

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

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 19-0775.01 Jerry Barry x4341

HOUSE BILL 19-1132

HOUSE SPONSORSHIP

Buentello and Pelton,

SENATE SPONSORSHIP

Coram,

House Committees

Rural Affairs & Agriculture
Education

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING COLORADO FOOD PRODUCTS IN SCHOOLS.**

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 previous school year or award the eligible provider an amount based on the percentage 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.

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.

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
21 ARE HEATED, COOKED, OR CANNED.

22 (4) "PARTICIPATING PROVIDER" MEANS A SCHOOL DISTRICT,

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

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

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

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

18 **22-99-102. Local school food purchasing program - creation**
19 **- rules - report.** (1) THERE IS CREATED IN THE DEPARTMENT THE LOCAL
20 SCHOOL FOOD PURCHASING PROGRAM TO REIMBURSE PARTICIPATING
21 PROVIDERS FOR THE PURCHASE OF COLORADO GROWN, RAISED, OR
22 PROCESSED PRODUCTS.

23 (2) (a) ON OR BEFORE DECEMBER 1, 2019, AND ON OR BEFORE
24 DECEMBER 1 OF ANY YEAR THEREAFTER, A SCHOOL DISTRICT, CHARTER
25 SCHOOL, BOARD OF COOPERATIVE SERVICES THAT OPERATES A PUBLIC
26 SCHOOL, OR RESIDENTIAL CHILD CARE CENTER MAY APPLY TO THE
27 DEPARTMENT ON A FORM DEVELOPED BY THE DEPARTMENT TO

1 PARTICIPATE IN THE SCHOOL FOOD PURCHASING PROGRAM TO RECEIVE
2 REIMBURSEMENT FOR THE PURCHASE OF COLORADO GROWN, RAISED, OR
3 PROCESSED PRODUCTS PURSUANT TO THIS SECTION.

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

11 (I) DEMONSTRATE A COMMITMENT TO LOCAL PURCHASING OR
12 FOOD AND AGRICULTURAL EDUCATION;

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

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

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

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

1 SCHOOL MEALS, AND THE TOTAL NUMBER OF LUNCHES THAT IT PROVIDED
2 TO STUDENTS.

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

13 (b) EACH PARTICIPATING PROVIDER IS ENTITLED TO BE
14 REIMBURSED FOR AN AMOUNT UP TO THE NUMBER OF SCHOOL LUNCHES
15 PROVIDED BY THE PARTICIPATING PROVIDER AS REPORTED TO THE
16 DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION, DIVIDED BY
17 THE TOTAL NUMBER OF LUNCHES REPORTED BY ALL PARTICIPATING
18 PROVIDERS, MULTIPLIED BY THE TOTAL APPROPRIATION FOR THE SCHOOL
19 FOOD PURCHASING PROGRAM FOR PARTICIPATING PROVIDERS.

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

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

25 (b) THE DEPARTMENT IS AUTHORIZED TO MONITOR THE SCHOOL
26 FOOD PURCHASING PROGRAM TO ENSURE PROGRAM INTEGRITY AND TO
27 ANNUALLY REALLOCATE MONEY AMONG PARTICIPATING PROVIDERS TO

1 MAXIMIZE THE AMOUNT OF THE MONEY GIVEN.

2 **22-99-103. Local school food purchasing technical assistance**

3 **and education grant program - created - report. (1) THERE IS**

4 CREATED IN THE DEPARTMENT THE LOCAL SCHOOL FOOD PURCHASING

5 TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM TO ISSUE A

6 GRANT TO A STATEWIDE NONPROFIT ORGANIZATION TO DEVELOP AND

7 MANAGE A GRANT PROGRAM TO ASSIST WITH THE PROMOTION OF

8 COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS TO PARTICIPATING

9 PROVIDERS.

10 (2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE NONPROFIT

11 ORGANIZATION MAY AWARD GRANTS FOR THE FOLLOWING:

12 (a) TRAINING, TECHNICAL ASSISTANCE, AND PHYSICAL

13 INFRASTRUCTURE GRANTS TO PARTICIPATING PROVIDERS, GROWER

14 ASSOCIATIONS, OR OTHER ORGANIZATIONS THAT AGGREGATE PRODUCTS

15 FROM PRODUCERS FOR:

16 (I) PROFESSIONAL CONTRACTING SERVICES TO SUPPORT THE

17 DEVELOPMENT AND SUSTAINABILITY OF LOCAL AND REGIONAL FOOD

18 SYSTEMS;

19 (II) CHEF TRAINING ON FOOD HANDLING AND PROCUREMENT

20 PRACTICES AND SMALL KITCHEN EQUIPMENT PURCHASES;

21 (III) GOOD AGRICULTURAL PRACTICES CERTIFICATION COSTS AND

22 GOOD HANDLING PRACTICES CERTIFICATION COSTS AND TRAINING ON

23 SELLING TO SCHOOLS; AND

24 (IV) CAPACITY BUILDING FOR LOCAL VALUE-ADDED PROCESSED

25 PRODUCTS; AND

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

27 (I) SCHOOLS TO ENGAGE FAMILIES AND COMMUNITIES AROUND THE

1 BENEFITS OF FARM-TO-SCHOOL AND WAYS TO SUPPORT FARM-TO-SCHOOL;
2 AND

3 (II) GROWER ASSOCIATIONS AND GROWERS TO COMMUNICATE TO
4 SCHOOLS AND SCHOOL COMMUNITIES ABOUT THE MULTIPLE BENEFITS OF
5 PURCHASING LOCAL PRODUCTS.

6 (3) THE NONPROFIT ORGANIZATION SHALL ANNUALLY REPORT TO
7 THE DEPARTMENT ON THE TECHNICAL ASSISTANCE AND EDUCATION
8 PROGRAM INCLUDING:

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

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

12 (c) THE TYPES OF EDUCATION AND OUTREACH CONDUCTED BY
13 PARTICIPATING PROVIDERS AND OTHERS PURSUANT TO SUBSECTION (2)(b)
14 OF THIS SECTION.

15 **22-99-104. Evaluation - report.** (1) ON OR BEFORE DECEMBER
16 1, 2021, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE
17 DEPARTMENT SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES
18 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, THE RURAL AFFAIRS
19 AND AGRICULTURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND
20 THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE,
21 OR ANY SUCCESSOR COMMITTEES, ON THE EFFECT OF THE SCHOOL FOOD
22 PURCHASING PROGRAM ON THE AMOUNT OF COLORADO GROWN, RAISED,
23 OR PROCESSED PRODUCTS PURCHASED BY PARTICIPATING PROVIDERS,
24 INCLUDING:

25 (a) NAMES AND DEMOGRAPHIC DATA OF PARTICIPATING
26 PROVIDERS;

27 (b) DOLLAR AMOUNT SPENT ON COLORADO PRODUCTS DURING THE

1 SCHOOL FOOD PURCHASING PROGRAM, INCLUDING LOCAL PURCHASING
2 DATA FROM THE YEAR PRIOR TO THE SCHOOL FOOD PURCHASING PROGRAM
3 INCLUDED IN THE APPLICATION;

4 (c) PRODUCT CATEGORIES PURCHASED;

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

7 (e) ECONOMIC IMPACT ON PARTICIPATING PROVIDERS, PRODUCERS,
8 AND ECONOMIES; AND

9 (f) QUALITATIVE PRODUCER AND PARTICIPATING PROVIDER
10 SURVEYS.

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

14 **22-99-105. Repeal.** THIS ARTICLE 99 IS REPEALED, EFFECTIVE
15 JANUARY 1, 2023.

16 **SECTION 2. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly (August
19 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
20 referendum petition is filed pursuant to section 1 (3) of article V of the
21 state constitution against this act or an item, section, or part of this act
22 within such period, then the act, item, section, or part will not take effect
23 unless approved by the people at the general election to be held in
24 November 2020 and, in such case, will take effect on the date of the
25 official declaration of the vote thereon by the governor.