

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

REREVISED

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

LLS NO. 23-0914.01 Sarah Lozano x3858

SENATE BILL 23-253

SENATE SPONSORSHIP

Cutter, Buckner, Danielson, Fenberg, Fields, Gonzales, Hansen, Jaquez Lewis, Marchman, Moreno, Priola, Sullivan, Winter F.

HOUSE SPONSORSHIP

Froelich and McCormick, Amabile, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, Hamrick, Jodeh, Joseph, Kipp, Lindsay, McCluskie, Michaelson Jenet, Ortiz, Parenti, Sirota, Snyder, Story, Titone, Valdez, Velasco, Vigil, Willford, Young

Senate Committees

Business, Labor, & Technology
Appropriations

House Committees

Energy & Environment
Appropriations

HOUSE
3rd Reading Unamended
May 2, 2023

A BILL FOR AN ACT

101 **CONCERNING STANDARDS FOR PRODUCTS REPRESENTED AS**
102 **COMPOSTABLE IN THE STATE, AND IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

HOUSE
2nd Reading Unamended
May 1, 2023

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>.)

SENATE
3rd Reading Unamended
April 19, 2023

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).

SENATE
Amended 2nd Reading
April 18, 2023

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.

A producer is prohibited from representing a product as compostable unless the product has received certification by a recognized, independent, third-party verification body that the product is compostable (certified compostable). The product must also comply with specific labeling standards that ensure that the product is easily and immediately distinguishable as certified compostable at point of sale and point of use and in a public sorting area and processing facility.

A producer of a product that is not certified compostable is prohibited from marketing or advertising the product using:

- Tinting, color schemes, labeling, images, or words that are required for products that are certified compostable; or
- Labeling, images, or words that could be reasonably anticipated to mislead consumers into believing that the product is compostable.

A producer of a plastic product that is not certified compostable is prohibited from using any words, labeling, or images that imply that the plastic product will eventually break down, fragment, biodegrade, or decompose in a landfill or other environment.

Upon the request of any person, a producer must provide information and documentation demonstrating the producer's compliance with any applicable standards.

The department of public health and environment (department) is required to conduct education and outreach activities to inform the public about the standards.

On or before January 1, 2024, the department is required to establish a forum that allows any person to file a complaint against a producer for violation of the standards.

On and after January 1, 2024, a producer that violates the standards engages in an unfair or deceptive trade practice.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 8 to article
3 17 of title 25 as follows:

4 PART 8

5 STANDARDS FOR PRODUCTS

6 REPRESENTED AS COMPOSTABLE

7 **25-17-801. Legislative declaration.** (1) THE GENERAL ASSEMBLY
8 FINDS AND DECLARES THAT:

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(a) COMPOSTING AND RECYCLING ARE TWO OF THE MOST COST-EFFECTIVE CLIMATE CHANGE SOLUTIONS THAT CAN BE IMPLEMENTED;

(b) LANDFILLING FOOD SCRAPS AND YARD TRIMMINGS CAUSES THESE ORGANIC MATERIALS TO DECOMPOSE WITHOUT OXYGEN CREATING VAST AMOUNTS OF METHANE, A GREENHOUSE GAS THAT IS EIGHTY-FOUR TIMES MORE POTENT THAN CARBON DIOXIDE IN THE SHORT TERM;

(c) DIVERTING THESE ORGANIC MATERIALS INTO LOCAL CIRCULAR SYSTEMS CREATES JOBS AND SUPPORTS THE GROWING NUMBER OF COMPOSTING HAULING AND PROCESSING BUSINESSES IN THE STATE;

(d) FINISHED COMPOST IS A VALUABLE SOIL AMENDMENT THAT BUILDS HEALTHIER SOILS THAT ARE MORE RESILIENT TO DROUGHT AND FLOODING AND CREATES MORE PRODUCTIVE AGRICULTURAL LANDS;

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

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

(I) CREATING CONFUSION AND CAUSING UNDUE COST BURDEN TO INDIVIDUAL AND BUSINESS CONSUMERS;

1 (II) INCREASING COST AND OPERATIONAL CHALLENGES FOR
2 COMPOST MANUFACTURERS;

3 (III) CONTAMINATING COMPOSTABLE MATERIAL STREAMS; AND

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5 (IV) REDUCING THE VALUE OF THE FINISHED COMPOST AND
6 SOMETIMES MAKING IT UNMARKETABLE;

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8 (g) ENVIRONMENTAL MARKETING CLAIMS FOR PRODUCTS
9 MARKETED AS COMPOSTABLE, WHETHER IMPLICIT OR IMPLIED, SHOULD
10 ADHERE TO UNIFORM AND RECOGNIZED STANDARDS FOR COMPOSTABILITY;

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12 (h) PRODUCTS MARKETED AS COMPOSTABLE SHOULD BE READILY
13 AND EASILY IDENTIFIABLE AS COMPLYING WITH UNIFORM AND
14 RECOGNIZED STANDARDS; AND

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16 (i) IMPLEMENTING A STANDARDIZED SYSTEM AND VERIFICATION
17 METHODS MAY CREATE THE ABILITY FOR COMPOST FACILITIES TO ACCEPT
18 THESE PRODUCTS IN THE FUTURE.

19 (2) THE GENERAL ASSEMBLY THEREFORE DECLARES THAT IT IS IN
20 THE PUBLIC INTEREST OF THE STATE TO ESTABLISH STANDARDS FOR
21 PRODUCTS REPRESENTED, MARKETED, OR ADVERTISED AS COMPOSTABLE.

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23 **25-17-802. Definitions.** AS USED IN THIS PART 8, UNLESS THE
24 CONTEXT OTHERWISE REQUIRES:

25 (1) "ASTM 5988" MEANS THE ASTM INTERNATIONAL STANDARD
26 5988 ENTITLED "STANDARD TEST METHOD FOR DETERMINING AEROBIC
27 BIODEGRADATION OF PLASTIC MATERIALS IN SOIL", AS THAT STANDARD

1 EXISTED AS OF JANUARY 1, 2019.

2 (2) "ASTM D6400" MEANS THE ASTM INTERNATIONAL
3 STANDARD D6400 ENTITLED "STANDARD SPECIFICATION FOR LABELING
4 OF PLASTICS DESIGNED TO BE AEROBICALLY COMPOSTED IN MUNICIPAL
5 OR INDUSTRIAL FACILITIES", AS THAT STANDARD EXISTED AS OF JANUARY
6 1, 2019.

7 (3) "ASTM D6868" MEANS THE ASTM INTERNATIONAL
8 STANDARD D6868 ENTITLED "STANDARD SPECIFICATION FOR LABELING
9 OF END ITEMS THAT INCORPORATE PLASTICS AND POLYMERS AS
10 COATINGS OR ADDITIVES WITH PAPER AND OTHER SUBSTRATES DESIGNED
11 TO BE AEROBICALLY COMPOSTED IN MUNICIPAL OR INDUSTRIAL
12 FACILITIES", AS THAT STANDARD EXISTED AS OF JANUARY 1, 2019.

13 (4) "ASTM INTERNATIONAL" MEANS ASTM INTERNATIONAL OR
14 ANY SUCCESSOR ENTITY.

15 (5) "BIODEGRADABLE MULCH FILM" MEANS ANY FILM PRODUCT
16 USED AS A TECHNICAL TOOL IN COMMERCIAL FARMING APPLICATIONS
17 THAT:

18 (a) FULFILLS THE PLANT GROWTH AND REGULATED METALS
19 REQUIREMENTS OF ASTM D6400; AND

20 (b) SHOWS AT LEAST A NINETY PERCENT BIODEGRADATION
21 ABSOLUTE OR RELATIVE TO MICROCRYSTALLINE CELLULOSE OVER A
22 PERIOD OF LESS THAN TWO YEARS ACCORDING TO ISO 17556 OR ASTM
23 5988.

24 (6) "CERTIFIED COMPOSTABLE" MEANS THAT A PRODUCT HAS
25 RECEIVED CERTIFICATION BY A RECOGNIZED, INDEPENDENT, THIRD-PARTY
26 VERIFICATION BODY THAT THE PRODUCT IS COMPOSTABLE.

27 (7) "COMMERCIAL COMPOSTING FACILITY" MEANS ANY SOLID

1 WASTE COMPOSTING FACILITY REGULATED BY THE DEPARTMENT THAT:

2 (a) ACCEPTS A FEE FOR SOLID WASTE COMPOSTING; OR

3 (b) COMPOSTS SOLID WASTE TO CREATE A COMPOST OR SOIL
4 AMENDMENT AND DISTRIBUTES THE FINISHED COMPOST OR SOIL
5 AMENDMENT OFFSITE FOR A FEE.

6 (8) "COMPOSTABLE" MEANS THAT A PRODUCT IS CAPABLE OF
7 UNDERGOING AEROBIC BIOLOGICAL DECOMPOSITION IN A CONTROLLED
8 COMPOSTING SYSTEM AS DEMONSTRATED IN ACCORDANCE WITH ASTM
9 D6400 OR ASTM D6868, AS APPLICABLE.

10 (9) "DEPARTMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH
11 AND ENVIRONMENT CREATED IN SECTION 24-1-119.

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13 (10) "FEDERAL TRADE COMMISSION GUIDELINES" MEANS THE
14 FEDERAL TRADE COMMISSION GUIDES FOR THE USE OF ENVIRONMENTAL
15 MARKETING CLAIMS, CODIFIED IN 16 CFR 260 ET SEQ., AS AMENDED.

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17 (11) "FILM PRODUCT" MEANS A BAG, SACK, WRAP, OR OTHER
18 SHEET FILM PRODUCT THAT IS A SINGLE-USE PRODUCT MADE
19 PREDOMINANTLY OF PLASTIC DERIVED FROM NATURAL GAS, PETROLEUM,
20 OR A BIOLOGICALLY BASED SOURCE, INCLUDING CORN AND OTHER PLANT
21 SOURCES.

22 (12) (a) "FOOD SERVICE PRODUCT" MEANS A PRODUCT INTENDED
23 FOR ONE-TIME USE AND THAT IS USED FOR FOOD OR DRINK THAT IS
24 OFFERED FOR SALE OR USE.

25 (b) "FOOD SERVICE PRODUCT" INCLUDES CONTAINERS, PLATES,
26 BOWLS, CUPS, LIDS, BEVERAGE CONTAINERS, MEAT TRAYS, DELI ROUNDS,
27 UTENSILS, SACHETS, STRAWS, CONDIMENT PACKAGING, CLAMSHELLS AND

1 OTHER HINGED OR LIDDED CONTAINERS, WRAPS, AND PORTION CUPS.

2 (13) "ISO 17556" MEANS THE INTERNATIONAL ORGANIZATION FOR
3 STANDARDIZATION DOCUMENT ENTITLED "PLASTICS - DETERMINATION OF
4 THE ULTIMATE AEROBIC BIODEGRADABILITY OF PLASTIC MATERIALS IN
5 SOIL BY MEASURING THE OXYGEN DEMAND IN A RESPIROMETER OR THE
6 AMOUNT OF CARBON DIOXIDE EVOLVED", AS THAT DOCUMENT EXISTED AS
7 OF JANUARY 1, 2019.

8 (14) "LOCAL GOVERNMENT" MEANS A HOME RULE OR STATUTORY
9 COUNTY, MUNICIPALITY, OR CITY AND COUNTY.

10 (15) "PACKAGING" MEANS ANY MATERIAL THAT IS INTENDED FOR
11 SINGLE OR SHORT-TERM USE AND IS DESIGNED FOR THE CONTAINMENT,
12 PROTECTION, HANDLING, OR DELIVERY OF A PRODUCT.

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14 (16) (a) "PLASTIC PRODUCT" MEANS A PRODUCT MADE OF PLASTIC,
15 WHETHER ALONE OR IN COMBINATION WITH ANOTHER MATERIAL,
16 INCLUDING PAPERBOARD.

17 (b) "PLASTIC PRODUCT" INCLUDES:
18 (I) A PRODUCT MADE OF PETROCHEMICAL OR PLANT-BASED
19 PLASTICS;
20 (II) A PACKAGE OR PACKAGING COMPONENT;
21 (III) A FILM PRODUCT; AND
22 (IV) A FOOD SERVICE PRODUCT THAT IS A PLASTIC PRODUCT.

23 (17) (a) "PRODUCER" HAS THE MEANING SET FORTH IN SECTION
24 25-17-703 (30).

25 (b) "PRODUCER" DOES NOT INCLUDE ANY PERSON DESCRIBED IN
26 SECTION 25-17-713 (1)(e) AND (1)(f).

27 (18) (a) "PRODUCT ACCESSORY" MEANS ANY STANDARD OR

1 COMMON COMPONENTS, APPURTENANCES, OR ACCESSORIES THAT ARE
2 SOLD, OFFERED FOR SALE, OR DISTRIBUTED WITH A PARTICULAR PRODUCT.

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

4 (19) "PROPRIETARY INFORMATION" HAS THE MEANING SET FORTH
5 IN SECTION 25-17-703 (34).

6 (20) (a) "SMALL PRODUCT" MEANS A PRODUCT WITH A WIDTH OF
7 ONE-HALF INCH OR LESS OF PRINTABLE SURFACE SPACE.

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

9 (21) "UNTREATED WOOD" MEANS WOOD, INCLUDING RAW OR
10 KILN-DRIED WOOD, THAT IS UNPAINTED AND NOT TREATED WITH ANY
11 CHEMICALS INTENDED TO RESIST DECOMPOSITION.

12 (22) (a) "UTENSIL" MEANS A PRODUCT DESIGNED TO BE USED BY
13 A CONSUMER TO FACILITATE THE CONSUMPTION OF FOOD OR BEVERAGES.

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

16 (23) "WOOD" MEANS RENEWABLE WOOD OR FIBER-BASED
17 SUBSTRATE.

18 **25-17-803. Requirements for products represented as**
19 **compostable.** (1) A PRODUCER OF A PRODUCT THAT IS SOLD, OFFERED
20 FOR SALE, OR DISTRIBUTED IN THE STATE SHALL NOT REPRESENT THE
21 PRODUCT AS COMPOSTABLE IN THE STATE UNLESS:

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

24 (b) TO THE EXTENT CONSISTENT WITH FEDERAL TRADE
25 COMMISSION GUIDELINES AND IN A MANNER THAT ENSURES THAT THE
26 PRODUCT IS EASILY AND IMMEDIATELY DISTINGUISHABLE AS CERTIFIED
27 COMPOSTABLE, AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION,

1 UPON QUICK INSPECTION AT POINT OF SALE AND POINT OF USE AND IN A
2 PUBLIC SORTING AREA AND PROCESSING FACILITY, THE PRODUCT AND ITS
3 PACKAGING:

4 (I) DISPLAY A CERTIFICATION LOGO THAT INDICATES THAT THE
5 PRODUCT IS CERTIFIED COMPOSTABLE;

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

7 (III) USE GREEN-COLORED LABELING OR STRIPING OR OTHER
8 EASILY RECOGNIZABLE GREEN SYMBOLS, COLORS, TINTING, MARKS, OR
9 DESIGN PATTERNS THAT DIFFERENTIATE THE PRODUCT FROM PRODUCTS
10 THAT ARE NOT CERTIFIED COMPOSTABLE.

11 (2) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
12 CONTRARY, A PRODUCER OF ANY PRODUCT DESCRIBED IN SUBSECTION (1)
13 OF THIS SECTION THAT IS A SMALL PRODUCT IS REQUIRED TO COMPLY ONLY
14 WITH THE REQUIREMENTS OF SUBSECTION (1)(b)(I), (1)(b)(II), OR
15 (1)(b)(III) OF THIS SECTION.

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

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

21 (II) DISPLAY A LABEL ON THE PRODUCT ACCESSORY AND ITS
22 PACKAGING THAT CLEARLY DESCRIBES THE RECYCLABILITY OF THE
23 PRODUCT ACCESSORY; OR

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

26 (b) ANY PRODUCT ACCESSORY THAT IS A SMALL PRODUCT MAY
27 COMPLY WITH THE REQUIREMENTS OF SUBSECTIONS (2) AND (3)(a) OF THIS

1 SECTION, AS APPLICABLE, IN A MANNER THAT IS IN PROPORTION TO THE
2 SIZE OF THE PRODUCT ACCESSORY.

3 (4) NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE
4 CONTRARY, THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO A
5 PRODUCER OF A PRODUCT THAT IS COMPRISED ENTIRELY OF UNTREATED
6 WOOD.

7 (5) THIS SECTION IS EFFECTIVE JULY 1, 2024.

8 **25-17-804. Marketing and advertising prohibitions for**
9 **products that are not certified compostable - misleading labels,**
10 **images, and words - plastic products.** (1) A PRODUCER OF A PRODUCT
11 THAT IS NOT CERTIFIED COMPOSTABLE SHALL NOT MARKET OR ADVERTISE
12 THE PRODUCT IN THE STATE USING:

13 (a) TINTING, COLOR SCHEMES, LABELING, OR WORDS THAT ARE
14 REQUIRED FOR PRODUCTS REPRESENTED AS COMPOSTABLE PURSUANT TO
15 SECTION 25-17-803; OR

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

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

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

24 (II) ANY LABELING, IMAGES, OR WORDS THAT IMPLY THAT THE
25 PLASTIC PRODUCT WILL EVENTUALLY BREAK DOWN, FRAGMENT,
26 BIODEGRADE, OR DECOMPOSE IN A LANDFILL OR OTHER ENVIRONMENT IN
27 THE SAME MANNER AS A PRODUCT THAT IS CERTIFIED COMPOSTABLE.

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

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

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

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

13 (6) THE PROHIBITION IN SUBSECTION (1)(a) OF THIS SECTION DOES
14 NOT APPLY TO BRAND COLORS OR COLORS USED IN A MANNER THAT IS NOT
15 CLEARLY INTENDED TO INDICATE COMPOSTABILITY.

16 (7) THIS SECTION IS EFFECTIVE JANUARY 1, 2024.

17 **25-17-805. Proof of compliance - information on commercial**
18 **composting environment.** (1) ON AND AFTER JANUARY 1, 2024, AT THE
19 REQUEST OF ANY PERSON, INCLUDING THE ATTORNEY GENERAL, A
20 PRODUCER SHALL PROVIDE INFORMATION AND DOCUMENTATION
21 DEMONSTRATING THE PRODUCER'S COMPLIANCE WITH THIS PART 8 IN A
22 FORMAT THAT IS EASILY UNDERSTANDABLE AND SCIENTIFICALLY
23 ACCURATE, WHICH MAY INCLUDE PROVIDING A CERTIFICATION
24 DEMONSTRATING THAT A PRODUCT IS CERTIFIED COMPOSTABLE.

25 (2) AT THE REQUEST OF A COMMERCIAL COMPOSTING FACILITY, A
26 PRODUCER IS ENCOURAGED TO PROVIDE THE COMMERCIAL COMPOSTING
27 FACILITY INFORMATION REGARDING THE CHARACTERISTICS, SUCH AS HEAT

1 OR MOISTURE LEVELS, OF THE COMMERCIAL COMPOSTING ENVIRONMENT
2 IN WHICH THE PRODUCER'S PRODUCT HAS BEEN TESTED AND FOUND TO BE
3 COMPOSTABLE.

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

7 **25-17-806. Education and outreach - complaint forum.**

8 (1) THE DEPARTMENT SHALL, IN COLLABORATION WITH LOCAL
9 GOVERNMENTS, CONDUCT EDUCATION AND OUTREACH ACTIVITIES TO
10 INFORM RETAIL ESTABLISHMENTS, CONSUMERS, PRODUCERS, AND
11 RETAILERS ABOUT THE REQUIREMENTS AND PROHIBITIONS OF THIS PART 8.

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

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

18 (II) A TELEPHONE HOTLINE; OR

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

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

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24 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
25 \$26,250 is appropriated to the department of public health and
26 environment for use by the hazardous materials and waste management
27 division. This appropriation is from the general fund and is based on an

1 assumption that the division will require an additional 0.4 FTE. To
2 implement this act, the division may use this appropriation for solid waste
3 control program.

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2024 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.