



Single-Use Plastics Legislation

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Proposed legislation on single-use plastics has increased in recent years as state lawmakers have focused on decreasing the amount of waste going to landfills, incinerators, and the ocean. This *issue brief* describes single-use plastics, current Colorado law, proposed legislation in Colorado that would have addressed single-use plastics, and other states that have enacted single-use plastics legislation.

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:

- bandages;
- straws;
- syringes;
- utensils; and
- water bottles

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.

According to the EPA, some plastics contain known carcinogens, which can be highly toxic to humans and animals if ingested or inhaled in large amounts. 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 and cities have proposed and enacted legislation to regulate single-use plastics. Examples 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 have focused on eliminating the use of plastic bags, straws, or bottles.

Proposed Legislation in Colorado

The Colorado General Assembly has considered six 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, pursuant to Section 25-17-104, C.R.S.,

that a local government is not authorized to regulate the use or sale of plastic materials or products.

House Bill 18-1054 would have referred a measure to voters to levy a 25-cent tax on certain transactions where plastic bags were provided. Revenue from the measure would have helped fund low-income housing.

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.

States with Enacted Legislation

According to the National Conference of State Legislatures (NCSL), 32 states proposed and 8 enacted legislation to address single-use plastics in 2019. The states that enacted legislation are listed below.

Connecticut. House Bill 19-7242 imposes a 10-cent fee on single-use plastic bags from August 1, 2019, until June 30, 2021, and prohibits some retailers from providing single-use carry out plastic bags beginning June 30, 2021.

Delaware. House Bill 19-130 prohibits some retail stores from providing single-use plastic bags beginning January 1, 2021.

Hawaii. Senate Resolution 23 urges the legislature to designate the Hawaii State Capitol Building as a single-use plastic free zone and to convene a working group to find solutions to reduce single-use plastics.

Maine. House Paper 19-213 prohibits covered establishments from using disposable food containers made of polystyrene foam beginning January 1, 2021. House Paper 19-1115 prohibits a retail establishment from distributing single-use carry out plastic bags beginning April 22, 2020.

Maryland. House Bill 19-109 prohibits restaurants and schools from selling or providing expanded polystyrene food service products beginning January 1, 2020.

New York. The New York State Bag Waste Reduction Act prohibits some restaurants and retail establishments from distributing plastic carry out bags beginning March 1, 2020.

Oregon. Senate Bill 19-90 prohibits some restaurants from providing single-use plastic straws unless requested by a customer beginning January 1, 2020.

Vermont. Senate Bill 19-113 prohibits a restaurant from giving out single-use plastic bags, single-use plastic stirrers, or expanded polystyrene products starting July 1, 2020. 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.