

Second Regular Session  
Seventy-fifth General Assembly  
STATE OF COLORADO

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 26-1024.01 Jennifer Berman x3286

**SENATE BILL 26-192**

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**SENATE SPONSORSHIP**

**Cutter, Coleman**

**HOUSE SPONSORSHIP**

**Soper and Joseph,**

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**Senate Committees**  
Transportation & Energy

**House Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING AN APPEALS PROCESS FOR PRODUCERS TO CONTEST THE**  
102 **ECO-MODULATED DUES ASSESSED AGAINST PRODUCERS TO**  
103 **FINANCE THE PRODUCER RESPONSIBILITY PROGRAM FOR**  
104 **STATEWIDE RECYCLING.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The producer responsibility program for statewide recycling (program) provides recycling services to covered entities in the state and is financed through annual dues assessed against producers of products

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing law.*  
*Dashes through the words or numbers indicate deletions from existing law.*

SENATE  
3rd Reading Unamended  
May 12, 2026

SENATE  
2nd Reading Unamended  
May 11, 2026

that use packaging materials and paper products (producers).

The bill reaffirms the authority of the solid and hazardous waste commission in the department of public health and environment (department) to direct an appeals process whereby producers may contest the program dues assessed against them by requesting a hearing before the producer responsibility program for statewide recycling advisory board (advisory board). If a producer requests a hearing before the advisory board, the advisory board is required to hold the hearing and issue written recommendations to the department as to whether the dues assessed against the producer should be adjusted. The department is required to make a determination whether to approve or reject the advisory board's recommendations regarding the assessed dues within 45 days after receiving the advisory board's recommendations on the matter. The department's determination is a final agency action subject to judicial review.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly  
3 finds and declares that:

4 (a) Producers that finance the producer responsibility program for  
5 statewide recycling by paying dues into the program have the opportunity  
6 to be heard through an administrative appeals process regarding the  
7 eco-modulation factors and benchmarks applied to producer responsibility  
8 dues;

9 (b) The legislative committee on legal services considered  
10 ambiguity surrounding the scope of authority of the solid and hazardous  
11 waste commission and the producer responsibility program for statewide  
12 recycling advisory board related to appeals of the eco-modulation factors  
13 and benchmarks applied to producer responsibility dues and affirmed the  
14 commission's authority to direct the appeals process; and

15 (c) The act clarifies existing law, and, therefore, reaffirms the  
16 actions of the solid and hazardous waste commission and the producer  
17 responsibility program for statewide recycling advisory board related to

1 appeals of the assessed producer responsibility dues based on the  
2 eco-modulation factors and benchmarks.

3 **SECTION 2.** In Colorado Revised Statutes, 25-17-704, **amend**  
4 (7)(f) and (7)(g); and **add** (7)(h) as follows:

5 **25-17-704. Producer responsibility program for statewide**  
6 **recycling advisory board - creation - membership.**

7 (7) The advisory board shall:

8 (f) Review the annual report submitted by the organization under  
9 section 25-17-709 (2)(a); ~~and~~

10 (g) Consult with the organization on the development and  
11 updating of the minimum recyclable list; AND

12 (h) IF REQUESTED BY A PRODUCER PURSUANT TO SECTION  
13 25-17-709 (1)(a)(II), HOLD AN ADMINISTRATIVE HEARING IN ACCORDANCE  
14 WITH SECTION 24-4-105 ON THE DUES BASED ON THE ECO-MODULATION  
15 FACTORS AND BENCHMARKS ASSESSED BY THE PRODUCER RESPONSIBILITY  
16 ORGANIZATION, ANY ADDITIONAL PRODUCER RESPONSIBILITY  
17 ORGANIZATION, OR AN INDIVIDUAL PRODUCER OF AN ALTERNATIVE  
18 COLLECTION PROGRAM.

19 **SECTION 3.** In Colorado Revised Statutes, 25-17-709, **amend**  
20 (1)(a) as follows:

21 **25-17-709. Producer responsibility dues - inspection of records**  
22 **- annual reporting.**

23 (1) (a) (I) Except as set forth in a plan approved by the executive  
24 director pursuant to this part 7 on or after January 1, 2029, by a date  
25 determined by the organization that is no later than January 1, 2026, and  
26 annually thereafter by a date determined by the organization, a producer  
27 shall pay producer responsibility dues to the organization based on the

1 funding mechanism described in the plan proposal pursuant to section  
2 25-17-705 (4)(i).

3 (II) A PRODUCER THAT RECEIVES A FINAL INVOICE FROM, AND HAS  
4 PROCEEDED THROUGH ANY REQUIRED MEDIATION WITH, THE PRODUCER  
5 RESPONSIBILITY ORGANIZATION, ANY ADDITIONAL PRODUCER  
6 RESPONSIBILITY ORGANIZATION, OR AN INDIVIDUAL PRODUCER OF AN  
7 ALTERNATIVE COLLECTION PROGRAM ASSESSING DUES FOR THE PROGRAM  
8 MAY SUBMIT A WRITTEN REQUEST TO THE ADVISORY BOARD FOR A  
9 HEARING TO CONTEST WHETHER THE ASSESSED DUES BASED ON THE  
10 ECO-MODULATION FACTORS AND BENCHMARKS COMPLY WITH THE FINAL  
11 PLAN, APPLICABLE COMMISSION RULES, AND THIS PART 7. AFTER HOLDING  
12 THE REQUESTED HEARING, THE ADVISORY BOARD SHALL ISSUE WRITTEN  
13 RECOMMENDATIONS TO THE DEPARTMENT CONCERNING WHETHER THE  
14 ASSESSED DUES BASED ON THE ECO-MODULATION FACTORS AND  
15 BENCHMARKS COMPLY WITH THE FINAL PLAN, APPLICABLE COMMISSION  
16 RULES, AND THIS PART 7.

17 (III) WITHIN FORTY-FIVE DAYS AFTER RECEIVING  
18 RECOMMENDATIONS THAT THE ADVISORY BOARD ISSUES PURSUANT TO  
19 SUBSECTION (1)(a)(II) OF THIS SECTION, THE DEPARTMENT SHALL REVIEW  
20 THE RECOMMENDATIONS AND DETERMINE WHETHER TO APPROVE OR  
21 REJECT THE RECOMMENDATIONS. THE DEPARTMENT'S DETERMINATION ON  
22 THE MATTER IS A FINAL AGENCY ACTION SUBJECT TO JUDICIAL REVIEW  
23 PURSUANT TO SECTION 24-4-106.

24 **SECTION 4. Act subject to petition - effective date.** This act  
25 takes effect at 12:01 a.m. on the day following the expiration of the  
26 ninety-day period after final adjournment of the general assembly (August  
27 12, 2026, if adjournment sine die is on May 13, 2026); except that, if a

1 referendum petition is filed pursuant to section 1 (3) of article V of the  
2 state constitution against this act or an item, section, or part of this act  
3 within such period, then the act, item, section, or part will not take effect  
4 unless approved by the people at the general election to be held in  
5 November 2026 and, in such case, will take effect on the date of the  
6 official declaration of the vote thereon by the governor.