



# Fiscal Note

## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

### SB 26-016: PROHIBIT DISCHARGE PREPRODUCTION PLASTIC MATERIALS

**Prime Sponsors:**

Sen. Cutter  
Rep. Smith

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**Fiscal note status:** The revised fiscal note reflects the introduced bill, as amended by the Senate Transportation & Energy Committee.

#### Summary Information

**Overview.** The bill prohibits the discharge of plastic pellets and other preproduction plastic materials through land application or into state waters, wastewater, storm water runoff, or other runoff.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis beginning in FY 2027-28:

- Minimal State Revenue
- Minimal State Workload

**Appropriations.** No appropriation is required.

**Table 1**  
**State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

## **Summary of Legislation**

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The bill prohibits a facility that makes, uses, packages, or transports plastic pellets or other preproduction plastic materials, excluding sewage treatment facilities, from discharging such materials through state waters, wastewater, storm water runoff, or other runoff. Violations are subject to the existing offense of polluting state waters.

Discharge of plastic pellets or other preproduction materials through land application at a location that does not have a hazardous waste permit is unlawful and subject to administrative, civil, and criminal penalties.

Under current law, the Water Quality Control Commission in the Department of Public Health and Environment (CDPHE) may issue a permit for the discharge of pollutants into state waters under certain circumstances. The bill prohibits the CDPHE from issuing a permit for the discharge of plastic pellets or other preproduction plastic materials into state waters.

## **Comparable Crime Analysis**

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Legislative Council Staff is required to include certain analysis in the fiscal note for any bill that creates a new crime, or that either reclassifies or creates a new factual basis for an existing crime. This section identifies comparable crimes and discusses assumptions on future conviction rates resulting from the bill.

### **Prior Conviction Data and Assumptions**

This bill creates a new factual basis for the existing offense of recklessly, knowingly, intentionally, or with criminal negligence polluting state waters by adding the discharging plastic pellets and other preproduction plastic materials from a facility into state waters. The offense is a class 2 misdemeanor if negligent or reckless, and a class 5 felony if knowing or intentional. From FY 2022-23 to FY 2024-25, zero offenders have been sentenced and convicted for this offense; therefore, the fiscal note assumes that there will continue to be minimal or no additional criminal case filings or convictions for this offense under the bill. Visit the [Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

## **State Revenue**

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Beginning in FY 2027-28, the bill may minimally increase state revenue from penalties and court filing fees.

## **Criminal, Civil, and Administrative Penalties**

Under the bill, a person discharging plastic pellets and other preproduction plastics through land application without a permit is subject to an administrative penalty of up to \$15,000 per violation, a civil penalty of up to \$25,000 per violation, and a wide range of criminal penalties. This revenue is classified as a damage award and not subject to TABOR. The fiscal note assumes that facilities will comply with the law and any impacts will be minimal.

## **Filing Fees**

The bill may increase revenue to the Judicial Department from an increase in civil case filings. Revenue from filing fees is subject to TABOR.

## **State Expenditures**

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Beginning in FY 2027-28, the bill may increase workload in the CDPHE and the Judicial Department.

## **Department of Public Health and Environment**

Workload in the CDPHE may minimally increase to respond to inquiries and complaints, and investigate and prosecute violations. The department may require legal services, provided by the Department of Law, related to rulemaking and implementation. This workload is expected to be minimal and can be accomplished within existing appropriations.

## **Judicial Department**

Similar to the State Revenue section above, the trial courts in the Judicial Department may experience an increase in workload if additional civil cases are filed. The fiscal note assumes that individuals will comply with the law and any increase will be minimal.

## **Effective Date**

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The bill takes effect August 12, 2027, assuming no referendum petition is filed, and applies to conduct occurring on or after this date.

## **State and Local Government Contacts**

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Law

Public Health and Environment