

An Act

HOUSE BILL 23-1008

BY REPRESENTATIVE(S) Weissman, Amabile, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, Duran, Epps, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Herod, Jodeh, Joseph, Kipp, Lieder, Lindsay, Lindstedt, Lukens, Mabrey, Martinez, Mauro, McCormick, McLachlan, Michaelson Jenet, Ortiz, Ricks, Sharbini, Snyder, Story, Titone, Valdez, Velasco, Vigil, Willford, McCluskie, English, Sirota, Young; also SENATOR(S) Fields and Hinrichsen, Buckner, Coleman, Cutter, Danielson, Exum, Gonzales, Jaquez Lewis, Marchman, Moreno, Priola, Rodriguez, Sullivan, Winter F., Zenzinger.

CONCERNING TAX POLICIES RELATED TO THE ACCESSIBILITY OF FOOD, AND, IN CONNECTION THEREWITH, REQUIRING ADDITIONS TO COLORADO TAXABLE INCOME IN AMOUNTS EQUAL TO THE BUSINESS MEALS FEDERAL ITEMIZED DEDUCTION, CREATING A TAX CREDIT TO SUPPORT THE SMALL BUSINESS RECOVERY AND RESILIENCE GRANT PROGRAM, PROVIDING FUNDING FOR HEALTHY EATING PROGRAM INCENTIVES, AND MAKING AN APPROPRIATION.

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(a) A recent survey found that one in three Coloradans are "food insecure", that is, lacking reliable access to nutritious food;

(b) In addition, more than one in three adults living with children have reported regularly cutting back or skipping meals to allow their children to have enough to eat;

(c) Childhood hunger can have lifetime impacts, such as interfering with developmental and educational progress;

(d) Certain communities, including communities of color, seniors, and lower-income Coloradans, are prone to higher-than-average rates of food insecurity;

(e) Food security and housing security are closely related issues, because both are basic needs that a family must account for, and the two can become competing priorities on a limited budget. That is, a family's ability to pay for their food is directly related to their ability to pay for their housing, and improving one will necessarily improve the other.

(f) Improving the capacity of existing small, local retailers to store and sell nutritious food can improve access, lower prices, and reduce food insecurity, particularly for Colorado families most at risk of it, while keeping more of the proceeds of economic activity in the local community;

(g) Expanding the number of retailers selling fresh produce may also create new market opportunities for Colorado agricultural producers;

(h) Therefore, the general assembly determines that enacting this legislation to further support existing nutrition access efforts will improve access to nutritious food for Coloradans, assist small businesses, and foster Colorado's agricultural industry.

SECTION 2. In Colorado Revised Statutes, 25-20.5-104, **add** (2.5) as follows:

25-20.5-104. Functions of division. (2.5) (a) FOR STATE FISCAL YEAR 2023-24, THE GENERAL ASSEMBLY SHALL APPROPRIATE TWO HUNDRED AND FIFTY THOUSAND DOLLARS TO THE DIVISION FOR THE DIVISION TO

PARTNER WITH A STATEWIDE NONPROFIT ORGANIZATION TO PROVIDE HEALTHY EATING PROGRAM INCENTIVES AMONG COLORADO'S LOW-INCOME POPULATIONS. THESE PROGRAM INCENTIVES MUST ATTEMPT TO IMPROVE ACCESS TO FRESH COLORADO-GROWN FRUITS AND VEGETABLES AMONG COLORADO'S LOW-INCOME POPULATIONS.

(b) THE STATEWIDE NONPROFIT ORGANIZATION SELECTED BY THE DIVISION FOR THE PARTNERSHIP DESCRIBED IN THIS SUBSECTION (2.5) SHALL HAVE EXPERIENCE IN SUPPORTING HEALTHY EATING INCENTIVES PROGRAMS, SUCH AS PROGRAMS AT LOCAL FARMERS MARKETS, AND EXPERIENCE WITH COORDINATING HEALTHY EATING PROGRAMS AND FUNDING BETWEEN LOCAL, STATE, AND FEDERAL PROGRAMS.

(c) IN PROVIDING THE PROGRAM INCENTIVES DESCRIBED IN THIS SUBSECTION (2.5), BOTH THE DIVISION AND THE NONPROFIT SHALL MINIMIZE THEIR ADMINISTRATIVE EXPENSES. THE DIVISION SHALL NOT USE MORE THAN TEN THOUSAND DOLLARS AND THE NONPROFIT SHALL NOT USE MORE THAN FIVE PERCENT OF THE AMOUNT TRANSFERRED PURSUANT TO SUBSECTION (2.5)(a) OF THIS SECTION FOR THEIR ADMINISTRATIVE EXPENSES.

(d) THE DIVISION SHALL USE THE FUNDING PROVIDED IN SUBSECTION (2.5)(a) OF THIS SECTION TO SUPPLEMENT, NOT SUPPLANT, OTHER GENERAL FUND APPROPRIATIONS TO THE DIVISION.

(e) ALL BUT SEVENTY-SEVEN THOUSAND SEVEN HUNDRED AND FIFTY TWO DOLLARS OF THE AMOUNT TRANSFERRED PURSUANT TO SUBSECTION (2.5)(a) OF THIS SECTION MUST BE EXPENDED FOR HEALTHY EATING PROGRAM INCENTIVES AMONG COLORADO'S LOW-INCOME POPULATIONS.

(f) THIS SUBSECTION (2.5) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2025.

SECTION 3. In Colorado Revised Statutes, 39-22-104, **add** (3)(s) as follows:

39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - report - legislative declaration - definitions - repeal.

(3) There shall be added to the federal taxable income:

(s) (I) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY

