR THE RULES  
4 PROMULGATED BY THE COMMISSION PURSUANT TO THIS SECTION LIMITS A  
5 LOCAL GOVERNMENT FROM ENACTING OR ENFORCING ANY ORDINANCE,  
6 REGULATION, OR OTHER LAW RELATED TO THE DISCLOSURE OF ANY  
7 CHEMICAL PRODUCT.

8 **(10) Collection of chemical disclosure information under other**  
9 **provisions of law.** NOTWITHSTANDING ANY LAW TO THE CONTRARY,  
10 NOTHING IN THIS SECTION OR THE RULES PROMULGATED BY THE  
11 COMMISSION PURSUANT TO THIS SECTION PREVENTS THE COMMISSION, THE  
12 STATE, OR A LOCAL GOVERNMENT FROM COLLECTING CHEMICAL  
13 DISCLOSURE INFORMATION FROM DISCLOSERS, MANUFACTURERS, OR  
14 OPERATORS UNDER ANY OTHER PROVISION OF LAW.

15 **SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal  
16 year, \$61,500 is appropriated to the department of natural resources. This  
17 appropriation is from the oil and gas conservation and environmental  
18 response fund created in section 34-60-122 (5)(a), C.R.S. To implement  
19 this act, the department may use this appropriation for the purchase of  
20 information technology services.

21 (2) For the 2022-23 state fiscal year, \$61,500 is appropriated to  
22 the office of the governor for use by the office of information technology.  
23 This appropriation is from reappropriated funds received from the  
24 department of natural resources under subsection (1) of this section. To  
25 implement this act, the office may use this appropriation to provide  
26 information technology services for the department of natural resources.

27 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.