

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29 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE JULY 1, 2022.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