



Single-use Plastics in Colorado

By Amanda King

According to the U.S. Environmental Protection Agency (EPA), plastic containers and packaging, including single-use plastics, constitute the majority of plastic waste in the United States.¹ One of the EPA's National Strategy to Prevent Plastic Pollution objectives is reducing the production and consumption of single-use plastics. In recent years, Colorado legislators have addressed reducing the use of single-use plastics in the state. This *issue brief* describes single-use plastics and outlines key elements of Colorado's Plastic Pollution Reduction Act.

Single-use Plastics

Single-use plastics are plastic goods designed to be used once for a single purpose before they are discarded. These plastics are often inexpensive, convenient, sterile, or efficient for manufacturers to create and for consumers to use. Common single-use plastics include:

- shopping bags;
- soda and water bottles;
- straws;
- styrofoam food containers; and
- utensils.

Single-use plastics are often not recyclable, or if they are, they can be difficult and inefficient to recycle because of high costs and technological issues, including causing damage to recycling machinery or burning during the recycling process. As a result, single-use plastics often end up in landfills. Once a plastic product is discarded, it may break down over time into smaller fragments known as microplastics, instead of disintegrating. Microplastics can be present in the environment for an extended period and may be harmful to humans, animals, and the environment.

Plastic Pollution Reduction Act

In 2021, the Plastic Pollution Reduction Act² (PPRA) was enacted in Colorado. It institutes a statewide ban on plastic carryout bags, establishes a carryout bag fee, and prohibits the use of styrofoam take-out food containers. The PPRA does not limit the use of plastic bottles, straws, or utensils.

Prior to the passage of PPRA, Colorado prohibited local governments from requiring or banning the use or sale of specific types of plastic materials or products. The prohibition was enacted in 1989 and was repealed on

¹National Strategy to Prevent Plastic Pollution, U.S. Environmental Protection Agency, 2024.

²Section 25-17-501, *et seq.*, C.R.S.

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July 1, 2024. Additionally, PPRA added a state law allowing local governments to regulate the management of plastic products. Therefore, a local government can now implement laws that are more stringent than the PPRA to manage or restrict the use of plastics.

Carryout Bag Fees

Colorado stores can no longer distribute plastic carryout bags. Additionally, Colorado stores must charge a minimum ten-cent fee per paper carryout bag. The fee is waived for customers who are enrolled in state or federal food assistance programs.

For each ten-cent carryout bag fee collected, a store can retain four cents, which does not count as revenue for calculating sales taxes. Stores must remit six cents from the carryout bag fee to the municipality or county where the store is located. Municipalities and counties can use the remitted fees for:

- the municipality or county administrative and enforcement costs; and
- recycling, composting, or other waste diversion programs and related outreach and education activities.

Styrofoam Ban

As of January 1, 2024, restaurants are prohibited from distributing styrofoam cups and food containers. A restaurant can use up its remaining inventory of styrofoam cups and food containers after January 1, 2024, until the supplies are depleted.

Exemptions

The PPRA does not apply to small stores. These are stores that operate solely in Colorado, have no more than three Colorado locations, and are not part of a franchise, corporation, or partnership that has physical locations outside of Colorado. Restaurants are also exempt from the ten-cent carryout bag fee and from the ban on plastic carryout bags.

Bags used by customers inside a store to package loose or bulk items, such as bolts, candy, fruits, grains, livestock feeds, nails, nuts, screws, seeds, and vegetables are not considered carryout bags. Neither are bags used to contain unwrapped prepared foods or bakery goods. Laundry, dry cleaning, or garment bags are also not considered carryout bags under the PPRA.

A bag that a pharmacy provides to a customer purchasing prescription medication is not considered a carryout bag. Additionally, the PPRA provides an exemption for any material used in the packaging of a product that is regulated by the U.S. Food and Drug Administration as a drug, medical device, or dietary supplement.

Enforcement

Enforcement of the PPRA is under the purview of local governments. State law allows for injunctive relief and civil penalties against a store or restaurant found in violation of the PPRA.