

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

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.

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 (III) A BAG THAT A CUSTOMER USES INSIDE A STORE TO:

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

5 (B) CONTAIN OR WRAP FROZEN FOODS, MEAT, SEAFOOD, FISH,
6 FLOWERS, POTTED PLANTS, OR OTHER ITEMS THAT, IF THEY WERE TO COME
7 IN CONTACT WITH OTHER ITEMS, COULD DAMPEN OR CONTAMINATE THE
8 OTHER ITEMS; OR

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

10 OR

11 (IV) A LAUNDRY, DRY CLEANING, OR GARMENT BAG.

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

16 (3) "EXPANDED POLYSTYRENE" MEANS BLOWN POLYSTYRENE,
17 COMMONLY KNOWN AS STYROFOAM™, AND ANY OTHER EXPANDED OR
18 EXTRUDED FOAM CONSISTING OF THERMOPLASTIC PETROCHEMICAL
19 MATERIALS UTILIZING A STYRENE MONOMER AND PROCESSED BY
20 TECHNIQUES THAT MAY INCLUDE:

21 (a) FOR EXPANDABLE BEAD POLYSTYRENE, FUSION OF POLYMER
22 SPHERES;

23 (b) INJECTION MOLDING;

24 (c) FOAM MOLDING; AND

25 (d) FOR EXTRUDED FOAM POLYSTYRENE, EXTRUSION BLOW
26 MOLDING.

27 (4) (a) "FOOD" MEANS ANY RAW, COOKED, OR PROCESSED EDIBLE

1 SUBSTANCE, ICE, BEVERAGE, OR INGREDIENT USED OR INTENDED FOR USE
2 OR FOR SALE, IN WHOLE OR IN PART, FOR HUMAN CONSUMPTION.

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

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

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

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

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

19 (a) RECYCLED MATERIAL; OR

20 (b) OTHER POST-CONSUMER CONTENT.

21 (9) (a) "RETAIL FOOD ESTABLISHMENT" HAS THE MEANING SET
22 FORTH IN SECTION 25-4-1602 (14) EXCEPT AS PROVIDED IN SUBSECTION
23 (9)(b) OF THIS SECTION.

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

27 (10) (a) "REUSABLE CARRYOUT BAG" MEANS A CARRYOUT BAG

1 THAT IS DESIGNED AND MANUFACTURED FOR AT LEAST ONE HUNDRED
2 TWENTY-FIVE USES, CAN CARRY AT LEAST TWENTY-TWO POUNDS OVER A
3 DISTANCE OF ONE HUNDRED SEVENTY-FIVE FEET, HAS STITCHED HANDLES,
4 AND IS MADE OF CLOTH, FIBER, OR OTHER FABRIC OR A RECYCLED
5 MATERIAL SUCH AS POLYETHYLENE TEREPHTHALATE (PET).

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

11 (11) "RURAL SCHOOL" HAS THE MEANING SET FORTH IN SECTION
12 23-3.9-101 (5).

13 (12) "SCHOOL" HAS THE MEANING SET FORTH IN SECTION
14 23-3.9-101 (6).

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

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

22 (14) (a) "STORE" MEANS A GROCERY STORE, SUPERMARKET,
23 CONVENIENCE STORE, LIQUOR STORE, DRY CLEANER, PHARMACY, DRUG
24 STORE, CLOTHING STORE, OR OTHER TYPE OF RETAIL ESTABLISHMENT AT
25 WHICH CARRYOUT BAGS ARE TRADITIONALLY PROVIDED TO CUSTOMERS.

26 (b) "STORE" INCLUDES A FARMERS' MARKET, ROADSIDE MARKET
27 OR STAND, FESTIVAL, OR OTHER TEMPORARY VENDOR OR EVENT THAT

1 INCLUDES TEMPORARY VENDORS.

2 **25-17-504. Restrictions on use of single-use plastic carryout**
3 **bag - inventory exception - repeal.** (1) SUBJECT TO SECTION 25-17-505
4 (1), ON AND AFTER SEPTEMBER 1, 2022, A STORE OR RETAIL FOOD
5 ESTABLISHMENT SHALL NOT PROVIDE A SINGLE-USE PLASTIC CARRYOUT
6 BAG TO A CUSTOMER.

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

13 (b) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
14 2023.

15 **25-17-505. Carryout bag fee - disposition of money - repeal.**
16 (1) (a) ON AND AFTER SEPTEMBER 1, 2021, AND BEFORE SEPTEMBER 1,
17 2022, A STORE MAY PROVIDE A CUSTOMER WITH ONE OR MORE RECYCLED
18 PAPER CARRYOUT BAGS OR SINGLE-USE PLASTIC CARRYOUT BAGS AT THE
19 POINT OF SALE ONLY IF THE CUSTOMER PAYS A CARRYOUT BAG FEE OF TEN
20 CENTS PER RECYCLED PAPER CARRYOUT BAG OR SINGLE-USE PLASTIC
21 CARRYOUT BAG, OR A HIGHER FEE IF A MUNICIPALITY OR COUNTY IN
22 WHICH THE STORE IS LOCATED RAISES THE FEE AMOUNT BY ORDINANCE OR
23 RESOLUTION. FOR EACH CARRYOUT BAG FEE COLLECTED PURSUANT TO
24 THIS SUBSECTION (1)(a), THE STORE SHALL:

25 (I) REMIT, IN ACCORDANCE WITH SUBSECTION (3)(d) OF THIS
26 SECTION, SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH THE STORE
27 IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A MUNICIPALITY, TO

1 THE COUNTY WITHIN WHICH THE STORE IS LOCATED, WHICH MUNICIPALITY
2 OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

3 (A) ITS ADMINISTRATIVE AND ENFORCEMENT COSTS INCURRED AS
4 A RESULT OF THIS SECTION; AND

5 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE
6 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION
7 ACTIVITIES; AND

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

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

14 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE SEPTEMBER 1,
15 2022.

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

23 (I) REMIT, IN ACCORDANCE WITH SUBSECTION (3)(d) OF THIS
24 SECTION, SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH THE STORE
25 IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A MUNICIPALITY, TO
26 THE COUNTY WITHIN WHICH THE STORE IS LOCATED, WHICH MUNICIPALITY
27 OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

1 (A) ITS ADMINISTRATIVE AND ENFORCEMENT COSTS INCURRED AS
2 A RESULT OF THIS SECTION; AND

3 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE
4 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION
5 ACTIVITIES; AND

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

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

12 (c) (I) BEGINNING SEPTEMBER 1, 2022, AND ENDING MARCH 31,
13 2023, A STORE MAY PROVIDE A CUSTOMER WITH A SINGLE-USE PLASTIC
14 CARRYOUT BAG AT THE POINT OF SALE FOR THE CARRYOUT BAG FEE
15 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION ONLY IF THE
16 SINGLE-USE PLASTIC CARRYOUT BAG IS WITHIN THE STORE'S REMAINING
17 INVENTORY PURSUANT TO SECTION 25-17-504 (2)(a). THE STORE SHALL
18 REMIT THE FEE COLLECTED PURSUANT TO THIS SUBSECTION (2)(c) IN
19 ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION.

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

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

23 (a) FOR EACH CUSTOMER PROVIDED A CARRYOUT BAG FOR A FEE,
24 PROVIDE ON THE CUSTOMER'S TRANSACTION RECEIPT A RECORD OF THE
25 NUMBER OF CARRYOUT BAGS PROVIDED AS PART OF THE TRANSACTION
26 AND THE TOTAL AMOUNT OF FEES CHARGED FOR THE CARRYOUT BAGS
27 PROVIDED, ITEMIZED BY TYPE OF CARRYOUT BAG;

1 (b) NOT REFUND TO THE CUSTOMER ANY PORTION OF THE
2 CARRYOUT BAG FEE, EITHER DIRECTLY OR INDIRECTLY, OR ADVERTISE OR
3 OTHERWISE CONVEY TO CUSTOMERS THAT ANY PORTION OF THE
4 CARRYOUT BAG FEE WILL BE REFUNDED;

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

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

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

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

17 (II) A STORE NEED NOT REMIT CARRYOUT BAG FEES COLLECTED IN
18 ANY QUARTER IN WHICH THE COLLECTED FEES TOTAL LESS THAN TWENTY
19 DOLLARS. THE STORE SHALL RETAIN THOSE COLLECTED FEES UNTIL THE
20 STORE HAS MORE THAN TWENTY DOLLARS WORTH OF COLLECTED FEES TO
21 REMIT AND SHALL REMIT THOSE FEES AS PART OF THE NEXT QUARTERLY
22 REMITTANCE.

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

26 (B) THIS SUBSECTION (3)(d)(III) IS REPEALED, EFFECTIVE JULY 1,
27 2022.

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

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

11 (I) JANUARY 1, 2023, IF THE SCHOOL IS A MIDDLE OR JUNIOR HIGH
12 SCHOOL, A RURAL ELEMENTARY SCHOOL, OR A KINDERGARTEN THROUGH
13 TWELFTH GRADE SCHOOL; OR

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

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

21 **25-17-507. Enforcement - possible penalties.** (1) (a) EXCEPT AS
22 PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, A LOCAL GOVERNMENT
23 MAY ENFORCE A VIOLATION OF THIS PART 5 AGAINST A STORE OR RETAIL
24 FOOD ESTABLISHMENT THAT IS LOCATED WITHIN THE BOUNDARIES OF THE
25 LOCAL GOVERNMENT IN THE MANNER THAT THE LOCAL GOVERNMENT
26 CHOOSES.

27 (b) (I) A COUNTY THAT CHOOSES TO ENFORCE A VIOLATION OF THIS

1 PART 5 AGAINST A STORE OR RETAIL FOOD ESTABLISHMENT LOCATED
2 WITHIN THE UNINCORPORATED BOUNDARIES OF THE COUNTY MAY SEEK
3 INJUNCTIVE RELIEF AGAINST THE STORE OR RETAIL FOOD ESTABLISHMENT
4 OR MAY ASSESS THE FOLLOWING CIVIL PENALTIES AGAINST THE STORE OR
5 RETAIL FOOD ESTABLISHMENT:

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

7 (B) UP TO ONE THOUSAND DOLLARS FOR A THIRD OR SUBSEQUENT
8 VIOLATION.

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

12 (2) FOR PURPOSES OF THIS SECTION, EACH RETAIL SALES
13 TRANSACTION IN WHICH A VIOLATION OF THIS PART 5 IS COMMITTED,
14 REGARDLESS OF WHETHER MULTIPLE VIOLATIONS OF THIS PART 5 ARE
15 COMMITTED IN ONE RETAIL SALES TRANSACTION, CONSTITUTES A SINGLE
16 VIOLATION OF THIS PART 5.

17 **25-17-508. Exemption for medical products.** NOTHING IN THIS
18 PART 5 PROHIBITS OR LIMITS THE USE OF ANY MATERIAL USED IN THE
19 PACKAGING OF A PRODUCT THAT IS REGULATED AS A DRUG, MEDICAL
20 DEVICE, OR DIETARY SUPPLEMENT BY THE FOOD AND DRUG
21 ADMINISTRATION IN THE UNITED STATES DEPARTMENT OF HEALTH AND
22 HUMAN SERVICES UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC
23 ACT", 21 U.S.C. SEC. 321 ET SEQ., AS AMENDED, OR ANY EQUIPMENT AND
24 MATERIALS USED TO MANUFACTURE SUCH PRODUCTS.

25 **25-17-509. Local government regulation as or more stringent**
26 **- regulation of medical products packaging preempted.** (1) EXCEPT
27 AS PROVIDED IN SUBSECTION (2) OF THIS SECTION, ON AND AFTER JULY 1,

1 2023, A LOCAL GOVERNMENT MAY ENACT, IMPLEMENT, OR ENFORCE ANY
2 ORDINANCE, RESOLUTION, RULE, OR CHARTER PROVISION THAT IS AS
3 STRINGENT AS OR MORE STRINGENT THAN THIS PART 5.

4 (2) A LOCAL GOVERNMENT SHALL NOT ENACT, IMPLEMENT, OR
5 ENFORCE ANY ORDINANCE, RESOLUTION, RULE, OR CHARTER PROVISION
6 THAT PROHIBITS OR LIMITS THE USE OF ANY MATERIAL USED IN THE
7 PACKAGING OF A PRODUCT THAT IS REGULATED AS A DRUG, MEDICAL
8 DEVICE, OR DIETARY SUPPLEMENT BY THE FOOD AND DRUG
9 ADMINISTRATION IN THE UNITED STATES DEPARTMENT OF HEALTH AND
10 HUMAN SERVICES UNDER THE "FEDERAL FOOD, DRUG, AND COSMETIC
11 ACT", 21 U.S.C. SEC. 321 ET SEQ., AS AMENDED, OR ANY EQUIPMENT AND
12 MATERIALS USED TO MANUFACTURE SUCH PRODUCTS.

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

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