

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 23-0914.01 Sarah Lozano x3858

**SENATE BILL 23-253**

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**SENATE SPONSORSHIP**

**Cutter,**

**HOUSE SPONSORSHIP**

**Froelich,**

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**Senate Committees**

Business, Labor, & Technology  
Appropriations

**House Committees**

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**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.**

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**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>.)*

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).

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.

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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:



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

3           (III) CONTAMINATING COMPOSTABLE MATERIAL STREAMS; AND

4                 

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

7                 

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;

11                

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

15                

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.

22                

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.

12 == ==

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.

16 ==

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.

13 ==

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).

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

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

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

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

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

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

27 (b) THE PROHIBITIONS IN SUBSECTION (2)(a) OF THIS SECTION DO

1 NOT APPLY TO BIODEGRADABLE MULCH FILM.

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

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

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

12 **25-17-805. Proof of compliance - information on commercial**  
13 **composting environment.** (1) ON AND AFTER JANUARY 1, 2024, AT THE  
14 REQUEST OF ANY PERSON, INCLUDING THE ATTORNEY GENERAL, A  
15 PRODUCER SHALL PROVIDE INFORMATION AND DOCUMENTATION  
16 DEMONSTRATING THE PRODUCER'S COMPLIANCE WITH THIS PART 8 IN A  
17 FORMAT THAT IS EASILY UNDERSTANDABLE AND SCIENTIFICALLY  
18 ACCURATE, WHICH MAY INCLUDE PROVIDING A CERTIFICATION  
19 DEMONSTRATING THAT A PRODUCT IS CERTIFIED COMPOSTABLE.

20 (2) AT THE REQUEST OF A COMMERCIAL COMPOSTING FACILITY, A  
21 PRODUCER IS ENCOURAGED TO PROVIDE THE COMMERCIAL COMPOSTING  
22 FACILITY INFORMATION REGARDING THE CHARACTERISTICS, SUCH AS HEAT  
23 OR MOISTURE LEVELS, OF THE COMMERCIAL COMPOSTING ENVIRONMENT  
24 IN WHICH THE PRODUCER'S PRODUCT HAS BEEN TESTED AND FOUND TO BE  
25 COMPOSTABLE.

26 (3) NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE  
27 CONTRARY, NOTHING IN THIS SECTION REQUIRES A PRODUCER TO DISCLOSE

1 PROPRIETARY INFORMATION TO ANY PERSON.

2 **25-17-806. Education and outreach - complaint forum.**

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

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

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

13 (II) A TELEPHONE HOTLINE; OR

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

15 (b) THE DEPARTMENT SHALL PROVIDE ANY NONFRIVOLOUS AND  
16 NONTRIVIAL COMPLAINTS RECEIVED THROUGH THE FORUM TO THE  
17 ATTORNEY GENERAL'S OFFICE.

18

19 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,  
20 \$26,250 is appropriated to the department of public health and  
21 environment for use by the hazardous materials and waste management  
22 division. This appropriation is from the general fund and is based on an  
23 assumption that the division will require an additional 0.4 FTE. To  
24 implement this act, the division may use this appropriation for solid waste  
25 control program.

26 **SECTION 3. Act subject to petition - effective date.** This act  
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except  
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V  
3 of the state constitution against this act or an item, section, or part of this  
4 act within such period, then the act, item, section, or part will not take  
5 effect unless approved by the people at the general election to be held in  
6 November 2024 and, in such case, will take effect on the date of the  
7 official declaration of the vote thereon by the governor.