After consideration on the merits, the Committee recommends the following:

HB22-1345 be amended as follows, and as so amended, be referred to the Committee on Finance with favorable recommendation:

1. Amend printed bill, page 4, strike lines 26 and 27 and substitute "THE NATURAL ENVIRONMENT;".

2. Page 5, strike lines 9 through 11.

3. Reletter succeeding paragraph accordingly.

4. Page 5, line 14, strike "CHEMICALS." and substitute "CHEMICALS; AND (b) AUTHORIZES THE DEPARTMENT TO REVIEW PRODUCTS AND PRODUCT CATEGORIES THAT CONTAIN PFAS CHEMICALS AND MAKE RECOMMENDATIONS TO THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103 (1) TO RESTRICT OR PROHIBIT THE PRODUCTION, DISTRIBUTION, AND SALE OF PFAS CHEMICALS IN SpecIFIC CATEGORIES OF PRODUCTS.".

5. Page 5, line 23, strike "AND" and substitute "OR".

6. Page 6, strike lines 11 and 12 and substitute: "(6) "CURRENTLY UNAVOIDABLE USE" MEANS".

7. Page 6, after line 22 insert: "(8) "DIVISION" MEANS THE DIVISION OF ENVIRONMENTAL HEALTH AND SUSTAINABILITY IN THE DEPARTMENT.".

8. Renumber succeeding subsections accordingly.

9. Page 9, strike lines 12 through 17.

10. Renumber succeeding subparagraphs accordingly.
Page 10, strike lines 4 through 6 and substitute:

"(20) "OIL AND GAS PRODUCTS" MEANS HYDRAULIC FRACTURING FLUIDS, DRILLING FLUIDS, AND PROPPANTS.".

Page 10, strike lines 16 and 17 and substitute "DIVISION HAS IDENTIFIED AS A PRIORITY PRODUCT.".

Page 10, strike lines 19 through 21 and substitute "CATEGORY THAT THE DIVISION HAS IDENTIFIED AS A PRIORITY PRODUCT CATEGORY.".

Page 11, before line 1 insert:

"(c) "PRODUCT" INCLUDES THE PACKAGING USED FOR THE PRODUCTS DESCRIBED IN SUBSECTION (25)(d)(I) AND (25)(d)(II) OF THIS SECTION.

(d) "PRODUCT" DOES NOT INCLUDE:

(I) DRUGS, MEDICAL DEVICES, BIOLOGICS, OR DIAGNOSTICS APPROVED OR AUTHORIZED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION OR THE FEDERAL DEPARTMENT OF AGRICULTURE; OR

(II) VETERINARY PESTICIDE PRODUCTS APPROVED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY FOR USE IN ANIMALS.".

Page 11, strike lines 17 and 18 and substitute: 

"(c) BASED ON AVAILABLE INFORMATION, IS REASONABLY BELIEVED TO POSE LESS OF A HAZARD TO PUBLIC HEALTH AND THE ENVIRONMENT THAN THE USE OF PFAS CHEMICALS.".

Page 11, lines 19 through 21, strike "PEOPLE, AS IDENTIFIED BY THE EXECUTIVE DIRECTOR BY RULE UNDER SECTION 25-5-1405 (2)(b)(III)," and substitute "PEOPLE".

Page 12, strikes lines 3 and 4 and substitute "ANIMALS THAT ARE DISPROPORTIONATELY OR".

Page 12, line 22, strike "fee -".

Page 14, strike lines 25 through 27.

Page 15, strike lines 1 through 8.
Page 15, line 10, strike "exemption - fee -" and strike "(a)".

Page 15, line 15, strike "(I)" and substitute "(a)".

Page 15, line 16, strike "(II)" and substitute "(b)".

Page 15, line 17, strike "(III)" and substitute "(c)".

Page 15, line 18, strike "(IV)" and substitute "(d)".

Page 15, line 19, strike "(V)" and substitute "(e)".

Page 15, line 20, strike "(VI)" and substitute "(f)".

Page 15, line 21, strike "(VII)" and substitute "(g)".

Page 15, line 22, strike "(VIII)" and substitute "(h)".

Page 15, line 23, strike "(IX)" and substitute "(i)".

Page 15, strike lines 24 through 27.

Strike pages 16 through 18.

Page 19, strike lines 1 through 17 and substitute:

"(2) (a) On and after January 1, 2025, the division may designate products or product categories that contain intentionally added PFAS chemicals as priority products or priority product categories.

(b) In identifying priority products and priority product categories, the division shall consider:

(I) Whether another state or jurisdiction has restricted or prohibited a person from selling, offering for sale, distributing for sale, or distributing for use a product or product category;

(II) Whether a scientific organization or federal or state governmental agency has determined that there is a safer alternative to PFAS chemicals in a particular product or product category;

(III) Whether the use of PFAS chemicals in a product or product category constitutes a currently unavoidable use; and

(IV) Based on information available to the division, a
PRODUCT'S OR PRODUCT CATEGORY'S RISK OF EXPOSING SENSITIVE POPULATIONS, SENSITIVE SPECIES, AND THE OUTDOOR AND INDOOR ENVIRONMENT TO PFAS CHEMICALS.

(c) UPON DESIGNATION OF A PRIORITY PRODUCT OR PRIORITY PRODUCT CATEGORY, THE DIVISION SHALL SUBMIT A RECOMMENDATION TO THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103 (1) THAT DESCRIBES WHAT ACTION IS NEEDED BY THE STATE BOARD OF HEALTH TO PROHIBIT OR RESTRICT THE PRODUCTION, SALE, OR DISTRIBUTION OF THE PRIORITY PRODUCTS OR PRIORITY PRODUCT CATEGORIES THAT CONTAIN INTENTIONALLY ADDED PFAS CHEMICALS.

(d) UPON RECEIVING A RECOMMENDATION DESCRIBED IN SUBSECTION (2)(c) OF THIS SECTION, THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103 (1) MAY PROMULGATE RULES PROHIBITING OR RESTRICTING THE PRODUCTION, SALE, OR DISTRIBUTION OF THE PRIORITY PRODUCTS OR PRIORITY PRODUCT CATEGORIES THAT CONTAIN INTENTIONALLY ADDED PFAS CHEMICALS."

Page 21, line 17, strike "DIRECTOR" and substitute "DIRECTOR, IN CONSULTATION WITH THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY,".

Page 25, strike lines 6 through 15 and substitute:

"SECTION 7. In Colorado Revised Statutes, 25-5-1309, amend (1) introductory portion as follows:

25-5-1309. Restriction on the use of certain firefighting foam at certain airports - definitions. (1) Beginning January 1, 2023 2024, the use of class B firefighting foam that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances shall be prohibited at structures used for the storage or maintenance of aircraft where the structure is located in an airport that:

"SECTION 8. In Colorado Revised Statutes, 8-20-206.5, amend (7)(c)(II) and (7)(c)(III)(B); and add (7)(c)(IV) as follows:

8-20-206.5. Environmental response surcharge - liquefied petroleum gas and natural gas inspection fund - perfluoroalkyl and polyfluoroalkyl substances cash fund - definitions. (7) (c) Money in the fund is continuously appropriated for costs related to:

(II) Administering the perfluoroalkyl and polyfluoroalkyl substances take-back program and purchasing and disposing of eligible materials under the take-back program in accordance with section 25-5-1311; and

(III) Providing technical assistance in locating and studying
perfluoroalkyl and polyfluoroalkyl substances to communities, stakeholders, and regulatory boards or commissions for the following purposes:

(B) Identifying safe disposal methods of materials containing perfluoroalkyl and polyfluoroalkyl substances; AND

(IV) ADMINISTERING AND IMPLEMENTING SECTIONS 25-5-1404 AND 25-5-1405.

Renumber succeeding section accordingly.

Strike "(15)" and substitute "(16)" on: Page 20, lines 6 and 17.

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