

PLASTIC POLLUTION REDUCTION ACT

The State of Colorado passed HB21-1162, the Plastic Pollution Reduction Act (PPRA), in 2021. This bill imposes a carryout bag fee in stores, phases out the provision of single-use plastic carryout bags in stores, phases out the use of expanded polystyrene (styrofoam) products in retail food establishments, requires stores to remit 60% of the bag fee to the City of Fruita, and authorizes the City to enforce violations and impose civil penalties. The following information is provided only as a summary of some of the key provisions and deadlines of the law. Please refer to the full text of HB21-1162 for a complete review of the requirements of the PPRA. Additional information and links to resources on the single-use bag fee can be found on the City’s website at www.fruita.org/bagfee .

Implementation Timeline

Effective Date	Provision
January 1, 2023	<u>Carryout bag fee enacted</u> in stores; local governments may enforce and assess civil penalties
April 1, 2023	<u>Stores may voluntarily begin remitting 60% of bag fee</u> collected to the City of Fruita for the previous quarter.
January 1, 2024	<u>Single-use plastic carryout bags prohibited</u> in stores and retail food establishments, excluding current inventory which must be used by June 1, 2024. Retail food establishments don’t have to comply with this ban if they prepare or serve food in individual portions and are not a grocery store or convenience store.
January 1, 2024	<u>Expanded polystyrene (Styrofoam) prohibited</u> in retail food establishments, excluding current inventory
April 1, 2024	<u>Stores are required to remit 60% of bag fee</u> collected to the City of Fruita for the previous quarter.

Carryout bag fees. Beginning January 1, 2023, a store may provide a customer with one or more single-use plastic or recycled paper carryout bags for a fee of ten cents (\$0.10) per bag or a higher fee may be adopted by the city or county in which the store is located. The City of Fruita has elected to establish the fee at the minimum amount permitted under the new law of ten cents (\$0.10) per recycled paper carryout bag or single-use plastic carryout bag. Customers who provide evidence of participating in a federal or state food assistance program are exempt from the carryout bag fee. Stores are required to provide customers with a transaction receipt for the fee, conspicuously display a sign that alerts customers to the fee, and are prohibited from refunding customers any portion of the fee.

Stores are required to remit 60 percent (60%) of the carryout bag fee revenue to the municipality or county in which the store is located on a quarterly basis beginning on April 1, 2024. Municipalities and counties must use the carryout bag fee revenue to pay for administrative and enforcement costs and any recycling, composting, or other waste diversion programs and related outreach and education activities. The discrepancy between the fee start date of January 1, 2023 and the fee remittance date of April 1, 2024 is the result of a drafting error in the legislation. Stores may voluntarily begin remitting 60% of the bag fee on April 1, 2023.

Single-use plastic carryout bags. This bill prohibits stores from providing single-use plastic carryout bags beginning January 1, 2024. Subject to the carryout bag fees discussed above, a store may distribute, until June 1, 2024, any remaining inventory of single-use plastic carryout bags purchased prior to January 1, 2024. Exempted from the ban are plastic bags that a pharmacy provides to a customer purchasing medication; a customer uses for loose or bulk items or for frozen foods, meat, seafood, or fish; contain unwrapped prepared foods; or a laundry, dry cleaning or garment bag.

This ban on single-use plastic carryout bags also applies to retail food establishments. However, retail food establishments don't have to comply if they prepare or serve food in individual portions for immediate on or off premises consumption and are not a grocery store or convenience store. This language will exempt most retail food establishments from the single-use plastic bag ban.

Expanded polystyrene products. Effective January 1, 2024, this bill prohibits retail food establishments from providing an expanded polystyrene product for use as a container for ready-to-eat food in this state, except that retail food establishments may distribute any remaining inventory of products purchased prior to January 1, 2024.