

Initiative 2023-24 #289
Strict Liability for Damages From Oil and Gas
Operations

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

SECTION 1. In Colorado Revised Statutes, **add** section 114.1 to article 60 of title 34 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 ACT 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.

(b) IT IS NECESSARY TO HOLD ANY OIL AND GAS 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) **Definitions.** AS USED IN THIS SECTION, UNLESS CONTEXT OTHERWISE REQUIRES:

(a) "OIL AND GAS OPERATIONS" HAS THE SAME MEANING AS SET FORTH IN SECTION 34-60-103 (6.5).

(b) "OPERATOR" HAS THE SAME MEANING AS SET FORTH IN SECTION 34-60-103 (6.8).

(c) "OWNER" HAS THE SAME MEANING AS SET FORTH IN SECTION 34-60-103 (7).

(d) "PRODUCER" HAS THE SAME MEANING AS SET FORTH IN SECTION 34-60-103 (10).

(e) "STRICT LIABILITY" MEANS LIABILITY WHERE AN OPERATOR, OWNER, OR PRODUCER HAS ACTED WITH GROSS NEGLIGENCE OR WILLFUL MISCONDUCT.

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

(a) ANY OPERATOR, OWNER, OR PRODUCER SHALL BE STRICTLY LIABLE FOR ANY DAMAGES, INCLUDING PERSONAL INJURY, PROPERTY DAMAGE, AND ENVIRONMENTAL HARM, RESULTING FROM OIL AND GAS OPERATIONS.

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

SECTION 2. Severability. If any provision of this Act or its application to any person or circumstances is held invalid, the remainder of the Act or the application of the provisions to other persons or circumstances shall not be affected.

SECTION 3. Effective date. This Act takes effect upon official declaration of the governor and is self-executing.