

First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 21-0395.01 Jennifer Berman x3286

HOUSE BILL 21-1162

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A BILL FOR AN ACT

101 CONCERNING THE MANAGEMENT OF PLASTIC PRODUCTS.

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>.)*

Under current law, local governments are prohibited from requiring or banning the use or sale of specific types of plastic materials or products. **Section 1** repeals the prohibition on July 1, 2023.

**Section 2** prohibits stores and retail food establishments, on and after September 1, 2022, from providing single-use plastic carryout bags to customers. The prohibition does not apply to inventory purchased before September 1, 2022, and used on or before March 31, 2023, which may be supplied to a customer at the point of sale for a 10-cent fee.

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.

Between September 1, 2021, and September 1, 2022, a store may furnish a recycled paper carryout bag or a single-use plastic carryout bag to a customer at the point of sale if the customer pays a fee of 10 cents per bag or a higher fee adopted by the municipality or county in which the store is located.

On and after September 1, 2022, a store may furnish only a recycled paper carryout bag to a customer at the point of sale at a fee of 10 cents per bag or a higher fee imposed by the municipality or county in which the store is located.

A store is required to remit, on a quarterly basis beginning January 1, 2022, 60% of the carryout bag fee revenues to the municipality or county within which the store is located and may retain the remaining 40% of the carryout bag fee revenues. A municipality or county may use its portion of the carryout bag fee revenues to pay for its administrative and enforcement costs and any recycling, composting, or other waste diversion programs or related outreach or education activities.

The carryout bag fee does not apply to a customer that provides evidence to the store that the customer is a participant in a federal or state food assistance program.

Section 2 also prohibits a retail food establishment, on and after January 1, 2022, from distributing an expanded polystyrene product for use as a container for ready-to-eat food in this state. The prohibition does not apply to retail food establishments located within certain schools until January 1, 2023; except that the prohibition does not apply to a high school until January 1, 2024.

Retail food establishments that purchase expanded polystyrene products before January 1, 2022, may continue to use the products until their supply is depleted.

Section 2 also authorizes a local government to enforce against a violation of section 2 and expressly authorizes a county to impose a civil penalty against a store or retail food establishment of \$500 for a second violation or \$1,000 for a third or subsequent violation.

On and after July 1, 2023, a local government may enact, implement, or enforce an ordinance, resolution, rule, or charter provision that is as stringent as or more stringent than the requirements set forth in the bill.

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

2 **SECTION 1.** In Colorado Revised Statutes, **repeal** 25-17-104 as  
3 follows:

4 **25-17-104. Local government preemption.** ~~No unit of local~~

1 ~~government shall require or prohibit the use or sale of specific types of~~  
2 ~~plastic materials or products or restrict or mandate containers, packaging,~~  
3 ~~or labeling for any consumer products.~~

4 **SECTION 2.** In Colorado Revised Statutes, **add** part 5 to article  
5 17 of title 25 as follows:

6 PART 5

7 MANAGEMENT OF PLASTIC PRODUCTS

8 **25-17-501. Short title.** THE SHORT TITLE OF THIS PART 5 IS THE  
9 "PLASTIC POLLUTION REDUCTION ACT".

10 **25-17-502. Legislative declaration.** THE GENERAL ASSEMBLY  
11 FINDS, DETERMINES, AND DECLARES THAT LIMITING THE USE OF  
12 SINGLE-USE PLASTIC CARRYOUT BAGS AND EXPANDED POLYSTYRENE  
13 PRODUCTS WILL MITIGATE THE HARMFUL EFFECTS ON OUR STATE'S  
14 NATURAL RESOURCES AND OUR ENVIRONMENT THAT RESULT FROM  
15 DISPOSING OF THESE PRODUCTS IN OUR LANDFILLS.

16 **25-17-503. Definitions - rules.** AS USED IN THIS PART 5, UNLESS  
17 THE CONTEXT OTHERWISE REQUIRES:

18 (1) (a) "CARRYOUT BAG" MEANS A BAG THAT IS FURNISHED TO A  
19 CUSTOMER AT A STORE OR RETAIL FOOD ESTABLISHMENT AT THE POINT OF  
20 SALE FOR USE BY THE CUSTOMER TO TRANSPORT OR CARRY PURCHASED  
21 ITEMS.

22 (b) "CARRYOUT BAG" DOES NOT INCLUDE:

23 (I) A BAG MADE OF PAPER WHEN THE PAPER HAS A BASIS WEIGHT  
24 OF THIRTY POUNDS OR LESS;

25 (II) A BAG THAT A PHARMACY PROVIDES TO A CUSTOMER  
26 PURCHASING PRESCRIPTION MEDICATION;

27 (III) A BAG OR OTHER MATERIAL THAT IS USED IN THE PACKAGING

1 OF A PRODUCT THAT IS REGULATED AS A DRUG, MEDICAL DEVICE, OR  
2 DIETARY SUPPLEMENT BY THE FOOD AND DRUG ADMINISTRATION IN THE  
3 UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES UNDER  
4 THE "FEDERAL FOOD, DRUG, AND COSMETIC ACT", 21 U.S.C. SEC. 301 ET  
5 SEQ., AS AMENDED;

6 (IV) A BAG THAT A CUSTOMER USES INSIDE A STORE TO:

7 (A) PACKAGE LOOSE OR BULK ITEMS, SUCH AS FRUITS,  
8 VEGETABLES, NUTS, GRAINS, CANDY, GREETING CARDS, OR SMALL  
9 HARDWARE ITEMS SUCH AS NAILS, BOLTS, OR SCREWS;

10 (B) CONTAIN OR WRAP FROZEN FOODS, MEAT, SEAFOOD, FISH,  
11 FLOWERS, POTTED PLANTS, OR OTHER ITEMS THAT, IF THEY WERE TO COME  
12 IN CONTACT WITH OTHER ITEMS, COULD DAMPEN OR CONTAMINATE THE  
13 OTHER ITEMS; OR

14 (C) CONTAIN UNWRAPPED PREPARED FOODS OR BAKERY GOODS;

15 OR

16 (V) A LAUNDRY, DRY CLEANING, OR GARMENT BAG.

17 (2) "CONTAINER" MEANS A RECEPTACLE UPON WHICH OR INSIDE  
18 WHICH FOOD MAY BE PLACED FOR CONSUMPTION, WHETHER OR NOT THE  
19 RECEPTACLE CAN BE FULLY CLOSED. "CONTAINER" INCLUDES HINGED  
20 FOOD CONTAINERS, PLATES, BOWLS, CUPS, AND TRAYS.

21 (3) "EXPANDED POLYSTYRENE" MEANS BLOWN POLYSTYRENE,  
22 COMMONLY KNOWN AS STYROFOAM™, AND ANY OTHER EXPANDED OR  
23 EXTRUDED FOAM CONSISTING OF THERMOPLASTIC PETROCHEMICAL  
24 MATERIALS UTILIZING A STYRENE MONOMER AND PROCESSED BY  
25 TECHNIQUES THAT MAY INCLUDE:

26 (a) FOR EXPANDABLE BEAD POLYSTYRENE, FUSION OF POLYMER  
27 SPHERES;

1 (b) INJECTION MOLDING;  
2 (c) FOAM MOLDING; AND  
3 (d) FOR EXTRUDED FOAM POLYSTYRENE, EXTRUSION BLOW  
4 MOLDING.

5 (4) (a) "FOOD" MEANS ANY RAW, COOKED, OR PROCESSED EDIBLE  
6 SUBSTANCE, ICE, BEVERAGE, OR INGREDIENT USED OR INTENDED FOR USE  
7 OR FOR SALE, IN WHOLE OR IN PART, FOR HUMAN CONSUMPTION.

8 (b) "FOOD" DOES NOT INCLUDE A DRUG, AS THAT TERM IS DEFINED  
9 IN SECTION 25-5-402 (9).

10 (5) "PLASTIC" MEANS A SYNTHETIC MATERIAL MADE FROM  
11 LINKING MONOMERS THROUGH A CHEMICAL REACTION TO CREATE A  
12 POLYMER CHAIN THAT CAN BE MOLDED OR EXTRUDED AT HIGH HEAT INTO  
13 VARIOUS SOLID FORMS THAT RETAIN THEIR DEFINED SHAPES DURING THEIR  
14 LIFE CYCLE AND AFTER DISPOSAL.

15 (6) "POINT OF SALE" MEANS A CHECK-OUT STAND, CASH REGISTER,  
16 OR OTHER POINT AT WHICH A SALES TRANSACTION OCCURS IN A STORE OR  
17 RETAIL FOOD ESTABLISHMENT OR, FOR PRODUCTS THAT ARE ORDERED  
18 REMOTELY FROM A STORE OR RETAIL FOOD ESTABLISHMENT AND  
19 DELIVERED, THE LOCATION WHERE THE PRODUCTS ARE DELIVERED.

20 (7) "READY-TO-EAT FOOD" MEANS FOOD THAT IS COOKED OR  
21 OTHERWISE PREPARED IN ADVANCE FOR IMMEDIATE CONSUMPTION.

22 (8) "RECYCLED PAPER CARRYOUT BAG" MEANS A CARRYOUT BAG  
23 MADE FROM ONE HUNDRED PERCENT:

24 (a) RECYCLED MATERIAL; OR

25 (b) OTHER POST-CONSUMER CONTENT.

26 (9) (a) "RETAIL FOOD ESTABLISHMENT" HAS THE MEANING SET  
27 FORTH IN SECTION 25-4-1602 (14) EXCEPT AS PROVIDED IN SUBSECTION

1 (9)(b) OF THIS SECTION.

2 (b) "RETAIL FOOD ESTABLISHMENT" INCLUDES A FARMERS'  
3 MARKET, ROADSIDE MARKET OR STAND, FESTIVAL, OR OTHER TEMPORARY  
4 FOOD VENDOR OR EVENT THAT INCLUDES TEMPORARY FOOD VENDORS.

5 (10) (a) "REUSABLE CARRYOUT BAG" MEANS A CARRYOUT BAG  
6 THAT IS DESIGNED AND MANUFACTURED FOR AT LEAST ONE HUNDRED  
7 TWENTY-FIVE USES, CAN CARRY AT LEAST TWENTY-TWO POUNDS OVER A  
8 DISTANCE OF ONE HUNDRED SEVENTY-FIVE FEET, HAS STITCHED HANDLES,  
9 AND IS MADE OF CLOTH, FIBER, OR OTHER FABRIC OR A RECYCLED  
10 MATERIAL SUCH AS POLYETHYLENE TEREPHTHALATE (PET).

11 (b) "REUSABLE CARRYOUT BAG" DOES NOT INCLUDE BAGS MADE  
12 OF BIOLOGICALLY BASED POLYMERS SUCH AS CORN OR OTHER PLANT  
13 SOURCES; EXCEPT THAT A CARRYOUT BAG MADE OF HEMP IS A REUSABLE  
14 CARRYOUT BAG IF IT IS DESIGNED AND MANUFACTURED IN ACCORDANCE  
15 WITH SUBSECTION (10)(a) OF THIS SECTION.

16 (11) "RURAL SCHOOL" HAS THE MEANING SET FORTH IN SECTION  
17 23-3.9-101 (5).

18 (12) "SCHOOL" HAS THE MEANING SET FORTH IN SECTION  
19 23-3.9-101 (6).

20 (13) (a) "SINGLE-USE PLASTIC CARRYOUT BAG" MEANS A  
21 CARRYOUT BAG THAT IS A SINGLE-USE PLASTIC PRODUCT MADE  
22 PREDOMINANTLY OF PLASTIC DERIVED FROM NATURAL GAS, PETROLEUM,  
23 OR A BIOLOGICALLY BASED SOURCE, SUCH AS CORN OR OTHER PLANT  
24 SOURCES, AND THAT IS PROVIDED TO A CUSTOMER AT THE POINT OF SALE.

25 (b) "SINGLE-USE PLASTIC CARRYOUT BAG" DOES NOT INCLUDE A  
26 REUSABLE CARRYOUT BAG.

27 (14) (a) "STORE" MEANS A GROCERY STORE, SUPERMARKET,

1 CONVENIENCE STORE, LIQUOR STORE, DRY CLEANER, PHARMACY, DRUG  
2 STORE, CLOTHING STORE, OR OTHER TYPE OF RETAIL ESTABLISHMENT AT  
3 WHICH CARRYOUT BAGS ARE TRADITIONALLY PROVIDED TO CUSTOMERS.

4 (b) "STORE" INCLUDES A FARMERS' MARKET, ROADSIDE MARKET  
5 OR STAND, FESTIVAL, OR OTHER TEMPORARY VENDOR OR EVENT THAT  
6 INCLUDES TEMPORARY VENDORS.

7 **25-17-504. Restrictions on use of single-use plastic carryout**  
8 **bag - inventory exception - repeal.** (1) SUBJECT TO SECTION 25-17-505  
9 (1), ON AND AFTER SEPTEMBER 1, 2022, A STORE OR RETAIL FOOD  
10 ESTABLISHMENT SHALL NOT PROVIDE A SINGLE-USE PLASTIC CARRYOUT  
11 BAG TO A CUSTOMER.

12 (2) (a) SUBJECT TO THE CARRYOUT BAG FEE APPLIED TO  
13 SINGLE-USE PLASTIC CARRYOUT BAGS IN SECTION 25-17-505, A STORE OR  
14 RETAIL FOOD ESTABLISHMENT MAY PROVIDE A SINGLE-USE PLASTIC  
15 CARRYOUT BAG TO A CUSTOMER ON OR BEFORE MARCH 31, 2023, IF THE  
16 SINGLE-USE PLASTIC CARRYOUT BAG WAS PART OF THE STORE'S OR RETAIL  
17 FOOD ESTABLISHMENT'S INVENTORY BEFORE SEPTEMBER 1, 2022.

18 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
19 2023.

20 **25-17-505. Carryout bag fee - disposition of money - repeal.**  
21 (1) (a) ON AND AFTER SEPTEMBER 1, 2021, AND BEFORE SEPTEMBER 1,  
22 2022, A STORE MAY PROVIDE A CUSTOMER WITH ONE OR MORE RECYCLED  
23 PAPER CARRYOUT BAGS OR SINGLE-USE PLASTIC CARRYOUT BAGS AT THE  
24 POINT OF SALE ONLY IF THE CUSTOMER PAYS A CARRYOUT BAG FEE OF TEN  
25 CENTS PER RECYCLED PAPER CARRYOUT BAG OR SINGLE-USE PLASTIC  
26 CARRYOUT BAG, OR A HIGHER FEE IF A MUNICIPALITY OR COUNTY IN  
27 WHICH THE STORE IS LOCATED RAISES THE FEE AMOUNT BY ORDINANCE OR

1 RESOLUTION. FOR EACH CARRYOUT BAG FEE COLLECTED PURSUANT TO  
2 THIS SUBSECTION (1)(a), THE STORE SHALL:

3 (I) REMIT, IN ACCORDANCE WITH SUBSECTION (3)(d) OF THIS  
4 SECTION, SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH THE STORE  
5 IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A MUNICIPALITY, TO  
6 THE COUNTY WITHIN WHICH THE STORE IS LOCATED, WHICH MUNICIPALITY  
7 OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

8 (A) ITS ADMINISTRATIVE AND ENFORCEMENT COSTS INCURRED AS  
9 A RESULT OF THIS SECTION; AND

10 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE  
11 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION  
12 ACTIVITIES; AND

13 (II) RETAIN FORTY PERCENT, WHICH PORTION OF THE FEE DOES NOT  
14 COUNT AS REVENUE FOR THE PURPOSE OF CALCULATING SALES TAX.

15 (b) THE CARRYOUT BAG FEE SET FORTH IN SUBSECTION (1)(a) OF  
16 THIS SECTION DOES NOT APPLY TO A CUSTOMER THAT PROVIDES EVIDENCE  
17 TO THE STORE THAT THE CUSTOMER IS A PARTICIPANT IN A FEDERAL OR  
18 STATE FOOD ASSISTANCE PROGRAM.

19 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
20 2022.

21 (2) (a) ON AND AFTER SEPTEMBER 1, 2022, A STORE MAY PROVIDE  
22 A CUSTOMER WITH ONE OR MORE RECYCLED PAPER CARRYOUT BAGS AT  
23 THE POINT OF SALE ONLY IF THE CUSTOMER PAYS A CARRYOUT BAG FEE OF  
24 TEN CENTS PER RECYCLED PAPER CARRYOUT BAG, OR A HIGHER FEE IF A  
25 MUNICIPALITY OR COUNTY IN WHICH THE STORE IS LOCATED RAISES THE  
26 FEE AMOUNT BY ORDINANCE OR RESOLUTION. FOR EACH CARRYOUT BAG  
27 FEE COLLECTED PURSUANT TO THIS SUBSECTION (2), THE STORE SHALL:



1 (I) REMIT, IN ACCORDANCE WITH SUBSECTION (3)(d) OF THIS  
2 SECTION, SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH THE STORE  
3 IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A MUNICIPALITY, TO  
4 THE COUNTY WITHIN WHICH THE STORE IS LOCATED, WHICH MUNICIPALITY  
5 OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

6 (A) ITS ADMINISTRATIVE AND ENFORCEMENT COSTS INCURRED AS  
7 A RESULT OF THIS SECTION; AND

8 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE  
9 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION  
10 ACTIVITIES; AND

11 (II) RETAIN FORTY PERCENT, WHICH PORTION OF THE FEE DOES NOT  
12 COUNT AS REVENUE FOR THE PURPOSE OF CALCULATING SALES TAX.

13 (b) THE CARRYOUT BAG FEE SET FORTH IN SUBSECTION (2)(a) OF  
14 THIS SECTION DOES NOT APPLY TO A CUSTOMER THAT PROVIDES EVIDENCE  
15 TO THE STORE THAT THE CUSTOMER IS A PARTICIPANT IN A FEDERAL OR  
16 STATE FOOD ASSISTANCE PROGRAM.

17 (c) (I) BEGINNING SEPTEMBER 1, 2022, AND ENDING MARCH 31,  
18 2023, A STORE MAY PROVIDE A CUSTOMER WITH A SINGLE-USE PLASTIC  
19 CARRYOUT BAG AT THE POINT OF SALE FOR THE CARRYOUT BAG FEE  
20 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION ONLY IF THE  
21 SINGLE-USE PLASTIC CARRYOUT BAG IS WITHIN THE STORE'S REMAINING  
22 INVENTORY PURSUANT TO SECTION 25-17-504 (2)(a). THE STORE SHALL  
23 REMIT THE FEE COLLECTED PURSUANT TO THIS SUBSECTION (2)(c) IN  
24 ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION.

25 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2023.

26 (3) IN PROVIDING CARRYOUT BAGS FOR A FEE PURSUANT TO THIS  
27 SECTION, A STORE SHALL:

1 (a) FOR EACH CUSTOMER PROVIDED A CARRYOUT BAG FOR A FEE,  
2 PROVIDE ON THE CUSTOMER'S TRANSACTION RECEIPT A RECORD OF THE  
3 NUMBER OF CARRYOUT BAGS PROVIDED AS PART OF THE TRANSACTION  
4 AND THE TOTAL AMOUNT OF FEES CHARGED FOR THE CARRYOUT BAGS  
5 PROVIDED, ITEMIZED BY TYPE OF CARRYOUT BAG;

6 (b) NOT REFUND TO THE CUSTOMER ANY PORTION OF THE  
7 CARRYOUT BAG FEE, EITHER DIRECTLY OR INDIRECTLY, OR ADVERTISE OR  
8 OTHERWISE CONVEY TO CUSTOMERS THAT ANY PORTION OF THE  
9 CARRYOUT BAG FEE WILL BE REFUNDED;

10 (c) CONSPICUOUSLY DISPLAY A SIGN IN A LOCATION INSIDE OR  
11 OUTSIDE THE STORE, WHICH SIGN ALERTS CUSTOMERS ABOUT THE  
12 CARRYOUT BAG FEE; AND

13 (d) (I) ON A QUARTERLY BASIS STARTING JANUARY 1, 2022, REMIT  
14 FROM THE TOTAL AMOUNT OF CARRYOUT BAG FEES COLLECTED IN THE  
15 PREVIOUS QUARTER THE AMOUNT THAT IS OWED TO THE MUNICIPALITY OR  
16 COUNTY:

17 (A) TO THE FINANCE DEPARTMENT OR DIVISION OR EQUIVALENT  
18 AGENCY OF THE MUNICIPALITY WITHIN WHICH THE STORE IS LOCATED; OR

19 (B) IF THE STORE IS NOT LOCATED WITHIN A MUNICIPALITY, TO THE  
20 FINANCE DEPARTMENT OR DIVISION OR EQUIVALENT AGENCY OF THE  
21 COUNTY WITHIN WHICH THE STORE IS LOCATED.

22 (II) A STORE NEED NOT REMIT CARRYOUT BAG FEES COLLECTED IN  
23 ANY QUARTER IN WHICH THE COLLECTED FEES TOTAL LESS THAN TWENTY  
24 DOLLARS. THE STORE SHALL RETAIN THOSE COLLECTED FEES UNTIL THE  
25 STORE HAS MORE THAN TWENTY DOLLARS WORTH OF COLLECTED FEES TO  
26 REMIT AND SHALL REMIT THOSE FEES AS PART OF THE NEXT QUARTERLY  
27 REMITTANCE.

1 (III) (A) THE REMITTANCE MADE ON JANUARY 1, 2022, PURSUANT  
2 TO SUBSECTION (3)(d)(I) OF THIS SECTION MUST INCLUDE ANY FEES  
3 COLLECTED DURING THE MONTH OF SEPTEMBER 2021.

4 (B) THIS SUBSECTION (3)(d)(III) IS REPEALED, EFFECTIVE JULY 1,  
5 2022.

6 **25-17-506. Prohibition on use of expanded polystyrene food**  
7 **containers - definition.** (1) (a) EXCEPT AS PROVIDED IN SUBSECTIONS  
8 (1)(b) AND (2) OF THIS SECTION, EFFECTIVE JANUARY 1, 2022, A RETAIL  
9 FOOD ESTABLISHMENT SHALL NOT DISTRIBUTE AN EXPANDED  
10 POLYSTYRENE PRODUCT FOR USE AS A CONTAINER FOR READY-TO-EAT  
11 FOOD IN THIS STATE.

12 (b) A RETAIL FOOD ESTABLISHMENT LOCATED WITHIN A  
13 KINDERGARTEN THROUGH TWELFTH GRADE, MIDDLE, JUNIOR HIGH, OR  
14 HIGH SCHOOL OR A RURAL SCHOOL NEED NOT COMPLY WITH SUBSECTION  
15 (1)(a) OF THIS SECTION UNTIL:

16 (I) JANUARY 1, 2023, IF THE SCHOOL IS A MIDDLE OR JUNIOR HIGH  
17 SCHOOL, A RURAL ELEMENTARY SCHOOL, OR A KINDERGARTEN THROUGH  
18 TWELFTH GRADE SCHOOL; OR

19 (II) JANUARY 1, 2024, IF THE SCHOOL IS A HIGH SCHOOL.

20 (2) IF A RETAIL FOOD ESTABLISHMENT PURCHASED EXPANDED  
21 POLYSTYRENE PRODUCTS BEFORE JANUARY 1, 2022, THE RETAIL FOOD  
22 ESTABLISHMENT MAY DISTRIBUTE ANY REMAINING INVENTORY OF THE  
23 EXPANDED POLYSTYRENE PRODUCTS THEN PURCHASED FOR USE AS  
24 CONTAINERS FOR READY-TO-EAT FOOD IN THIS STATE UNTIL THE  
25 INVENTORY IS DEPLETED.

26 **25-17-507. Enforcement - possible penalties.** (1) (a) EXCEPT AS  
27 PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, A LOCAL GOVERNMENT

1 MAY ENFORCE A VIOLATION OF THIS PART 5 AGAINST A STORE OR RETAIL  
2 FOOD ESTABLISHMENT THAT IS LOCATED WITHIN THE BOUNDARIES OF THE  
3 LOCAL GOVERNMENT IN THE MANNER THAT THE LOCAL GOVERNMENT  
4 CHOOSES.

5 (b) (I) A COUNTY THAT CHOOSES TO ENFORCE A VIOLATION OF THIS  
6 PART 5 AGAINST A STORE OR RETAIL FOOD ESTABLISHMENT LOCATED  
7 WITHIN THE UNINCORPORATED BOUNDARIES OF THE COUNTY MAY SEEK  
8 INJUNCTIVE RELIEF AGAINST THE STORE OR RETAIL FOOD ESTABLISHMENT  
9 OR MAY ASSESS THE FOLLOWING CIVIL PENALTIES AGAINST THE STORE OR  
10 RETAIL FOOD ESTABLISHMENT:

11 (A) UP TO FIVE HUNDRED DOLLARS FOR A SECOND VIOLATION; OR

12 (B) UP TO ONE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT  
13 VIOLATION.

14 (II) A COUNTY THAT CHOOSES TO ENFORCE A VIOLATION OF THIS  
15 PART 5 MAY BOTH SEEK INJUNCTIVE RELIEF AND IMPOSE A CIVIL PENALTY  
16 IN ACCORDANCE WITH THIS SUBSECTION (1)(b).

17 (2) FOR PURPOSES OF THIS SECTION, EACH RETAIL SALES  
18 TRANSACTION IN WHICH A VIOLATION OF THIS PART 5 IS COMMITTED,  
19 REGARDLESS OF WHETHER MULTIPLE VIOLATIONS OF THIS PART 5 ARE  
20 COMMITTED IN ONE RETAIL SALES TRANSACTION, CONSTITUTES A SINGLE  
21 VIOLATION OF THIS PART 5.

22 **25-17-508. Local government regulation - preemption.** ON AND  
23 AFTER JULY 1, 2023, A LOCAL GOVERNMENT MAY ENACT, IMPLEMENT, OR  
24 ENFORCE ANY ORDINANCE, RESOLUTION, RULE, OR CHARTER PROVISION  
25 THAT IS AS STRINGENT AS OR MORE STRINGENT THAN THIS PART 5.

26 **SECTION 3. Effective date.** This act takes effect upon passage;  
27 except that section 1 of this act takes effect July 1, 2023.

1           **SECTION 4. Safety clause.** The general assembly hereby finds,  
2 determines, and declares that this act is necessary for the immediate  
3 preservation of the public peace, health, or safety.