

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

INTRODUCED

LLS NO. 23-0914.01 Sarah Lozano x3858

SENATE BILL 23-253

SENATE SPONSORSHIP

Cutter,

HOUSE SPONSORSHIP

Froelich,

Senate Committees

Business, Labor, & Technology

House Committees

A BILL FOR AN ACT

101 **CONCERNING STANDARDS FOR PRODUCTS REPRESENTED AS**
102 **COMPOSTABLE IN THE STATE.**

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 creates standards (standards) for products that are represented, marketed, or advertised in the state as being capable of undergoing decomposition in a controlled composting system as demonstrated in accordance with applicable international standards for compostable products set by ASTM International (compostable).

A producer is prohibited from representing a product as

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.

1 MECHANISMS FOR FOOD SCRAPS AND PLANT AND YARD TRIMMINGS TO GET
2 TO COMPOST FACILITIES;

3 (b) TO LEVERAGE THEIR POTENTIAL BENEFITS, IT IS VITAL TO
4 CLEARLY LABEL THESE PRODUCTS IN A WAY THAT MAKES THEM
5 IMMEDIATELY AND EASILY IDENTIFIABLE AS CERTIFIED COMPOSTABLE
6 UPON QUICK INSPECTION AT POINT OF SALE AND POINT OF USE AND IN A
7 PUBLIC SORTING AREA AND PROCESSING FACILITY;

8 (c) SALES OF FALSELY MARKETED OR "GREENWASHED" FOOD
9 SERVICE WARE AND PACKAGING PRODUCTS THAT LOOK LIKE CERTIFIED
10 COMPOSTABLE PRODUCTS YET DO NOT COMPOST ACCORDING TO THE
11 STANDARDS SET BY ASTM INTERNATIONAL ARE HARMFUL TO OUR
12 STATE'S ECONOMY BY:

13 (I) CAUSING UNDUE COST BURDEN TO INDIVIDUAL AND BUSINESS
14 CONSUMERS WHO WANT TO PURCHASE ENVIRONMENTALLY FRIENDLY
15 PRODUCTS, AND WHO OFTEN PAY MORE FOR THEM, BUT CANNOT DECIPHER
16 BETWEEN CERTIFIED COMPOSTABLE PRODUCTS AND THOSE THAT ARE
17 FALSELY MARKETED;

18 (II) CREATING CONFUSION FOR CONSUMERS WHO DO NOT KNOW
19 HOW TO PROPERLY DISPOSE OF FOOD SERVICE PRODUCTS AND PACKAGING;

20 (III) INCREASING COST AND OPERATIONAL CHALLENGES FOR
21 COMPOST MANUFACTURERS;

22 (IV) CONTAMINATING COMPOSTABLE MATERIAL STREAMS WITH
23 PLASTIC PRODUCTS THAT DO NOT COMPOST;

24 (V) CREATING SIGNIFICANT CONTAMINATION OF MICROPLASTICS
25 IN FINISHED COMPOST PRODUCTS; AND

26 (VI) REDUCING THE VALUE OF THE FINISHED COMPOST AND
27 SOMETIMES MAKING IT UNMARKETABLE;

1 (d) TO REDUCE THE BURDEN ON BUSINESSES AND THE
2 ENVIRONMENT IN PREPARATION FOR IMPLEMENTATION OF HOUSE BILL
3 21-1162, ENACTED IN 2021, THE GENERAL ASSEMBLY ADOPTED
4 STANDARDS RELATED TO THE LABELING OF PLASTIC AND COMPOSTABLE
5 PRODUCTS IN ORDER TO REDUCE CONTAMINATION OF THE WASTE STREAMS
6 HANDLED BY COMPOST AND ORGANIC MATERIAL MANAGEMENT FACILITIES
7 AND RECYCLING FACILITIES AND IMPROVE THE ECONOMIC VIABILITY OF
8 RESPONSIBLE ORGANIC MATERIAL MANAGEMENT OPTIONS;

9 (e) ENVIRONMENTAL MARKETING CLAIMS FOR PRODUCTS
10 MARKETED AS COMPOSTABLE, WHETHER IMPLICIT OR IMPLIED, SHOULD
11 ADHERE TO UNIFORM AND RECOGNIZED STANDARDS FOR COMPOSTABILITY
12 BECAUSE MISLEADING, CONFUSING, AND DECEPTIVE LABELING CAN
13 NEGATIVELY IMPACT LOCAL COMPOSTING PROGRAMS AND COMPOST
14 PROCESSORS;

15 (f) PRODUCTS MARKETED AS COMPOSTABLE SHOULD BE READILY
16 AND EASILY IDENTIFIABLE AS COMPLYING WITH UNIFORM AND
17 RECOGNIZED STANDARDS;

18 (g) SOME LEGITIMATELY COMPOSTABLE PACKAGING AND PRODUCT
19 PRODUCERS ARE ALREADY LABELING PRODUCTS AS COMPOSTABLE, BUT
20 MANY PRODUCERS ARE NOT OR HAVE COMPONENT PIECES THAT ARE NOT
21 COMPOSTABLE AND ARE NOT CLEARLY LABELED TO DIFFERENTIATE THEM
22 FROM THE COMPONENTS THAT TRULY ARE COMPOSTABLE; AND

23 (h) ALTHOUGH NOT ALL COMPOST MANUFACTURING FACILITIES
24 AND THEIR ASSOCIATED PROCESSING TECHNOLOGIES ACCEPT OR ARE
25 REQUIRED TO ACCEPT COMPOSTABLE PACKAGING AS FEEDSTOCKS,
26 IMPLEMENTING A STANDARDIZED SYSTEM AND VERIFICATION METHODS
27 MAY CREATE THE ABILITY FOR THESE FACILITIES TO ACCEPT THESE

1 PRODUCTS IN THE FUTURE.

2 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS IN
3 THE PUBLIC INTEREST OF THE STATE TO ESTABLISH STANDARDS FOR
4 PRODUCTS REPRESENTED, MARKETED, OR ADVERTISED AS COMPOSTABLE
5 AND TO ALLOW THE ATTORNEY GENERAL TO ENFORCE VIOLATIONS OF
6 THOSE STANDARDS AS UNFAIR OR DECEPTIVE TRADE PRACTICES.

7 **25-17-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "ASTM 5988" MEANS THE ASTM INTERNATIONAL STANDARD
10 5988 ENTITLED "STANDARD TEST METHOD FOR DETERMINING AEROBIC
11 BIODEGRADATION OF PLASTIC MATERIALS IN SOIL", AS THAT STANDARD
12 EXISTED AS OF JANUARY 1, 2019.

13 (2) "ASTM D6400" MEANS THE ASTM INTERNATIONAL
14 STANDARD D6400 ENTITLED "STANDARD SPECIFICATION FOR LABELING
15 OF PLASTICS DESIGNED TO BE AEROBICALLY COMPOSTED IN MUNICIPAL
16 OR INDUSTRIAL FACILITIES", AS THAT STANDARD EXISTED AS OF JANUARY
17 1, 2019.

18 (3) "ASTM D6868" MEANS THE ASTM INTERNATIONAL
19 STANDARD D6868 ENTITLED "STANDARD SPECIFICATION FOR LABELING
20 OF END ITEMS THAT INCORPORATE PLASTICS AND POLYMERS AS
21 COATINGS OR ADDITIVES WITH PAPER AND OTHER SUBSTRATES DESIGNED
22 TO BE AEROBICALLY COMPOSTED IN MUNICIPAL OR INDUSTRIAL
23 FACILITIES", AS THAT STANDARD EXISTED AS OF JANUARY 1, 2019.

24 (4) "ASTM INTERNATIONAL" MEANS ASTM INTERNATIONAL OR
25 ANY SUCCESSOR ENTITY.

26 (5) "BIODEGRADABLE MULCH FILM" MEANS ANY FILM PRODUCT:

27 (a) USED AS A TECHNICAL TOOL IN COMMERCIAL FARMING

- 1 APPLICATIONS;
- 2 (b) THAT BIODEGRADES IN SOIL AFTER BEING USED;
- 3 (c) THAT FULFILLS THE PLANT GROWTH AND REGULATED METALS
4 REQUIREMENTS OF ASTM D6400;
- 5 (d) THAT, AT AMBIENT TEMPERATURES AND IN SOIL, SHOWS AT
6 LEAST A NINETY PERCENT BIODEGRADATION ABSOLUTE OR RELATIVE TO
7 MICROCRYSTALLINE CELLULOSE OVER A PERIOD OF LESS THAN TWO
8 YEARS;
- 9 (e) THAT IS TESTED ACCORDING TO ISO 17556 OR ASTM 5988;
- 10 AND
- 11 (f) THAT MEETS THE REQUIREMENTS OF EN 17033.
- 12 (6) "CERTIFIED COMPOSTABLE" MEANS THAT A PRODUCT HAS
13 RECEIVED CERTIFICATION BY A RECOGNIZED, INDEPENDENT, THIRD-PARTY
14 VERIFICATION BODY THAT THE PRODUCT IS COMPOSTABLE.
- 15 (7) "COMMERCIAL COMPOSTING FACILITY" MEANS ANY SOLID
16 WASTE COMPOSTING FACILITY REGULATED BY THE DEPARTMENT THAT:
- 17 (a) ACCEPTS A FEE FOR SOLID WASTE COMPOSTING; OR
- 18 (b) COMPOSTS SOLID WASTE TO CREATE A COMPOST OR SOIL
19 AMENDMENT AND DISTRIBUTES THE FINISHED COMPOST OR SOIL
20 AMENDMENT OFFSITE FOR A FEE.
- 21 (8) "COMPOSTABLE" MEANS THAT A PRODUCT IS CAPABLE OF
22 UNDERGOING AEROBIC BIOLOGICAL DECOMPOSITION IN A CONTROLLED
23 COMPOSTING SYSTEM AS DEMONSTRATED IN ACCORDANCE WITH ASTM
24 D6400 OR ASTM D6868, AS APPLICABLE.
- 25 (9) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
26 AND ENVIRONMENT CREATED IN SECTION 24-1-119.
- 27 (10) "EN 17033" MEANS THE EUROPEAN STANDARD 17033

1 ENTITLED "PLASTICS - BIODEGRADABLE MULCH FILMS FOR USE IN
2 AGRICULTURE AND HORTICULTURE - REQUIREMENTS AND TEST METHODS",
3 AS THAT STANDARD EXISTED AS OF JANUARY 1, 2019.

4 (11) "FEDERAL TRADE COMMISSION GUIDELINES" MEANS THE
5 FEDERAL TRADE COMMISSION GUIDES FOR THE USE OF ENVIRONMENTAL
6 MARKETING CLAIMS, CODIFIED IN 16 CFR 260 ET SEQ., AS AMENDED.

7 (12) "FILM BAG" MEANS A BAG THAT IS A FILM PRODUCT.

8 (13) "FILM PRODUCT" MEANS A BAG, SACK, WRAP, OR OTHER
9 SHEET FILM PRODUCT THAT IS A SINGLE-USE PRODUCT MADE
10 PREDOMINANTLY OF PLASTIC DERIVED FROM NATURAL GAS, PETROLEUM,
11 OR A BIOLOGICALLY BASED SOURCE, INCLUDING CORN AND OTHER PLANT
12 SOURCES.

13 (14) (a) "FOOD SERVICE PRODUCT" MEANS A PRODUCT INTENDED
14 FOR ONE-TIME USE AND THAT IS USED FOR FOOD OR DRINK THAT IS
15 OFFERED FOR SALE OR USE.

16 (b) "FOOD SERVICE PRODUCT" INCLUDES CONTAINERS, PLATES,
17 BOWLS, CUPS, LIDS, BEVERAGE CONTAINERS, MEAT TRAYS, DELI ROUNDS,
18 UTENSILS, SACHETS, STRAWS, CONDIMENT PACKAGING, CLAMSHELLS AND
19 OTHER HINGED OR LIDDED CONTAINERS, WRAPS, AND PORTION CUPS.

20 (15) "ISO 17556" MEANS THE INTERNATIONAL ORGANIZATION FOR
21 STANDARDIZATION DOCUMENT ENTITLED "PLASTICS - DETERMINATION OF
22 THE ULTIMATE AEROBIC BIODEGRADABILITY OF PLASTIC MATERIALS IN
23 SOIL BY MEASURING THE OXYGEN DEMAND IN A RESPIROMETER OR THE
24 AMOUNT OF CARBON DIOXIDE EVOLVED", AS THAT DOCUMENT EXISTED AS
25 OF JANUARY 1, 2019.

26 (16) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
27 COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

1 (17) "PACKAGING" MEANS ANY MATERIAL THAT IS INTENDED FOR
2 SINGLE OR SHORT-TERM USE AND IS DESIGNED FOR THE CONTAINMENT,
3 PROTECTION, HANDLING, OR DELIVERY OF A PRODUCT.

4 (18) "PLASTIC FOOD SERVICE PRODUCT" MEANS A FOOD SERVICE
5 PRODUCT OR ITS PACKAGING THAT IS COMPRISED ENTIRELY OR PARTIALLY
6 OF:

7 (a) PLASTIC; OR

8 (b) FIBER OR PAPER WITH A PLASTIC COATING, WINDOW,
9 COMPONENT, OR ADDITIVE.

10 (19) (a) "PLASTIC PRODUCT" MEANS A PRODUCT MADE OF PLASTIC,
11 WHETHER ALONE OR IN COMBINATION WITH ANOTHER MATERIAL,
12 INCLUDING PAPERBOARD.

13 (b) "PLASTIC PRODUCT" INCLUDES:

14 (I) A PRODUCT MADE OF PETROCHEMICAL OR PLANT-BASED
15 PLASTICS;

16 (II) A PACKAGE OR PACKAGING COMPONENT THAT INCLUDES
17 PACKAGING PEANUTS;

18 (III) A FILM PRODUCT; AND

19 (IV) A FOOD SERVICE PRODUCT THAT IS A PLASTIC PRODUCT.

20 (20) "PRODUCER" HAS THE MEANING SET FORTH IN SECTION
21 25-17-703 (30).

22 (21) (a) "PRODUCT ACCESSORY" MEANS ANY STANDARD OR
23 COMMON COMPONENTS, APPURTENANCES, OR ACCESSORIES THAT ARE
24 SOLD, OFFERED FOR SALE, OR DISTRIBUTED WITH A PARTICULAR PRODUCT.

25 (b) "PRODUCT ACCESSORY" INCLUDES LIDS, STRAWS, AND LABELS.

26 (22) "PROPRIETARY INFORMATION" HAS THE MEANING SET FORTH
27 IN SECTION 25-17-703 (34).

1 (23) (a) "SMALL PRODUCT" MEANS A PRODUCT WITH A WIDTH OF
2 ONE-HALF INCH OR LESS OF PRINTABLE SURFACE SPACE.

3 (b) "SMALL PRODUCT" INCLUDES STRAWS AND UTENSILS.

4 (24) "UNTREATED WOOD" MEANS WOOD, INCLUDING RAW OR
5 KILN-DRIED WOOD, THAT IS UNPAINTED AND NOT TREATED WITH ANY
6 CHEMICALS INTENDED TO RESIST DECOMPOSITION.

7 (25) (a) "UTENSIL" MEANS A PRODUCT DESIGNED TO BE USED BY
8 A CONSUMER TO FACILITATE THE CONSUMPTION OF FOOD OR BEVERAGES.

9 (b) "UTENSIL" INCLUDES KNIVES, FORKS, SPOONS, SPORKS,
10 COCKTAIL PICKS, CHOPSTICKS, SPLASH STICKS, AND STIRRERS.

11 (26) "WOOD" MEANS RENEWABLE WOOD OR FIBER-BASED
12 SUBSTRATE.

13 **25-17-803. Requirements for products represented as**
14 **compostable.** (1) A PRODUCER OF A PRODUCT THAT IS SOLD, OFFERED
15 FOR SALE, OR DISTRIBUTED IN THE STATE SHALL NOT REPRESENT THE
16 PRODUCT AS COMPOSTABLE IN THE STATE UNLESS:

17 (a) THE PRODUCT IS CERTIFIED COMPOSTABLE IN ACCORDANCE
18 WITH ASTM D6400 OR ASTM D6868, AS APPLICABLE; AND

19 (b) TO THE EXTENT CONSISTENT WITH FEDERAL TRADE
20 COMMISSION GUIDELINES AND IN A MANNER THAT ENSURES THAT THE
21 PRODUCT IS EASILY AND IMMEDIATELY DISTINGUISHABLE AS CERTIFIED
22 COMPOSTABLE, AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION,
23 UPON QUICK INSPECTION AT POINT OF SALE AND POINT OF USE AND IN A
24 PUBLIC SORTING AREA AND PROCESSING FACILITY, THE PRODUCT AND ITS
25 PACKAGING:

26 (I) DISPLAY A CERTIFICATION LOGO THAT INDICATES THAT THE
27 PRODUCT IS CERTIFIED COMPOSTABLE;

1 (II) DISPLAY THE WORD "COMPOSTABLE" WHERE POSSIBLE; AND

2 (III) USE GREEN-COLORED OR BEIGE-COLORED LABELING OR
3 STRIPING OR OTHER EASILY RECOGNIZABLE GREEN OR BEIGE SYMBOLS,
4 COLORS, TINTING, MARKS, OR DESIGN PATTERNS THAT DIFFERENTIATE THE
5 PRODUCT FROM PRODUCTS THAT ARE NOT CERTIFIED COMPOSTABLE.

6 (2) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
7 CONTRARY, A PRODUCER OF ANY PRODUCT DESCRIBED IN SUBSECTION (1)
8 OF THIS SECTION THAT IS A SMALL PRODUCT IS REQUIRED TO COMPLY ONLY
9 WITH THE REQUIREMENTS OF SUBSECTION (1)(b)(I), (1)(b)(II), OR
10 (1)(b)(III) OF THIS SECTION.

11 (3) (a) ANY PRODUCT ACCESSORY THAT IS NOT A SMALL PRODUCT
12 AND THAT IS SOLD, OFFERED FOR SALE, OR DISTRIBUTED WITH ANY
13 PRODUCT DESCRIBED IN SUBSECTION (1) OF THIS SECTION MUST:

14 (I) COMPLY WITH SUBSECTION (1) OF THIS SECTION IF THE
15 PRODUCT IS CERTIFIED COMPOSTABLE;

16 (II) DISPLAY A LABEL ON THE PRODUCT ACCESSORY AND ITS
17 PACKAGING THAT CLEARLY DESCRIBES THE RECYCLABILITY OF THE
18 PRODUCT ACCESSORY; OR

19 (III) DISPLAY A LABEL ON THE PRODUCT ACCESSORY AND ITS
20 PACKAGING THAT INCLUDES THE PHRASE "LANDFILL ONLY".

21 (b) ANY PRODUCT ACCESSORY THAT IS A SMALL PRODUCT MAY
22 COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (2) AND (3)(a) OF THIS
23 SECTION, AS APPLICABLE, IN A MANNER THAT IS IN PROPORTION TO THE
24 SIZE OF THE PRODUCT ACCESSORY.

25 (4) NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE
26 CONTRARY, THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A
27 PRODUCER OF A PRODUCT THAT IS COMPRISED ENTIRELY OF UNTREATED

1 WOOD OR TO A PRODUCER OF A FILM PRODUCT.

2 **25-17-804. Requirements for film products represented as**

3 **compostable.** (1) A PRODUCER OF A FILM PRODUCT THAT IS SOLD,
4 OFFERED FOR SALE, OR DISTRIBUTED IN THE STATE SHALL NOT REPRESENT
5 THE FILM PRODUCT AS COMPOSTABLE IN THE STATE UNLESS:

6 (a) THE FILM PRODUCT IS CERTIFIED COMPOSTABLE IN
7 ACCORDANCE WITH ASTM D6400;

8 (b) TO THE EXTENT CONSISTENT WITH FEDERAL TRADE
9 COMMISSION GUIDELINES AND IN A MANNER THAT ENSURES THAT THE FILM
10 PRODUCT IS EASILY AND IMMEDIATELY DISTINGUISHABLE AS CERTIFIED
11 COMPOSTABLE, AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION,
12 UPON QUICK INSPECTION AT POINT OF SALE AND POINT OF USE AND IN A
13 PUBLIC SORTING AREA AND PROCESSING FACILITY, THE FILM PRODUCT AND
14 ITS PACKAGING:

15 (I) DISPLAY A CERTIFICATION LOGO THAT INDICATES THAT THE
16 FILM PRODUCT IS CERTIFIED COMPOSTABLE;

17 (II) ARE GREEN-COLORED OR BEIGE-COLORED OR HAVE A GREEN
18 OR BEIGE TINT; AND

19 (III) DISPLAY A LABEL THAT INCLUDES THE WORD
20 "COMPOSTABLE".

21 (2) (a) IF THE FILM PRODUCT DESCRIBED IN SUBSECTION (1) OF THIS
22 SECTION IS A FILM BAG, THE LABEL DESCRIBED IN SUBSECTION (1)(d)(III)
23 OF THIS SECTION MUST:

24 (I) BE ON BOTH SIDES OF THE FILM BAG AND ITS PACKAGING; AND

25 (II) EXCEPT AS DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION,
26 INCLUDE THE WORD "COMPOSTABLE" IN:

27 (A) GREEN-COLORED OR BEIGE-COLORED LETTERING AT LEAST

1 ONE INCH IN HEIGHT; OR

2 (B) LETTERING AT LEAST ONE-HALF INCH IN HEIGHT WITHIN A
3 CONTRASTING GREEN-COLORED OR BEIGE-COLORED BAND AT LEAST ONE
4 INCH IN HEIGHT.

5 (b) IF THE FILM BAG DESCRIBED IN SUBSECTION (2)(a) OF THIS
6 SECTION IS SMALLER THAN FOURTEEN INCHES BY FOURTEEN INCHES, THE
7 LETTERING AND BAND REQUIRED PURSUANT TO SUBSECTION (2)(a)(II) OF
8 THIS SECTION MAY BE IN PROPORTION TO THE SIZE OF THE FILM BAG AND
9 ITS PACKAGING.

10 **25-17-805. Marketing and advertising prohibitions for**
11 **products that are not certified compostable - misleading labels,**
12 **images, and words - plastic products. (1) A PRODUCER OF A PRODUCT**
13 **THAT IS NOT CERTIFIED COMPOSTABLE SHALL NOT MARKET OR ADVERTISE**
14 **THE PRODUCT IN THE STATE USING:**

15 (a) TINTING, COLOR SCHEMES, LABELING, OR WORDS THAT ARE
16 REQUIRED FOR PRODUCTS REPRESENTED AS COMPOSTABLE PURSUANT TO
17 SECTIONS 25-17-803 AND 25-17-804, AS APPLICABLE; OR

18 (b) LABELING, IMAGES, OR WORDS THAT COULD BE REASONABLY
19 ANTICIPATED TO MISLEAD CONSUMERS INTO BELIEVING THAT THE
20 PRODUCT IS COMPOSTABLE.

21 (2) (a) A PRODUCER OF A PLASTIC PRODUCT SHALL NOT MARKET
22 OR ADVERTISE THE PRODUCT IN THE STATE USING:

23 (I) THE WORDS "NATURAL", "BIODEGRADABLE", "DEGRADABLE",
24 "DECOMPOSABLE", "OXO-DEGRADABLE", "BIOASSIMILABLE",
25 "OMNIDEGRADABLE", OR ANY OTHER SIMILAR FORM OF THESE WORDS; OR

26 (II) ANY LABELING, IMAGES, OR WORDS THAT IMPLY THAT THE
27 PLASTIC PRODUCT WILL EVENTUALLY BREAK DOWN, FRAGMENT,

1 BIODEGRADE, OR DECOMPOSE IN A LANDFILL OR OTHER ENVIRONMENT IN
2 THE SAME MANNER AS A PRODUCT THAT IS CERTIFIED COMPOSTABLE.

3 (b) THE PROHIBITIONS IN SUBSECTION (2)(a) OF THIS SECTION DO
4 NOT APPLY TO BIODEGRADABLE MULCH FILM.

5 (3) A PRODUCER OF A PRODUCT THAT IS COMPOSTABLE SHALL NOT
6 MARKET OR ADVERTISE THE PRODUCT USING A CHASING ARROW RESIN
7 IDENTIFICATION CODE OR RECYCLING SYMBOL OF ANY FORM.

8 (4) EACH PRODUCER THAT SELLS, OFFERS FOR SALE, OR
9 DISTRIBUTES A PRODUCT IN THE STATE IS ENCOURAGED TO USE LABELING,
10 IMAGES, AND WORDS THAT ASSIST CONSUMERS IN IDENTIFYING PRODUCTS
11 THAT ARE SUITABLE FOR RECYCLING OR LANDFILL ONLY, AS APPLICABLE,
12 AND THAT ARE NOT COMPOSTABLE.

13 (5) THE REQUIREMENTS OF THIS SECTION APPLY ONLY TO THE
14 EXTENT CONSISTENT WITH ANY APPLICABLE FEDERAL LAW.

15 **25-17-806. Proof of compliance - information on commercial**
16 **composting environment.** (1) ON AND AFTER JANUARY 1, 2024, AT THE
17 REQUEST OF ANY PERSON, INCLUDING THE ATTORNEY GENERAL, A
18 PRODUCER SHALL PROVIDE INFORMATION AND DOCUMENTATION
19 DEMONSTRATING THE PRODUCER'S COMPLIANCE WITH THIS PART 8 IN A
20 FORMAT THAT IS EASILY UNDERSTANDABLE AND SCIENTIFICALLY
21 ACCURATE, WHICH MAY INCLUDE PROVIDING A CERTIFICATION
22 DEMONSTRATING THAT A PRODUCT IS CERTIFIED COMPOSTABLE.

23 (2) AT THE REQUEST OF A COMMERCIAL COMPOSTING FACILITY, A
24 PRODUCER IS ENCOURAGED TO PROVIDE THE COMMERCIAL COMPOSTING
25 FACILITY INFORMATION REGARDING THE CHARACTERISTICS, SUCH AS HEAT
26 OR MOISTURE LEVELS, OF THE COMMERCIAL COMPOSTING ENVIRONMENT
27 IN WHICH THE PRODUCER'S PRODUCT HAS BEEN TESTED AND FOUND TO BE

1 COMPOSTABLE.

2 (3) NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE
3 CONTRARY, NOTHING IN THIS SECTION REQUIRES A PRODUCER TO DISCLOSE
4 PROPRIETARY INFORMATION TO ANY PERSON.

5 **25-17-807. Education and outreach - complaint forum - unfair**
6 **or deceptive trade practice.** (1) THE DEPARTMENT SHALL, IN
7 COLLABORATION WITH LOCAL GOVERNMENTS, CONDUCT EDUCATION AND
8 OUTREACH ACTIVITIES TO INFORM RETAIL ESTABLISHMENTS, CONSUMERS,
9 PRODUCERS, AND RETAILERS ABOUT THE REQUIREMENTS AND
10 PROHIBITIONS OF THIS PART 8.

11 (2) (a) ON OR BEFORE JANUARY 1, 2024, THE DEPARTMENT SHALL
12 ESTABLISH A FORUM THAT ALLOWS ANY PERSON TO FILE A COMPLAINT
13 AGAINST A PRODUCER FOR A VIOLATION OF THIS PART 8. THE FORUM
14 ESTABLISHED BY THE DEPARTMENT MAY INCLUDE ANY OF THE FOLLOWING
15 MECHANISMS TO RECEIVE COMPLAINTS:

16 (I) A COMPLAINT FORM ON THE DEPARTMENT'S WEBSITE;

17 (II) A TELEPHONE HOTLINE; OR

18 (III) A PUBLIC OUTREACH STRATEGY BASED ON SOCIAL MEDIA.

19 (b) THE DEPARTMENT SHALL PROVIDE ANY NONFRIVOLOUS AND
20 NONTRIVIAL COMPLAINTS RECEIVED THROUGH THE FORUM TO THE
21 ATTORNEY GENERAL'S OFFICE.

22 (3) ON AND AFTER JANUARY 1, 2024, A VIOLATION OF THIS PART
23 8 IS AN UNFAIR OR DECEPTIVE TRADE PRACTICE IN ACCORDANCE WITH
24 SECTION 6-1-105.

25 **SECTION 2.** In Colorado Revised Statutes, 6-1-105, **add**
26 (1)(uuu) as follows:

27 **6-1-105. Unfair or deceptive trade practices.** (1) A person

1 engages in a deceptive trade practice when, in the course of the person's
2 business, vocation, or occupation, the person:

3 (uuu) VIOLATES PART 8 OF ARTICLE 17 OF TITLE 25 ON OR AFTER
4 JANUARY 1, 2024.

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.