

Initiative 2023-24 #272
Right to Healthy Environment

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

SECTION 1. In Colorado Revised Statutes, **add** article 20 to title 24 as follows:

24-20-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE “COLORADO HEALTHY ENVIRONMENT ACT”.

24-20-102. Purposes and findings. THE PEOPLE OF THE STATE OF COLORADO HEREBY FIND AND DECLARE THAT:

- (1) THE PURPOSE OF THIS ACT IS TO ENSURE THAT EVERY PERSON HAS A RIGHT TO HAVE CLEAN AIR, CLEAN SOIL, CLEAN WATER, A SAFE CLIMATE AND A HEALTHY ENVIRONMENT AND TO PRESERVATION OF ECOSYSTEMS, WILDLIFE HABITAT, AND NATURAL RESOURCES IN THE STATE FOR PRESENT AND FUTURE GENERATIONS.
- (2) THE STATE AND POLITICAL SUBDIVISIONS OF THE STATE SHALL SERVE AS TRUSTEES OF THE NATURAL RESOURCES OF COLORADO AND SHALL CONSERVE, PROTECT, AND MAINTAIN THESE RESOURCES FOR THE BENEFIT OF ALL THE PEOPLE, INCLUDING PRESENT AND FUTURE GENERATIONS.
- (3) IT IS NECESSARY FOR THE STATE AND ANY AGENCY, INSTITUTION, AND POLITICAL SUBDIVISIONS OF THE STATE TO PRIORITIZE THE PROTECTION OF A HEALTHY ENVIRONMENT.

24-20-103. Definitions. FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) “HEALTHY ENVIRONMENT” MEANS SAFE AND SUSTAINABLE CONDITIONS FOR HUMAN LIFE AND WILDLIFE, INCLUDING HEALTHY AIR, WATER, LAND, AND ECOSYSTEMS, AND TO SAFEGUARD AGAINST THE UNDO DEGRADATION AND DEPLETION OF NATURALLY SUSTAINING RESOURCES. THE FAILURE TO ENSURE A HEALTHY ENVIRONMENT INCLUDES BUT IS NOT LIMITED TO ANY EXCEEDANCE OR VIOLATION OF A STATE OR FEDERAL ENVIRONMENTAL RULE, STANDARD OR HEALTH ADVISORY.
- (2) “PERSON” MEANS A NATURAL PERSON.
- (3) “POLITICAL SUBDIVISIONS OF THE STATE” MEANS ANY COUNTY, CITY, CITY AND COUNTY, TOWN, HOME RULE CITY, HOME RULE COUNTY, AND HOME RULE CITY AND COUNTY.

24-20-104. Healthy environment application. THE STATE GOVERNMENT AND ANY AGENCY, INSTITUTION, AND POLITICAL SUBDIVISION OF THE STATE SHALL GIVE THE HIGHEST PRIORITIZATION TO THE PROTECTION OF A HEALTHY ENVIRONMENT WHEN ENACTING STATUTES, REGULATIONS, POLICIES, AND ORDINANCES.

24-20-105. Enforcement. THE RIGHT TO A HEALTHY ENVIRONMENT MAY BE ENFORCED BY ANY PERSON RESIDING WITHIN COLORADO, THE ATTORNEY GENERAL, AND OTHER POLITICAL SUBDIVISION OF THE STATE IN AN ACTION AT LAW FOR DAMAGES OR IN AN ACTION IN EQUITY FOR INJUNCTIVE OR DECLARATORY RELIEF FOR ANY FAILURE TO ABIDE BY OR ENFORCE THE PROVISIONS OF THIS RIGHT TO A HEALTHY ENVIRONMENT. IN ANY ACTION BY AN AGGRIEVED PERSON OR GOVERNMENTAL ENTITY FOR ENFORCEMENT OF THE RIGHT TO A HEALTHY ENVIRONMENT, PUNITIVE DAMAGES FOR RECKLESS DISREGARD RESULTING IN VIOLATIONS OF THE PROVISIONS OF THIS ACT MAY BE AWARDED, AND THE COURT MAY AWARD REASONABLE COSTS AND ATTORNEY’S FEES IF THE COMPLAINING PARTY PREVAILS.

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.