

SENATE COMMITTEE OF REFERENCE REPORT

Chair of Committee

April 27, 2023
Date

Committee on Health & Human Services.

After consideration on the merits, the Committee recommends the following:

HB23-1158 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend reengrossed bill, page 4, after line 25 insert:

2 "SECTION 3. In Colorado Revised Statutes, add 26-2-144 as
3 follows:

4 **26-2-144. Food bank assistance grant program - creation -**
5 **rules - definition.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT
6 OTHERWISE REQUIRES:

7 (a) "FOOD BANK" MEANS A NONPROFIT CHARITABLE
8 ORGANIZATION, EXEMPT FROM FEDERAL INCOME TAXATION UNDER THE
9 PROVISIONS OF THE INTERNAL REVENUE CODE, WHOSE PRIMARY PURPOSE
10 IS TO PROCURE FOOD FROM RETAILERS, MANUFACTURERS, FARMERS AND
11 AGRICULTURAL PRODUCERS, INDIVIDUAL DONORS, GROCERY STORES,
12 RESTAURANTS, AND GOVERNMENT CHANNELS; AND STORE, TRANSPORT,
13 AND DISTRIBUTE THE FOOD TO OTHER NONPROFIT CHARITABLE HUNGER
14 RELIEF ORGANIZATIONS, INCLUDING FOOD PANTRIES AND HUNGER RELIEF
15 PARTNER AGENCIES IN A DEFINED GEOGRAPHIC SERVICE AREA.

16 (b) "FOOD PANTRY" MEANS A NONPROFIT CHARITABLE
17 ORGANIZATION, EXEMPT FROM FEDERAL INCOME TAXATION UNDER THE
18 PROVISIONS OF THE INTERNAL REVENUE CODE, WHOSE PRIMARY PURPOSE
19 IS TO DISTRIBUTE FOOD AT NO COST DIRECTLY TO INDIVIDUALS IN NEED IN
20 THE FOOD PANTRY'S LOCAL COMMUNITY AND TYPICALLY RECEIVES MOST
21 OR ALL OF ITS FOOD FROM A PARTNER FOOD BANK, INCLUDING NONPROFIT
22 PARTNER AGENCIES SUCH AS SOUP KITCHENS AND HOMELESS SHELTERS.

23 (c) "GRANT PROGRAM" MEANS THE FOOD BANK ASSISTANCE
24 GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

25 (2) THERE IS CREATED IN THE STATE DEPARTMENT THE FOOD BANK
26 ASSISTANCE GRANT PROGRAM. THE PURPOSE OF THE GRANT PROGRAM IS
27 TO INCREASE THE AMOUNT OF NUTRITIOUS FOOD THAT FOOD BANKS ARE

1 ABLE TO PROVIDE TO THE FOOD BANK'S HUNGER RELIEF PARTNERS.
2 (3) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
3 DEPARTMENT MAY PROVIDE GRANTS OF MONEY TO FOOD BANKS TO
4 ENHANCE THE FOOD BANK'S CAPACITY TO DISTRIBUTE QUALITY FOODS TO
5 HUNGER RELIEF PARTNERS. A FOOD BANK SHALL USE THE GRANT MONEY
6 TO:
7 (a) INCREASE THE VOLUME OF FOOD THAT IS DISTRIBUTED TO THE
8 FOOD BANK'S HUNGER RELIEF PARTNERS, INCLUDING COLORADO
9 AGRICULTURAL PRODUCTS; AND
10 (b) EXPAND CAPACITY TO DELIVER FOOD PRODUCTS TO HUNGER
11 RELIEF PARTNERS, INCLUDING COLORADO AGRICULTURAL PRODUCTS.
12 (4) THE STATE DEPARTMENT MAY AWARD GRANTS TO ONE OR
13 MORE FOOD BANKS OR FOOD BANK ASSOCIATIONS. IN DETERMINING
14 AWARD AMOUNTS, THE STATE DEPARTMENT SHALL:
15 (a) CONSIDER THE FOOD BANK'S OR FOOD BANK ASSOCIATIONS'
16 ABILITY TO DISTRIBUTE QUALITY FOOD IN OPTIMAL CONDITION; AND
17 (b) ENSURE THAT THE FOOD BANK OR FOOD BANK ASSOCIATION IS
18 SERVING ALL REGIONS OF COLORADO, EITHER THROUGH THE FOOD BANK'S
19 OR FOOD BANK ASSOCIATIONS' DISTRIBUTION NETWORK OR THROUGH
20 SUB-AGREEMENTS WITH ENTITIES WHO SERVE OR WILL SERVE
21 UNDER-RESOURCED COMMUNITIES.
22 (5) (a) THE STATE DEPARTMENT SHALL MONITOR THE GRANTS
23 AWARDED. THE STATE DEPARTMENT MAY USE UP TO FIVE PERCENT OF THE
24 TOTAL FUNDS APPROPRIATED FOR THE GRANT PROGRAM FOR DIRECT AND
25 INDIRECT COSTS OF ADMINISTERING AND MONITORING THE GRANT
26 PROGRAM.
27 (b) A FOOD BANK OR FOOD BANK ASSOCIATION MAY USE UP TO TEN
28 PERCENT OF THE GRANT AWARD TO COVER THE FOOD BANK'S DIRECT
29 COSTS IN DISTRIBUTING FOOD.
30 (6) A FOOD BANK OR FOOD BANK ASSOCIATION THAT RECEIVES A
31 GRANT SHALL NOT RESELL OR APPLY OTHER ASSOCIATED FEES TO THE
32 DISTRIBUTION OF FOOD PURCHASED WITH THE MONEY RECEIVED FROM THE
33 GRANT."

34 Renumber succeeding sections accordingly.

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