

**First Regular Session  
Seventy-second General Assembly  
STATE OF COLORADO**

**REVISED**

*This Version Includes All Amendments Adopted  
on Second Reading in the Second House*

LLS NO. 19-0775.01 Jerry Barry x4341

**HOUSE BILL 19-1132**

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**A BILL FOR AN ACT**

101 **CONCERNING COLORADO FOOD PRODUCTS IN SCHOOLS, AND, IN**  
102 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill establishes a grant program in the department of education (CDE) to encourage providers that are entitled to federal money for lunches for students (eligible providers) to purchase food products from Colorado growers, producers, and processors (Colorado food). Three separate incentives under the grant program reimburse eligible providers for the amount of Colorado food that the provider purchased in the

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

SENATE  
2nd Reading Unamended  
April 26, 2019

HOUSE  
3rd Reading Unamended  
April 16, 2019

HOUSE  
Amended 2nd Reading  
April 12, 2019

previous school year or award the eligible provider an amount based on the percentage of Colorado food that the provider purchased in the previous year.

The bill establishes a separate program in CDE to make a grant to a nonprofit organization to make grants to entities that aggregate Colorado food to enhance the sale of Colorado food to schools and to eligible providers to encourage the purchase of Colorado food. The nonprofit organization is required to conduct an annual evaluation and report to CDE.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** article 99 to title  
3 22 as follows:

4 **ARTICLE 99**

5 **Local School Food Purchasing Programs**

6 **22-99-101. Definitions.** AS USED IN THIS ARTICLE 99, UNLESS THE  
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS"  
9 MEANS ALL FRUITS, VEGETABLES, GRAINS, MEATS, AND DAIRY PRODUCTS,  
10 EXCEPT LIQUID MILK, GROWN OR RAISED IN COLORADO AND MINIMALLY  
11 PROCESSED PRODUCTS OR VALUE-ADDED PROCESSED PRODUCTS THAT  
12 MEET THE STANDARDS FOR THE COLORADO PROUD DESIGNATION,  
13 ESTABLISHED BY THE COLORADO DEPARTMENT OF AGRICULTURE, EVEN IF  
14 THE PRODUCT DOES NOT HAVE THE COLORADO PROUD DESIGNATION.

15 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION  
16 CREATED PURSUANT TO SECTION 24-1-115.

17 (3) "MINIMALLY PROCESSED PRODUCTS" MEANS RAW OR FROZEN  
18 FABRICATED PRODUCTS; PRODUCTS THAT RETAIN THEIR INHERENT  
19 CHARACTER, SUCH AS SHREDDED CARROTS OR DICED ONIONS; AND DRIED  
20 PRODUCTS, SUCH AS BEANS, BUT DOES NOT INCLUDE ANY PRODUCTS THAT

1 ARE HEATED, COOKED, OR CANNED.

2 (4) "PARTICIPATING PROVIDER" MEANS A SCHOOL DISTRICT,  
3 CHARTER SCHOOL, BOARD OF COOPERATIVE SERVICES THAT OPERATES A  
4 PUBLIC SCHOOL, OR RESIDENTIAL CHILD CARE CENTER AS DEFINED IN  
5 SECTION 26-6-102 (5) THAT PARTICIPATES IN THE FEDERAL "RICHARD B.  
6 RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.,  
7 AND THAT HAS BEEN SELECTED BY THE DEPARTMENT TO PARTICIPATE IN  
8 THE SCHOOL FOOD PURCHASING PROGRAM PURSUANT TO SECTION  
9 22-99-102 (2)(b).

10 (5) "SCHOOL FOOD PURCHASING PROGRAM" MEANS THE LOCAL  
11 SCHOOL FOOD PURCHASING PROGRAM CREATED PURSUANT TO SECTION  
12 22-99-102.

13 (6) "TECHNICAL ASSISTANCE AND EDUCATION PROGRAM" MEANS  
14 THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND  
15 EDUCATION GRANT PROGRAM CREATED PURSUANT TO SECTION 22-99-103.

16 (7) "VALUE-ADDED PROCESSED PRODUCTS" MEANS PRODUCTS  
17 THAT ARE ALTERED FROM THEIR UNPROCESSED OR MINIMALLY PROCESSED  
18 STATE THROUGH PRESERVATION TECHNIQUES, INCLUDING COOKING,  
19 BAKING, OR CANNING.

20 **22-99-102. Local school food purchasing program - creation**

21 **- rules - report.** (1) THERE IS CREATED IN THE DEPARTMENT THE LOCAL  
22 SCHOOL FOOD PURCHASING PROGRAM TO REIMBURSE PARTICIPATING  
23 PROVIDERS FOR THE PURCHASE OF COLORADO GROWN, RAISED, OR  
24 PROCESSED PRODUCTS.

25 (2) (a) ON OR BEFORE DECEMBER 1, 2019, AND ON OR BEFORE  
26 DECEMBER 1 OF ANY YEAR THEREAFTER, A SCHOOL DISTRICT, CHARTER  
27 SCHOOL, BOARD OF COOPERATIVE SERVICES THAT OPERATES A PUBLIC

1 SCHOOL, OR RESIDENTIAL CHILD CARE CENTER MAY APPLY TO THE  
2 DEPARTMENT ON A FORM DEVELOPED BY THE DEPARTMENT TO  
3 PARTICIPATE IN THE SCHOOL FOOD PURCHASING PROGRAM TO RECEIVE  
4 REIMBURSEMENT FOR THE PURCHASE OF COLORADO GROWN, RAISED, OR  
5 PROCESSED PRODUCTS PURSUANT TO THIS SECTION.

6 (b) ON OR BEFORE MARCH 1, 2020, AND ON OR BEFORE EACH  
7 MARCH 1 THEREAFTER, THE DEPARTMENT SHALL SELECT PARTICIPATING  
8 PROVIDERS. THE DEPARTMENT SHALL SELECT PARTICIPATING PROVIDERS  
9 THAT IN THE PREVIOUS YEAR FOR WHICH NUMBERS ARE AVAILABLE THE  
10 TOTAL NUMBER OF LUNCHESES PROVIDED BY ALL PARTICIPATING PROVIDERS  
11 WAS SEVEN MILLION OR FEWER. THE DEPARTMENT SHALL GIVE  
12 PREFERENCE TO APPLICANTS THAT:

13 (I) DEMONSTRATE A COMMITMENT TO LOCAL PURCHASING OR  
14 FOOD AND AGRICULTURAL EDUCATION;

15 (II) HAVE A KITCHEN WITH THE ABILITY TO STORE, PREPARE, AND  
16 SERVE LOCAL FOOD PRODUCTS;

17 (III) HAVE GREATER THAN TWENTY-FIVE PERCENT OF ITS  
18 STUDENTS ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH PURSUANT TO  
19 THE PROVISIONS OF THE FEDERAL "RICHARD B. RUSSELL NATIONAL  
20 SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.; AND

21 (IV) SATISFY ANY OTHER ELIGIBILITY REQUIREMENTS  
22 ESTABLISHED BY THE STATE BOARD OF EDUCATION BY RULE.

23 (c) ON OR BEFORE AUGUST 1 OF THE YEAR FOLLOWING THE  
24 PARTICIPATING PROVIDER'S APPLICATION, THE PARTICIPATING PROVIDER  
25 SHALL TRACK AND REPORT TO THE DEPARTMENT ON A FORM DEVELOPED  
26 BY THE DEPARTMENT FOR THE SCHOOL YEAR IN WHICH IT APPLIED, AND  
27 FOR THE PRIOR YEAR, THE TOTAL AMOUNT OF COLORADO GROWN, RAISED,

1 OR PROCESSED PRODUCTS IT PURCHASED FOR STUDENT MEALS, THE TOTAL  
2 AMOUNT OF VALUE-ADDED PROCESSED PRODUCTS IT PURCHASED FOR  
3 SCHOOL MEALS, AND THE TOTAL NUMBER OF LUNCHES THAT IT PROVIDED  
4 TO STUDENTS.

5 (3) (a) (I) IN OCTOBER 2020 AND EACH OCTOBER THEREAFTER,  
6 THE DEPARTMENT SHALL REIMBURSE EACH PARTICIPATING PROVIDER  
7 PARTICIPATING IN THE SCHOOL FOOD PURCHASING PROGRAM AS OF THE  
8 PREVIOUS DECEMBER 1 FOR THE AMOUNT SPENT FOR MEALS FOR  
9 STUDENTS ON COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS, UP  
10 TO THE MAXIMUM INCENTIVE ESTABLISHED PURSUANT TO SUBSECTION  
11 (3)(b) OF THIS SECTION; EXCEPT THAT A PARTICIPATING PROVIDER SHALL  
12 NOT BE REIMBURSED FOR THE AMOUNT OF VALUE-ADDED PROCESSED  
13 PRODUCTS THAT EXCEEDS TWENTY-FIVE PERCENT OF THE TOTAL OF THE  
14 COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS IT PURCHASED.

15 (II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(a)(I)  
16 OF THIS SECTION, THE MAXIMUM AMOUNT OF REIMBURSEMENTS THAT MAY  
17 BE AWARDED IN ANY YEAR IS FIVE HUNDRED THOUSAND DOLLARS. IF THE  
18 TOTAL OF ALL ELIGIBLE REIMBURSEMENTS AS CALCULATED UNDER  
19 SUBSECTION (3)(a)(I) OF THIS SECTION EXCEEDS FIVE HUNDRED THOUSAND  
20 DOLLARS, EACH PARTICIPATING PROVIDER'S REIMBURSEMENT AMOUNT  
21 MUST BE REDUCED PROPORTIONATELY.

22 (b) EACH PARTICIPATING PROVIDER IS ENTITLED TO BE  
23 REIMBURSED FOR AN AMOUNT UP TO THE NUMBER OF SCHOOL LUNCHES  
24 PROVIDED BY THE PARTICIPATING PROVIDER AS REPORTED TO THE  
25 DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION, DIVIDED BY  
26 THE TOTAL NUMBER OF LUNCHES REPORTED BY ALL PARTICIPATING  
27 PROVIDERS, MULTIPLIED BY THE TOTAL APPROPRIATION FOR THE SCHOOL

1 FOOD PURCHASING PROGRAM FOR PARTICIPATING PROVIDERS.

2 (4) REIMBURSEMENT PAYMENTS PURSUANT TO THIS SECTION  
3 ACCRUE TO THE PARTICIPATING PROVIDER'S NONPROFIT SCHOOL FOOD  
4 ACCOUNT.

5 (5) (a) THE STATE BOARD OF EDUCATION IS AUTHORIZED TO ADOPT  
6 RULES TO IMPLEMENT THE SCHOOL FOOD PURCHASING PROGRAM.

7 (b) THE DEPARTMENT IS AUTHORIZED TO MONITOR THE SCHOOL  
8 FOOD PURCHASING PROGRAM TO ENSURE PROGRAM INTEGRITY AND TO  
9 ANNUALLY REALLOCATE MONEY AMONG PARTICIPATING PROVIDERS TO  
10 MAXIMIZE THE AMOUNT OF THE MONEY GIVEN.

11 **22-99-103. Local school food purchasing technical assistance**

12 **and education grant program - created - report.** (1) THERE IS  
13 CREATED IN THE DEPARTMENT THE LOCAL SCHOOL FOOD PURCHASING  
14 TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM TO ISSUE A  
15 GRANT TO A STATEWIDE NONPROFIT ORGANIZATION TO DEVELOP AND  
16 MANAGE A GRANT PROGRAM TO ASSIST WITH THE PROMOTION OF  
17 COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS TO PARTICIPATING  
18 PROVIDERS.

19 (2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE NONPROFIT  
20 ORGANIZATION MAY AWARD GRANTS FOR THE FOLLOWING:

21 (a) TRAINING, TECHNICAL ASSISTANCE, AND PHYSICAL  
22 INFRASTRUCTURE GRANTS TO PARTICIPATING PROVIDERS, GROWER  
23 ASSOCIATIONS, OR OTHER ORGANIZATIONS THAT AGGREGATE PRODUCTS  
24 FROM PRODUCERS FOR:

25 (I) PROFESSIONAL CONTRACTING SERVICES TO SUPPORT THE  
26 DEVELOPMENT AND SUSTAINABILITY OF LOCAL AND REGIONAL FOOD  
27 SYSTEMS;

1 (II) CHEF TRAINING ON FOOD HANDLING AND PROCUREMENT  
2 PRACTICES AND SMALL KITCHEN EQUIPMENT PURCHASES;

3 (III) GOOD AGRICULTURAL PRACTICES CERTIFICATION COSTS AND  
4 GOOD HANDLING PRACTICES CERTIFICATION COSTS AND TRAINING ON  
5 SELLING TO SCHOOLS; AND

6 (IV) CAPACITY BUILDING FOR LOCAL VALUE-ADDED PROCESSED  
7 PRODUCTS; AND

8 (b) EDUCATION, OUTREACH, AND PROMOTION FOR:

9 (I) SCHOOLS TO ENGAGE FAMILIES AND COMMUNITIES AROUND THE  
10 BENEFITS OF FARM-TO-SCHOOL AND WAYS TO SUPPORT FARM-TO-SCHOOL;  
11 AND

12 (II) GROWER ASSOCIATIONS AND GROWERS TO COMMUNICATE TO  
13 SCHOOLS AND SCHOOL COMMUNITIES ABOUT THE MULTIPLE BENEFITS OF  
14 PURCHASING LOCAL PRODUCTS.

15 (3) THE NONPROFIT ORGANIZATION SHALL ANNUALLY REPORT TO  
16 THE DEPARTMENT ON THE TECHNICAL ASSISTANCE AND EDUCATION  
17 PROGRAM INCLUDING:

18 (a) THE NUMBER AND TYPES OF ENTITIES RECEIVING GRANTS;

19 (b) THE NUMBER, TYPES, AND PURPOSES OF THE GRANTS AWARDED  
20 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION; AND

21 (c) THE TYPES OF EDUCATION AND OUTREACH CONDUCTED BY  
22 PARTICIPATING PROVIDERS AND OTHERS PURSUANT TO SUBSECTION (2)(b)  
23 OF THIS SECTION.

24 **22-99-104. Evaluation - report.** (1) ON OR BEFORE DECEMBER  
25 1, 2021, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE  
26 DEPARTMENT SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES  
27 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, THE RURAL AFFAIRS

1 AND AGRICULTURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND  
2 THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE,  
3 OR ANY SUCCESSOR COMMITTEES, ON THE EFFECT OF THE SCHOOL FOOD  
4 PURCHASING PROGRAM ON THE AMOUNT OF COLORADO GROWN, RAISED,  
5 OR PROCESSED PRODUCTS PURCHASED BY PARTICIPATING PROVIDERS,  
6 INCLUDING:

7 (a) NAMES AND DEMOGRAPHIC DATA OF PARTICIPATING  
8 PROVIDERS;

9 (b) DOLLAR AMOUNT SPENT ON COLORADO PRODUCTS DURING THE  
10 SCHOOL FOOD PURCHASING PROGRAM, INCLUDING LOCAL PURCHASING  
11 DATA FROM THE YEAR PRIOR TO THE SCHOOL FOOD PURCHASING PROGRAM  
12 INCLUDED IN THE APPLICATION;

13 (c) PRODUCT CATEGORIES PURCHASED;

14 (d) NUMBER OF COLORADO PRODUCERS OR BUSINESSES  
15 PARTICIPATING BY PARTICIPATING PROVIDER AND IN TOTAL;

16 (e) ECONOMIC IMPACT ON PARTICIPATING PROVIDERS, PRODUCERS,  
17 AND ECONOMIES; AND

18 (f) QUALITATIVE PRODUCER AND PARTICIPATING PROVIDER  
19 SURVEYS.

20 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136  
21 (11)(a)(I), THE REPORTING REQUIREMENT PURSUANT TO SUBSECTION (1)  
22 OF THIS SECTION CONTINUES INDEFINITELY.

23 **22-99-105. Repeal.** THIS ARTICLE 99 IS REPEALED, EFFECTIVE  
24 JANUARY 1, 2023.

25 **SECTION 2. Appropriation.** For the 2019-20 state fiscal year,  
26 \$168,942 is appropriated to the department of education. This  
27 appropriation is from the general fund and is based on an assumption that



1 the department will require an additional 0.3 FTE. To implement this act,  
2 the department may use this appropriation for local school food  
3 purchasing programs.

4 **SECTION 3. Act subject to petition - effective date.** This act  
5 takes effect at 12:01 a.m. on the day following the expiration of the  
6 ninety-day period after final adjournment of the general assembly (August  
7 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a  
8 referendum petition is filed pursuant to section 1 (3) of article V of the  
9 state constitution against this act or an item, section, or part of this act  
10 within such period, then the act, item, section, or part will not take effect  
11 unless approved by the people at the general election to be held in  
12 November 2020 and, in such case, will take effect on the date of the  
13 official declaration of the vote thereon by the governor.