

2023-2024 #289 - Final

Be it Enacted by the People of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, **add** 34-60-114.1 as follows:

34-60-114.1. Colorado oil and gas operations public health and safety act.

(1) **Purposes and findings.** THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT:

(a) THE PURPOSE OF THIS SECTION IS TO ENSURE THE PROTECTION OF PUBLIC HEALTH, SAFETY, PROPERTY, WILDLIFE AND THE ENVIRONMENT BY ESTABLISHING STRICT LIABILITY FOR DAMAGES CAUSED BY OIL AND GAS OPERATIONS IN THE STATE OF COLORADO, INCLUDING EMISSIONS OF HARMFUL AIR POLLUTANTS, HARM TO WILDLIFE OR HABITAT, SPILLS OR RELEASES OF TOXIC CHEMICALS, FIRES, EXPLOSIONS, OR EARTHQUAKES; AND

(b) IT IS NECESSARY TO HOLD ANY OPERATOR, OWNER, OR PRODUCER ACCOUNTABLE FOR ANY HARM CAUSED TO PUBLIC HEALTH, SAFETY, PROPERTY, WILDLIFE OR THE ENVIRONMENT BY OIL AND GAS OPERATIONS AND TO PROMOTE RESPONSIBLE PRACTICES WITHIN THE INDUSTRY.

(2) **Definition.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES, "STRICT LIABILITY" OR "STRICTLY LIABLE" MEANS LIABILITY WHERE AN OPERATOR, OWNER, OR PRODUCER HAS ACTED WITH GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

(3) **Strict Liability for Damages.**

(a) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY OPERATOR, OWNER, OR PRODUCER IS STRICTLY LIABLE FOR ANY DAMAGES, INCLUDING PERSONAL INJURY, PROPERTY DAMAGE, AND ENVIRONMENTAL HARM, RESULTING FROM OIL AND GAS OPERATIONS.

(b) STRICT LIABILITY UNDER THIS SECTION APPLIES WHERE AN OPERATOR, OWNER, OR PRODUCER HAS BEEN FOUND TO HAVE ACTED WITH GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

SECTION 2. Effective date. This Act takes effect upon official declaration of the governor and is self-executing.