

CHAPTER 96

AGRICULTURE

SENATE BILL 10-081

BY SENATOR(S) Sandoval, Boyd, Carroll M., Hudak;
also REPRESENTATIVE(S) Solano, Apuan, Curry, Fischer, Gagliardi, Labuda, Merrifield, Middleton, Primavera, Scanlan,
Schafer S., Todd, Vigil.

AN ACT

CONCERNING CREATION OF THE "FARM-TO-SCHOOL HEALTHY KIDS ACT", AND, IN CONNECTION THEREWITH, ESTABLISHING AN INTERAGENCY TASK FORCE TO DEVELOP FARM-TO-SCHOOL PROGRAM POLICIES.

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

SECTION 1. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 82.6
Farm-to-School Healthy Kids Act

22-82.6-101. Short title. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "FARM-TO-SCHOOL HEALTHY KIDS ACT".

22-82.6-102. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) IT IS IN THE BEST INTERESTS OF COLORADO'S CHILDREN, FARMERS, RANCHERS, FOOD PROCESSORS, MANUFACTURERS, AND COMMUNITIES TO DEVELOP A MORE ROBUST AND SELF-SUSTAINING AGRICULTURAL SECTOR THAT PROMOTES HEALTHY FOODS AT SCHOOLS AND TO ENCOURAGE REGULATED CHILD CARE PROGRAMS TO INCREASE THEIR USE OF LOCAL FARM AND RANCH PRODUCTS IN THEIR FOOD SERVICE PROGRAMS, ESPECIALLY THE SCHOOL MEAL PROGRAMS, IN ORDER TO IMPROVE CHILD NUTRITION AND STRENGTHEN LOCAL AND REGIONAL AGRICULTURAL ECONOMIES;

(b) BECAUSE A CHILD CAN RECEIVE UP TO FIFTY-FIVE PERCENT OF HIS OR HER DAILY NUTRITIONAL REQUIREMENTS FROM SCHOOL BREAKFAST AND LUNCH

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

PROGRAMS, IT IS IMPORTANT TO ENCOURAGE CHILDREN TO EAT A HEALTHY DIET OF FRESH FOODS AT SCHOOL;

(c) WHILE CHILDREN RECEIVING INADEQUATE NUTRITION ARE AT RISK OF LOWER ACHIEVEMENT IN SCHOOL, RESEARCH SHOWS AN IMPROVEMENT IN STUDENT BEHAVIOR, ACADEMIC PERFORMANCE, AND HEALTH SCORES WHEN NUTRITION IS IMPROVED; AND

(d) THEREFORE, IN ORDER TO ENCOURAGE HEALTHY AND LIFELONG HABITS OF EATING FRESH, MINIMALLY PROCESSED, AND NUTRITIOUS LOCAL FOODS AS WELL AS TO FOSTER RELATIONSHIPS AMONG FARMERS AND SCHOOL CHILDREN, SCHOOL PERSONNEL, AND OTHER ADULTS IN THE COLORADO COMMUNITY AND TO PROMOTE THE SALE OF AGRICULTURAL PRODUCTS PRODUCED IN THE STATE, IT IS IN THE BEST INTERESTS OF THE STATE TO DEVELOP A FARM-TO-SCHOOL PROGRAM.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT A SUCCESSFUL STATEWIDE FARM-TO-SCHOOL PROGRAM WILL REQUIRE THE CREATION OF AN INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK FORCE WITH RESOURCES, EXPERTISE, AND COLLABORATION OF A VARIETY OF STATE AGENCIES, INCLUDING THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND SCHOOL DISTRICTS.

22-82.6-103. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COMMISSIONER OF AGRICULTURE" MEANS THE COMMISSIONER OF AGRICULTURE CREATED IN SECTION 24-1-123, C.R.S.

(2) "COMMISSIONER OF EDUCATION" SHALL HAVE THE SAME MEANING AS SET FORTH IN SECTION 22-2-102.

(3) "DEPARTMENT OF AGRICULTURE" MEANS THE DEPARTMENT OF AGRICULTURE CREATED IN SECTION 24-1-123, C.R.S.

(4) "DEPARTMENT OF EDUCATION" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115, C.R.S.

(5) "DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT" MEANS THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CREATED IN SECTION 25-1-102, C.R.S.

(6) "EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER EDUCATION" MEANS THE EXECUTIVE DIRECTOR APPOINTED PURSUANT TO SECTION 24-1-114, C.R.S.

(7) "FARM-TO-SCHOOL PROGRAM" MEANS A PROGRAM THAT ENCOURAGES OR INCENTIVIZES THE ACQUISITION AND USE OF LOCALLY GROWN, PRODUCED, AND PROCESSED AGRICULTURAL PRODUCTS BY SCHOOLS IN ORDER TO PROVIDE HEALTHY, LOCAL FOOD PRODUCTS TO STUDENTS AND BENEFIT THE STATE AGRICULTURAL INDUSTRY. A FARM-TO-SCHOOL PROGRAM MAY INCLUDE THE FOLLOWING COMPONENTS:

(a) SERVING FOOD TO COLORADO'S SCHOOLCHILDREN AND ADULTS THAT IS FRESH AND AS NUTRITIOUS AS POSSIBLE;

(b) MAXIMIZING USE OF FRESH FOOD THAT IS LOCALLY GROWN, PRODUCED, AND PROCESSED;

(c) EDUCATING STUDENTS ABOUT HEALTHY EATING HABITS THROUGH NUTRITION EDUCATION, INCLUDING USING HANDS-ON TECHNIQUES TO MAKE CONNECTIONS BETWEEN FARMING AND THE FOODS THAT STUDENTS CONSUME;

(d) INCREASING THE SIZE AND STABILITY OF FARMERS' DIRECT SALES MARKETS;

(e) INCREASING PARTICIPATION IN UNITED STATES DEPARTMENT OF AGRICULTURE SCHOOL MEAL PROGRAMS BY INCREASING THE SELECTION OF FOOD AVAILABLE TO STUDENTS;

(f) PROVIDING OUTREACH AND GUIDANCE TO FARMERS CONCERNING THE VALUE OF, AND PROCEDURES FOR, SELLING THEIR AGRICULTURAL PRODUCTS TO INTERESTED SCHOOLS;

(g) DEVELOPING AND REGULARLY UPDATING AN INTERNET DATABASE OF FARMERS INTERESTED IN SELLING THEIR AGRICULTURAL PRODUCTS TO SCHOOLS, INCLUDING THE TYPES AND YIELDS OF AGRICULTURAL PRODUCTS THE FARMERS WANT TO SELL AND THE TIME PERIODS THAT FARMERS WANT TO SELL;

(h) PROMOTING STATE AGRICULTURE AND FARM PRODUCTS TO CHILDREN THROUGH SCHOOL MEAL AND CLASSROOM PROGRAMS;

(i) IDENTIFYING AND PROMOTING THE CRITICAL COMPONENT OF INDIVIDUAL FARM-TO-SCHOOL PROGRAMS AND ADVISING STATE AGENCIES ON NEEDED ACTIONS AND STRATEGIES TO IMPLEMENT THIS ARTICLE;

(j) CONDUCTING WORKSHOPS AND TRAINING SESSIONS, AND PROVIDING PROFESSIONAL DEVELOPMENT AND TECHNICAL ADVICE, TO SCHOOLS' FOOD SERVICE DIRECTORS, SCHOOL PERSONNEL, FARMERS, PRODUCE DISTRIBUTORS, AND PRODUCE PROCESSORS REGARDING THE DEMAND FOR AND AVAILABILITY OF COLORADO FARM PRODUCTS AND HELPING TEACHERS EDUCATE STUDENTS ABOUT NUTRITION, OBESITY PREVENTION, COPING WITH ALLERGIES, AND FARM-TO-SCHOOL CONNECTIONS;

(k) PROVIDING LEADERSHIP AT THE STATE LEVEL TO ENCOURAGE SCHOOL DISTRICTS TO DEVELOP AND IMPROVE SCHOOL NUTRITION USING LOCALLY GROWN, FARM-FRESH PRODUCTS; AND

(l) ESTABLISHING PARTNERSHIPS WITH PUBLIC AND NONPROFIT SOURCES TO IMPLEMENT A PUBLIC ENGAGEMENT CAMPAIGN AND ESTABLISHING A STRUCTURE TO FACILITATE COMMUNICATION BETWEEN FARMERS AND SCHOOL DISTRICTS.

(8) "SCHOOL" INCLUDES INSTITUTIONS OF HIGHER EDUCATION.

22-82.6-104. Interagency farm-to-school coordination task force - creation - repeal. (1) IN ORDER TO ESTABLISH A STATE FARM-TO-SCHOOL PROGRAM IN THE

FUTURE, THERE IS HEREBY CREATED AN INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK FORCE, REFERRED TO IN THIS SECTION AS THE "TASK FORCE".

(2) (a) THE TASK FORCE CONSISTS OF THIRTEEN MEMBERS AS FOLLOWS:

(I) THE COMMISSIONER OF EDUCATION OR THE COMMISSIONER'S DESIGNEE;

(II) THE COMMISSIONER OF AGRICULTURE OR THE COMMISSIONER'S DESIGNEE;

(III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(IV) THE EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON HIGHER EDUCATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(V) THE FOLLOWING FIVE MEMBERS AS SELECTED BY THE MEMBER SERVING PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a):

(A) FOUR REPRESENTATIVES OF SCHOOL FOOD SERVICE DIRECTORS; AND

(B) A REPRESENTATIVE OF PARENT ORGANIZATIONS;

(VI) THE FOLLOWING FOUR MEMBERS AS SELECTED BY THE MEMBER SERVING PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH (a):

(A) A REPRESENTATIVE OF FRUIT AND VEGETABLE ORGANIZATIONS;

(B) A REPRESENTATIVE OF CATTLE RANCHING ORGANIZATIONS;

(C) A REPRESENTATIVE OF THE WESTERN DAIRY ASSOCIATION; AND

(D) A REPRESENTATIVE OF A FOOD DISTRIBUTION ASSOCIATION.

(b) THE MEMBERS OF THE TASK FORCE SHALL BE APPOINTED ON OR BEFORE OCTOBER 30, 2010.

(c) ON OR BEFORE DECEMBER 31, 2010, THE MEMBERS SERVING PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL JOINTLY CONVENE THE INITIAL MEETING OF THE TASK FORCE. AT THE FIRST MEETING, THE TASK FORCE SHALL ELECT A CHAIR AND VICE-CHAIR FROM THE MEMBERS SERVING PURSUANT TO SUBPARAGRAPHS (I) TO (VI) OF PARAGRAPH (a) OF THIS SUBSECTION (2).

(d) MEMBERS OF THE TASK FORCE SHALL SERVE AT THE WILL OF THE PERSON APPOINTING THE MEMBER.

(e) MEMBERS OF THE TASK FORCE SHALL NOT BE COMPENSATED FOR OR REIMBURSED FOR THEIR EXPENSES INCURRED IN ATTENDING MEETINGS OF THE TASK FORCE.

(f) THE TASK FORCE SHALL MEET AS OFTEN AS NECESSARY AND MAY ADOPT

POLICIES AND PROCEDURES NECESSARY TO CARRY OUT ITS DUTIES.

(3) THE TASK FORCE SHALL STUDY, DEVELOP, AND RECOMMEND POLICIES AND METHODS TO BEST IMPLEMENT A FARM-TO-SCHOOL PROGRAM, INCLUDING:

(a) CREATING FARM-TO-SCHOOL PROGRAM PILOTS OR EXPANDING FOOD FOCUS EDUCATION PROGRAM PILOTS;

(b) OFFERING ASSISTANCE IN IDENTIFYING FUNDING SOURCES AND GRANTS THAT ALLOW SCHOOL DISTRICTS TO RECOVER THE COST ASSOCIATED WITH PURCHASING LOCALLY GROWN FOOD PRODUCTS;

(c) IDENTIFYING, DESIGNING, OR MAKING AVAILABLE TRAINING PROGRAMS TO ENABLE LOCAL FARMERS AND RANCHERS TO MARKET THEIR PRODUCTS TO SCHOOL DISTRICTS, INCLUDING PROGRAMS RELATED TO CROP PRODUCTION, MARKETING OF CROPS, POST-HARVEST HANDLING OF CROPS, FOOD SAFETY, BUSINESS MANAGEMENT, LIABILITY AND RISK MANAGEMENT, CONTRACTING FOR CROPS, PROCESSING OF CROPS, AND ANY OTHER TOPICS DEEMED APPROPRIATE BY THE TASK FORCE;

(d) ADVISING SCHOOL DISTRICTS ON METHODS BY WHICH A SCHOOL DISTRICT MAY IMPROVE FACILITIES TO ALLOW FOR THE PURCHASE AND USE OF MINIMALLY PROCESSED AND FRESH AND LOCALLY PRODUCED FOODS IN SCHOOL MEALS; AND

(e) PROVIDING ASSISTANCE TO SCHOOL FOOD SERVICES TO ESTABLISH PROCEDURES, RECIPES, MENU ROTATION, PROPER HANDLING, PREPARING, STORING, AND OTHER INTERNAL PROCESSES THAT ACCOMMODATE THE USE OF LOCALLY GROWN FOODS IN PUBLIC SCHOOLS.

(4) THE TASK FORCE SHALL REPORT ITS PROGRESS, FINDINGS, AND RECOMMENDATIONS TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, THE SENATE AGRICULTURE AND NATURAL RESOURCES COMMITTEE, AND THE HOUSE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR ANY SUCCESSOR COMMITTEES, ON OR BEFORE FEBRUARY 1, 2013.

(5) (a) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2013.

(b) PRIOR TO SAID REPEAL, THE TASK FORCE CREATED PURSUANT TO THIS SECTION SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

SECTION 2. 2-3-1203 (3) (z.5), Colorado Revised Statutes, as it will become effective July 1, 2010, is amended to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(z.5) December 31, 2013:

(I) The Colorado wildlife habitat stamp committee created in section 33-4-102.7, C.R.S.;

(II) THE INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK FORCE CREATED IN SECTION 22-82.6-104, C.R.S.

SECTION 3. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly (August 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part shall not take effect unless approved by the people at the general election to be held in November 2010 and shall take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 15, 2010