

HB1163_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Energy & Environment.

HB20-1163 be amended as follows:

1 Amend printed bill, page 7, line 1, strike "REQUEST;" and substitute
2 "REQUEST OF THE CUSTOMER;".

3 Page 8, strike lines 25 through 27.

4 Page 9, strike lines 1 through 9 and substitute:

5 **"25-17-504. Bag charge - disposition of money - repeal.**

6 (1) (a) ON AND AFTER JULY 1, 2021, AN OWNER, OPERATOR, EMPLOYEE,
7 CONTRACTOR, OR AGENT OF A STORE MAY PROVIDE A CUSTOMER WITH ONE
8 OR MORE RECYCLABLE PAPER CARRYOUT BAGS OR SINGLE-USE PLASTIC
9 CARRYOUT BAGS AT THE POINT OF SALE IF THE CUSTOMER PAYS A CHARGE
10 OF TEN CENTS PER RECYCLABLE PAPER CARRYOUT BAG OR SINGLE-USE
11 PLASTIC CARRYOUT BAG, OR A HIGHER CHARGE IF A MUNICIPALITY OR
12 COUNTY RAISES THE CHARGE BY ORDINANCE OR RESOLUTION. FOR EACH
13 BAG CHARGE PURSUANT TO THIS SUBSECTION (1)(a), THE STORE SHALL:

14 (I) REMIT SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH
15 THE STORE IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A
16 MUNICIPALITY, TO THE COUNTY WITHIN WHICH THE STORE IS LOCATED,
17 WHICH MUNICIPALITY OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

18 (A) ITS ADMINISTRATIVE COSTS INCURRED AS A RESULT OF THIS
19 SECTION; AND

20 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE
21 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION
22 ACTIVITIES; AND

23 (II) RETAIN FORTY PERCENT, WHICH PORTION OF THE FEE DOES NOT
24 COUNT AS REVENUE FOR THE PURPOSE OF CALCULATING SALES TAX.

25 (b) THE BAG CHARGE SET FORTH IN SUBSECTION (1)(a) OF THIS
26 SECTION DOES NOT APPLY TO A CUSTOMER THAT PROVIDES EVIDENCE TO
27 THE STORE THAT THE CUSTOMER IS A PARTICIPANT IN A FEDERAL OR STATE
28 FOOD ASSISTANCE PROGRAM.

29 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2022.

30 (2) (a) ON AND AFTER JULY 1, 2022, AN OWNER, OPERATOR,
31 EMPLOYEE, CONTRACTOR, OR AGENT OF A STORE MAY PROVIDE A
32 CUSTOMER WITH ONE OR MORE RECYCLABLE PAPER CARRYOUT BAGS AT
33 THE POINT OF SALE IF THE CUSTOMER PAYS A CHARGE OF TEN CENTS PER
34 RECYCLABLE PAPER CARRYOUT BAG, OR A HIGHER CHARGE IF A
35 MUNICIPALITY OR COUNTY RAISES THE CHARGE BY ORDINANCE OR
36 RESOLUTION. FOR EACH BAG CHARGE PURSUANT TO THIS SUBSECTION (2),
37 THE STORE SHALL:

38 (I) REMIT SIXTY PERCENT TO THE MUNICIPALITY WITHIN WHICH

1 THE STORE IS LOCATED OR, IF THE STORE IS NOT LOCATED WITHIN A
2 MUNICIPALITY, TO THE COUNTY WITHIN WHICH THE STORE IS LOCATED,
3 WHICH MUNICIPALITY OR COUNTY SHALL USE THE REMITTED FEE TO PAY:

4 (A) ITS ADMINISTRATIVE COSTS INCURRED AS A RESULT OF THIS
5 SECTION; AND

6 (B) FOR ANY RECYCLING, COMPOSTING, OR OTHER WASTE
7 DIVERSION PROGRAMS AND RELATED OUTREACH AND EDUCATION
8 ACTIVITIES; AND

9 (II) RETAIN FORTY PERCENT, WHICH PORTION OF THE FEE DOES NOT
10 COUNT AS REVENUE FOR THE PURPOSE OF CALCULATING SALES TAX.

11 (b) THE BAG CHARGE SET FORTH IN SUBSECTION (2)(a) OF THIS
12 SECTION DOES NOT APPLY TO A CUSTOMER THAT PROVIDES EVIDENCE TO
13 THE STORE THAT THE CUSTOMER IS A PARTICIPANT IN A FEDERAL OR STATE
14 FOOD ASSISTANCE PROGRAM.

15 (c) (I) ON AND AFTER JULY 1, 2022, AND THROUGH DECEMBER 31,
16 2022, AN OWNER, OPERATOR, EMPLOYEE, CONTRACTOR, OR AGENT OF A
17 STORE MAY PROVIDE A CUSTOMER WITH A SINGLE-USE PLASTIC CARRYOUT
18 BAG AT THE POINT OF SALE FOR THE CHARGE DESCRIBED IN SUBSECTION
19 (2)(a) OF THIS SECTION ONLY IF THE SINGLE-USE PLASTIC CARRYOUT BAG
20 IS WITHIN THE STORE'S REMAINING INVENTORY PURSUANT TO SECTION
21 25-17-503 (2)(a). THE STORE SHALL REMIT THE CHARGE COLLECTED IN
22 ACCORDANCE WITH SUBSECTION (2)(a) OF THIS SECTION.

23 (II) THIS SUBSECTION (2)(c) is repealed, effective January 1, 2023.

24 (3) A STORE THAT PROVIDES CARRYOUT BAGS FOR A CHARGE
25 PURSUANT TO THIS SECTION SHALL:

26 (a) FOR EACH CUSTOMER PROVIDED A CARRYOUT BAG FOR A FEE,
27 PROVIDE ON THE CUSTOMER'S TRANSACTION RECEIPT, A RECORD OF THE
28 NUMBER OF CARRYOUT BAGS PROVIDED AS PART OF THE TRANSACTION
29 AND THE TOTAL AMOUNT OF FEES CHARGED FOR THE CARRYOUT BAGS
30 PROVIDED, ITEMIZED BY TYPE OF CARRYOUT BAG;

31 (b) NOT REFUND TO THE CUSTOMER ANY PORTION OF THE
32 CARRYOUT BAG CHARGE, EITHER DIRECTLY OR INDIRECTLY, OR ADVERTISE
33 OR OTHERWISE CONVEY TO CUSTOMERS THAT ANY PORTION OF THE
34 CARRYOUT BAG CHARGE WILL BE REFUNDED; AND

35 (c) CONSPICUOUSLY DISPLAY A SIGN IN A LOCATION INSIDE OR
36 OUTSIDE THE STORE, WHICH SIGN ALERTS CUSTOMERS ABOUT THE
37 CARRYOUT BAG CHARGE."

38 Strike "2021" and substitute "2022" on: **Page 6**, line 23; **Page 7**, lines 18
39 and 20; and **Page 9**, lines 11 and 15.

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