



Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

Room 029 State Capitol, Denver, CO 80203-1784

Phone: (303) 866-3521 • Fax: (303) 866-3855

lcs.ga@state.co.us • leg.colorado.gov/lcs

Memorandum

June 21, 2019

TO: Representative Julie McCluskie

FROM: Andrea Denka, Research Analyst, 303-866-4781

SUBJECT: Single-Use Plastics Legislation

This memorandum responds to your request for information on legislation related to single-use plastics that has been proposed in Colorado since 2009 and information on other states proposed legislation in 2019. Staff has identified five such proposed bills in Colorado since 2009, and 246 bills proposed nationwide in 2019.

Single-Use Plastics

Single-use plastics are plastic goods that are designed to be used once for a single purpose before they are discarded. These plastics are sometimes inexpensive, convenient, sterile, or efficient for manufactures to create and for consumers to use. Single-use plastics are sometimes inefficient to recycle because of high costs or technological issues such as burning plastic during the recycling process. According to the U.S. Environmental Protection Agency (EPA), over 380 billion single-use plastic products are used and discarded in the United States each year. Common single-use plastic products include:

- plastic bags;
- water bottles;
- utensils;
- straws;
- syringes; and
- bandages.

Once a plastic product is discarded, it will break down over time into smaller fragments known as microplastics, instead of disintegrating. These microplastics can be present in the environment for an extended period of time and may be harmful to humans, animals, and the environment. Some plastics

Open records requirements: Pursuant to Section 24-72-202 (6.5)(b), C.R.S., research memoranda and other final products of Legislative Council Staff are considered public records and subject to public inspection unless: a) the research is related to proposed or pending legislation; and b) the legislator requesting the research specifically asks that the research be permanently considered "work product" and not subject to public inspection. If you would like to designate this memorandum to be permanently considered "work product" not subject to public inspection, or if you think additional research is required and this is not a final product, please contact the Legislative Council Librarian at (303) 866-4011 within seven days of the date of the memorandum.

contain known carcinogens, which can be highly toxic to humans and animals if ingested or inhaled in large amounts.¹ Plastic waste can also clog waterways and sewers, which can then lead to increased flooding and to more plastics ending up in oceans.

In an effort to reduce plastic landfill waste, a number of states have proposed and enacted legislation to regulate single-use plastics. These can include eliminating the use of specific plastic products within a certain industry or within a jurisdiction. Some states have also established fines for using regulated single-use plastics, or charge extra fees for the use of certain products. Most single-use plastic regulations are focused on eliminating the use of plastic bags, straws, or bottles.

Proposed Legislation in Colorado

The Colorado General Assembly has considered five bills related to the regulation of single-use plastics since 2009. All were postponed indefinitely.

Senate Bill 09-156 would have created the Plastic Bag Reduction Act. This act would have required certain stores to charge customers a fee of six cents per plastic bag. It also prohibited stores from providing plastic bags to customers, with certain exceptions, beginning in 2012. Finally, the bill would have made noncompliance with the act a class 2 petty offense with fees up to \$500 per violation.

House Bill 14-1226 would have repealed the restriction that a local government is not authorized to regulate the use or sale of plastic materials or products.

Senate Bill 19-034 would have allowed a local government to set standards for ready-to-eat food containers from restaurants that may be recycled or composted. It also specified that recycling these containers does not include energy recovery or generation through combustion.

Senate Bill 19-243 would have prohibited some restaurants from distributing an expanded polystyrene container for off-site food consumption beginning in 2024. The bill also would have allowed the Colorado Department of Public Health and Environment to seek injunctive relief for violations.

House Bill 19-1143 would have prohibited some restaurants from providing single-use plastic straws unless requested by a customer. This prohibition did not apply to self-serve dispensers, drive-through window service, delivery, or pre-packaged food. The bill also would have prohibited a local government from regulating the use of single-use straws.

Single-Use Plastics Legislation in Other States

Many states proposed legislation related to single-use plastics in 2019. According to the National Conference of State Legislatures, 246 bills were proposed in 2019 that related to plastic waste or

¹UNEP (2018). SINGLE-USE PLASTICS: A Roadmap for Sustainability.
https://wedocs.unep.org/bitstream/handle/20.500.11822/25496/singleUsePlastic_sustainability.pdf?isAllowed=y&sequence=1

recycling. Table 1 summarizes the states that have proposed legislation on single-use plastics. In 2019, 32 states proposed single-use plastic legislation, four of which enacted legislation.

Table 1
State Single-Use Plastics Legislation

States that Have Proposed Single-Use Plastics Legislation	States that Have Passed Single-Use Plastics Legislation
Alaska	Hawaii
Arizona	Maryland
California*	Maine
Colorado	Vermont
Connecticut	
District of Columbia*	
Florida	
Idaho	
Illinois	
Indiana	
Kansas	
Kentucky	
Massachusetts*	
Minnesota	
Mississippi	
Montana	
New Hampshire*	
New Jersey*	
New York*	
Oregon*	
Pennsylvania*	
Puerto Rico*	
Rhode Island*	
South Carolina*	
Texas	
Virginia	
Washington	
West Virginia	

Source: National Conference of State Legislatures.

*These states have legislation pending in 2019

Some examples of proposed legislation in other states are listed below.

California. Assembly Bill 1162, which is pending, prohibits a lodging establishment from providing small plastic bottles containing personal care products.

Hawaii. Senate Resolution 23 designates the Hawaii State Capitol Building as a single-use plastic free zone. The resolution also directs the legislature to convene a working group to find solutions to reduce single-use plastics.

Maine. House Bill 19-213, which was signed by the Governor on April, 30, 2019, prohibits covered establishments from using disposable food containers made of polystyrene foam beginning January 1, 2020.

Maryland. House Bill 19-109, which takes effect on July 1, 2019, prohibits restaurants and schools from selling or providing expanded polystyrene food service products.

Oregon. House Bill 19-3089, which is pending, would prohibit the use of single-use plastic wine closures to seal wine bottles.

South Carolina. House Bill 19-3371, which is pending, prohibits certain stores from providing a single-use plastic bag to a customer.

Vermont. Senate Bill 19-113, which was signed by the Governor on June 17, 2019, prohibits a restaurant from giving out single-use plastic bags, single-use plastic stirrers, or expanded polystyrene products starting on July 1, 2021. The bill also prohibits restaurants from distributing plastic straws unless requested by the customer, and authorizes a restaurant to provide recyclable paper bags to customers for a fee of no less than of 10 cents per bag.

A complete list of the 246 proposed bills related to plastics in 2019 can be found here: <http://www.ncsl.org/research/environment-and-natural-resources/environment-and-natural-resources-state-bill-tracking-database.aspx>