



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado’s Legislature

SB 26-146: RESTRICT SINGLE-USE FOOD SERVICEWARE DISTRIBUTION

Prime Sponsors:

Sen. Cutter
Rep. Froelich

Fiscal Analyst:

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Published for: Senate Health & Human Services
Drafting number: LLS 26-0869

Version: Initial Fiscal Note
Date: March 30, 2026

Fiscal note status: The fiscal note reflects the introduced bill.

Summary Information

Overview. The bill expands the Plastic Pollution Reduction Act to restrict the provision of single-use food serviceware by restaurants and food delivery services, with exceptions.

Types of impacts. The bill is projected to affect the following areas on a one-time basis:

- Minimal State Workload
- Local Government

Appropriations. No appropriation is required.

**Table 1
State Fiscal Impacts**

Type of Impact	Budget Year FY 2026-27	Out Year FY 2027-28
State Revenue	\$0	\$0
State Expenditures	\$0	\$0
Transferred Funds	\$0	\$0
Change in TABOR Refunds	\$0	\$0
Change in State FTE	0.0 FTE	0.0 FTE

Summary of Legislation

Beginning January 1, 2027, the bill expands the Plastic Pollution Reduction Act to restrict the provision of single-use food serviceware by retail food establishments and third-party food delivery services unless requested by the customer, with some exceptions. Exceptions to the requirements include:

- single-use food serviceware provided at a self-service station or special event;
- meals provided as part of a social service program;
- retail food establishments in a public airport;
- meals provided to guests staying at a hotel, lodging house, or rooming house; and
- single-use food serviceware intended to prevent spills.

For the purposes of the act, the bill also adds farmers markets and roadside markets and kitchens operated under the Cottage Foods Act to the definition of retail food establishments.

The Department of Public Health and Environment (CDPHE) is required to establish a page on its website that lists the bill's requirements and enforcement mechanisms. Enforcement is limited to violations by retail food establishments and are delegated to local governments.

Background

[House Bill 21-1162](#) enacted the Plastic Pollution Reduction Act, which phased-out the use of single-use plastic bags and polystyrene foam takeout containers for ready-to-eat food. The act authorizes a local government to enforce a violation of the act in the manner it chooses within its boundaries. Counties are authorized to seek injunctive relief against a retail food establishment located within the unincorporated boundaries of the county and may impose a civil penalty of up to \$500 for a second violation and up to \$1,000 for a third or subsequent violation. For more information, see this LCS issue brief on [Single-use Plastics in Colorado](#).

State Expenditures

The bill will minimally increase workload in the Department of Agriculture and the Department of Public Health and Environment, as discussed below.

Department of Agriculture

Workload will minimally increase for the Department of Agriculture to communicate the provisions of the bill with regulated farmers markets and food producers within regular correspondences to stakeholders. This workload is expected to be minimal and no change in appropriations is required.

Department of Public Health and Environment

The CDPHE will experience a minimal increase in workload to create a webpage with information on the bill's requirements and enforcement mechanism, as well as respond to inquiries about the bill's prohibitions. No change in appropriations is required.

Local Government

This bill may increase local government revenue from penalties and expenditures for enforcement actions for local governments that choose to enforce violations of the bill.

Effective Date

The bill takes effect 90 days following adjournment of the General Assembly sine die, assuming no referendum petition is filed.

State and Local Government Contacts

Agriculture

Information Technology

Corrections

Municipalities

Counties

Public Health and Environment