



Legislative  
Council Staff

*Nonpartisan Services for Colorado's Legislature*

**SB 19-243**

# FINAL FISCAL NOTE

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<b>Drafting Number:</b>	LLS 19-1099	<b>Date:</b>	May 30, 2019
<b>Prime Sponsors:</b>	Sen. Moreno; Foote Rep. Cutter; Singer	<b>Bill Status:</b>	Deemed Lost
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**Bill Topic:** PROHIBIT FOOD ESTABLISHMENTS' USE OF POLYSTYRENE

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**Summary of Fiscal Impact:**

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure ( <i>minimal</i> )	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill prohibits a retail food establishment from distributing an expanded polystyrene product for use as a container for off-premises ready-to-eat food on or after January 1, 2024. This increases state workload by a minimal amount beginning in FY 2023-24.

**Appropriation Summary:** No appropriation is required.

**Fiscal Note Status:** The fiscal note reflects the introduced bill. This bill was not enacted into law; therefore, the impacts identified in this analysis do not take effect.

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## Summary of Legislation

This bill prohibits a retail food establishment from distributing an expanded polystyrene (EPS) product for use as a container for off-premises, ready-to-eat food on or after January 1, 2024. If a retail food establishment has a supply of EPS products on January 1, 2024, it is permitted to exhaust its supply. The Department of Public Health and Environment (CDPHE) may request that a retail food establishment provide documentation that it acquired the EPS products before January 1, 2024. The executive director of the CDPHE may request that the attorney general seek an injunction in any court of competent jurisdiction to enjoin a retail food establishment that violates the prohibition.

## State Expenditures

This bill may increase workload for the CDPHE to investigate complaints against retail food establishments that continue to use EPS products after January 1, 2024. If retail food establishments violate the prohibition, workload for the Attorney General may increase to seek injunctions as requested by the CDPHE. The trial courts in the Judicial Department may see a minimal increase in workload. The fiscal note assumes that retail food establishments will comply with the requirements of the bill and that any increase in workload can be accomplished within existing appropriations.

**Effective Date**

The bill was deemed lost on May 4, 2019.

**State and Local Government Contacts**

Information Technology  
Law

Judicial  
Public Health and Environment