



Fiscal Note

Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

SB 26-016: PROHIBIT DISCHARGE PREPROD PLASTIC MATERIALS

Prime Sponsors:

Sen. Cutter
Rep. Smith

Fiscal Analyst:

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

Summary Information

Overview. The bill prohibits the discharge of plastic pellets and other preproduction plastic materials through land application or into state waters, wastewater, storm water runoff, or other runoff.

Types of impacts. The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Revenue
- Minimal State Workload

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

The bill prohibits the discharge of plastic pellets and other preproduction plastic materials through land application or into state waters, wastewater, storm water runoff or other runoff. Discharge of such plastic into state waters is a class 2 misdemeanor if done recklessly, knowingly, intentionally, or with criminal negligence. Discharge through land application at a location that does not have a hazardous waste permit is unlawful and subject to administrative, civil, and criminal penalties. This applies to producers, users, handlers, packers, and transporters at every stage of the supply chain.

Under current law, the Water Quality Control Commission in the Department of Public Health and Environment (CDPHE) may issue a permit for the discharge of pollutants into state waters under certain circumstances. The bill prohibits the CDPHE from issuing a permit for the discharge of plastic pellets or other preproduction plastic materials.

Comparable Crime Analysis

Legislative Council Staff is required to include certain analysis in the fiscal note for any bill that creates a new crime, or that either reclassifies or creates a new factual basis for an existing crime. This section identifies comparable crimes and discusses assumptions on future conviction rates resulting from the bill.

Prior Conviction Data and Assumptions

This bill creates the new offense of recklessly, knowingly, intentionally, or with criminal negligence discharging plastic pellets and other preproduction plastic materials from a facility into state waters, wastewater, storm water runoff, or other runoff, a class 2 misdemeanor. To form an estimate on the prevalence of this new crime, the fiscal note analyzed the existing offense of recklessly, knowingly, intentionally, or with criminal negligence discharging any pollutant into any state waters or into any domestic wastewater treatment works if such discharge is made without a permit, if a permit is required for such discharge, as a comparable crime. From FY 2022-23 to FY 2024-25, zero offenders have been sentenced and convicted for this existing offense; therefore, the fiscal note assumes that there will be minimal or no additional case filings or convictions for the new offense under the bill. Because the bill is not expected to have a tangible impact on criminal justice-related expenditures or revenue at the state or local levels, these potential impacts are not discussed further in this fiscal note. Visit the [Fiscal Notes website](#) for more information about criminal justice costs in fiscal notes.

State Revenue

Beginning in FY 2026-27, the bill may minimally increase state revenue from penalties and court filing fees.

Criminal, Civil, and Administrative Penalties

Under the bill, a person discharging plastic pellets and other preproduction plastics through land application without a permit is subject to an administrative penalty of up to \$15,000 per violation, a civil penalty of up to \$25,000 per violation, and a wide range of criminal penalties. This revenue is classified as a damage award and not subject to TABOR. The fiscal note assumes that producers, users, handlers, packers, and transporters will comply with the law and any impacts will be minimal.

Filing Fees

The bill may increase revenue to the Judicial Department from an increase in civil case filings. Revenue from filing fees is subject to TABOR.

State Expenditures

Department of Public Health and Environment

Starting in FY 2026-27, workload in the CDPHE may minimally increase to respond to inquiries and complaints, and investigate and prosecute violations. The department may require legal services, provided by the Department of Law, related to rulemaking and implementation. This workload is expected to be minimal and can be accomplished within existing appropriations.

Judicial Department

Similar to the State Revenue section above, the trial courts in the Judicial Department may experience an increase in workload if additional civil cases are filed. The fiscal note assumes that individuals will comply with the law and any increase will be minimal.

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

Law

Public Health and Environment