



## Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

# Fiscal Note

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<b>Drafting Number:</b>	LLS 22-0111	<b>Date:</b>	February 3, 2022
<b>Prime Sponsors:</b>	Rep. Titone Sen. Priola	<b>Bill Status:</b>	House Business
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**Bill Topic:** MEASURES TO REDUCE USE SINGLE-USE MEAL ACCESSORIES

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**Summary of Fiscal Impact:**

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

The bill prohibits, with certain exemptions, retail food establishments and third-party food delivery service providers from providing single-use food serviceware and condiments unless requested by a customer beginning January 1, 2023. The bill may increase local government revenue and expenditures beginning in FY 2022-23.

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

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**Fiscal Note Status:** The fiscal note reflects the introduced bill.

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## Summary of Legislation

Commencing January 1, 2023, retail food establishments and third-party food delivery service providers may only provide single-use food serviceware and single-use condiments upon request from a customer. Certain exemptions apply. Third-party food delivery service platforms must provide customers the ability to select which serviceware and condiments the customer wants included with their food order. Local governments that enacted more stringent regulations on or before January 1, 2022 may continue to implement and enforce those regulations.

## Local Government

Beginning in FY 2022-23, expenditures may increase for local governments to update ordinances and to enforce and investigate compliance with the bill. Under current law, local governments are authorized to enforce the Plastic Pollution Reduction Act created by House Bill 21-1162 in a manner that they choose, except that they may not enforce violations against retail food establishments located within a school. Counties are authorized to seek injunctive relief against a store or retail food establishment and impose a civil penalty of up to \$500 for a second violation and up to \$1,000 for a third or subsequent violation. To the extent that penalties are imposed for violations, local government revenue will increase. To the extent that penalty revenue has not been exempted from

TABOR limits by voters in affected local jurisdictions, the amount required to be refunded to taxpayers will increase.

## Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

## State and Local Government Contacts

Agriculture  
Counties  
Municipalities  
School Districts

Corrections  
Information Technology  
Public Health and Environment