



# Single-Use Plastic Bans and Taxes

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# What is Single-Use Plastic?

- ▶ Plastic Bags
- ▶ Straws
- ▶ Water and Soda Bottles
- ▶ Food Packaging
- ▶ Plastic Cutlery



# Trends

- ▶ U.S. cities predominantly restrict SUP use with plastic bag bans
- ▶ Cities are beginning bans on straws and cutlery
- ▶ Worldwide trend is to ban all SUPs



# Current State of SUP Laws

## Plastic Bag Bans

- ▶ Notable Cities
  - ▶ Seattle
  - ▶ Portland
  - ▶ Boston
  - ▶ Aspen
  - ▶ Telluride
- ▶ California and Hawaii

## Fees for Use of Bags

- ▶ Often used in conjunction with ban on plastic bags
- ▶ Fees typically charged for using a non-reusable bag
  - ▶ But some cities tax reusable bags as well
- ▶ Usually Between 5 and 20 cents

# Colorado-Specific Issues

## State Preemption

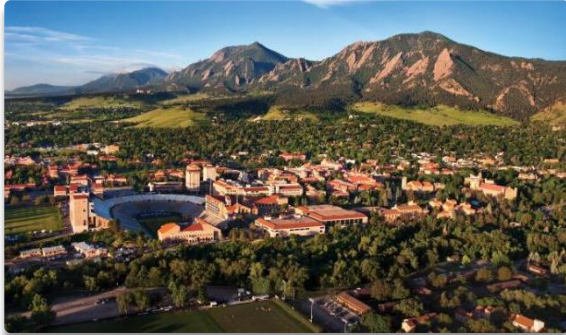
- ▶ C.R.S. § 25-17-104
- ▶ “No unit of local government shall require or **prohibit** the use or sale of specific types of plastic materials or products or **restrict** or mandate containers, packaging, or labeling for any consumer products.”
- ▶ 5 cities in Colorado have banned plastic bags since the statute was enacted. Zero lawsuits initiated challenging bans under this statute.

## TABOR

- ▶ Aspen avoided TABOR by claiming that their bag charge was a “fee” and not a “tax” so TABOR wouldn’t be involved. Court found in favor of Aspen so TABOR wasn’t invoked.



# Three Methods Used in Colorado



## Boulder

- Passed in 2012
- 10-cent fee on plastic or paper bag use



## Aspen

- Passed in 2011
- Bags are banned. Paper Bags have a 20-cent fee



## Crested Butte

- Passed in 2016
- Bags are banned. Paper bags are not taxed but must be made from 40% recycled content and be 100% recyclable



## Are Bans Effective?

- STATISTICS ARE UNRELIABLE ON AMOUNT OF PLASTIC BAG REDUCTION
- TWO CALIFORNIA STUDIES FOUND PROMISING DATA REGARDING REUSABLE BAG USE
- WASHINGTON, D.C. HAS EARNED \$10 MILLION SINCE 2010 ON BAG FEES
- BOULDER HAS EARNED \$1 MILLION SINCE 2013



Questions?