

**First Extraordinary Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 23B-0006.01 Alana Rosen x2606

**SENATE BILL 23B-002**

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**Senate Committees**  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING CREATING A PROGRAM TO PROVIDE FOOD BENEFITS TO**  
102                    **STUDENTS FROM LOW-INCOME HOUSEHOLDS DURING SUMMER**  
103                    **MONTHS.**

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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 creates the summer electronic benefits transfer for children program (summer EBT) in the department of human services (state department). The purpose of summer EBT is to provide food benefits to students in low-income households for the summer months when students are not in school pursuant to federal law.

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

The state department is designated as the lead agency to administer summer EBT in Colorado, in cooperation with the federal government. The state department may enter into an agreement with the secretary of the United States department of agriculture food and nutrition service to accept federal program benefits for summer EBT and disburse those benefits to qualified households. To administer summer EBT, the state department shall:

- Establish eligibility criteria and distribute benefits consistent with federal law;
- Develop procedures to pursue claims for benefit recovery;
- Develop an outreach plan and conduct outreach to community-based organizations and households; and
- Promulgate rules to manage household and administrative errors and any other rules necessary to comply with federal law.

The bill designates the department of education as the partner agency for the administration of summer EBT. To administer summer EBT, the department of education shall:

- Develop an outreach plan and conduct outreach to local education providers and school food authorities participating in the national school lunch program (lunch program) or national school breakfast program (breakfast program); and
- Provide technical assistance to school food authorities, specifically school food authorities located in rural areas.

The state department and the department of education shall jointly:

- Develop protocols for the sharing of relevant data necessary for the administration of summer EBT;
- Streamline rule-making and data collection; and
- Develop and provide a parent opt-out process to the extent allowable by federal law.

The bill requires school food authorities that participate in the lunch program or breakfast program to provide the department of education with the minimum student-level data necessary to gather and maintain the eligibility information required by federal law. The department of education shall share the data with the state department to administer summer EBT. All data must be treated as protected personally identifiable information, consistent with state and federal laws.

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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** 26-2-309 as  
3 follows:

1           **26-2-309. Summer electronic benefits transfer for children**  
2 **program - creation - rules - legislative declaration - definitions -**  
3 **repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

4           (I) PROGRAMS THAT PROVIDE SUMMER FOOD BENEFITS TO  
5 STUDENTS FROM LOW-INCOME HOUSEHOLDS ARE PROVEN TO REDUCE  
6 CHILDHOOD HUNGER AND IMPROVE DIET QUALITY, AND THEY HELP TO  
7 ENSURE THAT STUDENTS RETURN TO CLASSROOMS IN THE FALL READY TO  
8 LEARN;

9           (II) THE UNITED STATES CONGRESS RECENTLY CREATED THE  
10 FEDERAL SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN  
11 PROGRAM AS A PERMANENT PROGRAM TO PROVIDE NUTRITIONAL BENEFITS  
12 TO ELIGIBLE STUDENTS FOR THE MONTHS WHEN STUDENTS ARE NOT IN  
13 SCHOOL;

14           (III) STATES THAT ADMINISTER THE FEDERAL SUMMER  
15 ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM WILL BE ABLE  
16 TO PROVIDE A FEDERALLY FUNDED BENEFIT OF FORTY DOLLARS PER  
17 ELIGIBLE STUDENT PER SUMMER MONTH IN THE FORM OF CASH-LIKE  
18 BENEFITS ON AN ELECTRONIC BENEFITS CARD TO PURCHASE FOOD FROM  
19 RETAIL FOOD STORES THAT ARE APPROVED TO PARTICIPATE IN THE  
20 FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

21           (IV) BY PARTICIPATING IN THE FEDERAL SUMMER ELECTRONIC  
22 BENEFITS TRANSFER FOR CHILDREN PROGRAM, COLORADO WILL RECEIVE  
23 REIMBURSEMENT FOR FIFTY PERCENT OF THE STATE'S ADMINISTRATIVE  
24 COSTS; AND

25           (V) UNDER THE FEDERAL SUMMER ELECTRONIC BENEFITS  
26 TRANSFER FOR CHILDREN PROGRAM, OVER THREE HUNDRED THOUSAND  
27 COLORADO STUDENTS WILL GAIN ACCESS TO FOOD BENEFITS, TOTALING

1 BETWEEN THIRTY TO THIRTY-FIVE MILLION DOLLARS IN FEDERALLY  
2 FUNDED BENEFITS.

3 (b) THE GENERAL ASSEMBLY, THEREFORE, DECLARES IT IS  
4 NECESSARY FOR THE STATE TO AUTHORIZE AND PROVIDE RESOURCES TO  
5 THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF  
6 EDUCATION TO DEVELOP AND ADMINISTER THE SUMMER ELECTRONIC  
7 BENEFITS TRANSFER FOR CHILDREN PROGRAM.

8 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
9 REQUIRES:

10 (a) "NATIONAL SCHOOL BREAKFAST PROGRAM" MEANS THE  
11 FEDERAL SCHOOL BREAKFAST PROGRAM CREATED IN 42 U.S.C. SEC. 1773,  
12 AS AMENDED.

13 (b) "NATIONAL SCHOOL LUNCH PROGRAM" MEANS THE FEDERAL  
14 SCHOOL LUNCH PROGRAM CREATED IN THE "RICHARD B. RUSSELL  
15 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ, AS  
16 AMENDED.

17 (c) "SCHOOL FOOD AUTHORITY" MEANS THE GOVERNING BODY  
18 THAT IS RESPONSIBLE FOR THE ADMINISTRATION OF ONE OR MORE  
19 SCHOOLS AND HAS THE LEGAL AUTHORITY TO OPERATE THE NATIONAL  
20 SCHOOL LUNCH PROGRAM OR NATIONAL SCHOOL BREAKFAST PROGRAM OR  
21 WOULD OTHERWISE BE APPROVED BY THE UNITED STATES DEPARTMENT  
22 OF AGRICULTURE FOOD AND NUTRITION SERVICE TO OPERATE THE  
23 NATIONAL SCHOOL LUNCH PROGRAM OR NATIONAL SCHOOL BREAKFAST  
24 PROGRAM.

25 (d) "SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN  
26 PROGRAM" OR "PROGRAM" MEANS THE FEDERAL SUMMER ELECTRONIC  
27 BENEFITS TRANSFER FOR CHILDREN PROGRAM CREATED IN THE FEDERAL

1 "CONSOLIDATED APPROPRIATIONS ACT, 2023", PUB.L. 117-328 AND  
2 SUBSECTION (3) OF THIS SECTION.

3 (3) (a) THE SUMMER ELECTRONIC BENEFITS TRANSFER FOR  
4 CHILDREN PROGRAM IS CREATED IN THE STATE DEPARTMENT. THE  
5 PURPOSE OF THE PROGRAM IS TO PROVIDE SUMMER FOOD BENEFITS TO  
6 ELIGIBLE STUDENTS IN LOW-INCOME HOUSEHOLDS DURING SUMMER  
7 MONTHS WHEN STUDENTS ARE NOT IN SCHOOL PURSUANT TO FEDERAL  
8 LAW. ELIGIBLE STUDENTS MAY RECEIVE A FEDERALLY FUNDED BENEFIT OF  
9 FORTY DOLLARS PER STUDENT PER SUMMER MONTH THROUGH CASH-LIKE  
10 BENEFITS ON AN ELECTRONIC BENEFITS CARD TO PURCHASE FOOD FROM  
11 RETAIL FOOD STORES THAT ARE APPROVED TO PARTICIPATE IN THE  
12 FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM.

13 (b) THE STATE DEPARTMENT IS DESIGNATED AS THE LEAD AGENCY  
14 TO ADMINISTER THE PROGRAM IN THE STATE, IN COOPERATION WITH THE  
15 FEDERAL GOVERNMENT PURSUANT TO THE FEDERAL "CONSOLIDATED  
16 APPROPRIATIONS ACT, 2023", PUB.L. 117-328. THE STATE DEPARTMENT  
17 MAY ENTER INTO AN AGREEMENT WITH THE SECRETARY OF THE UNITED  
18 STATES DEPARTMENT OF AGRICULTURE FOOD AND NUTRITION SERVICE TO  
19 ACCEPT FEDERAL PROGRAM BENEFITS AND DISBURSE BENEFITS TO  
20 QUALIFIED HOUSEHOLDS PURSUANT TO FEDERAL LAW.

21 (c) THE DEPARTMENT OF EDUCATION IS DESIGNATED AS THE  
22 PARTNER AGENCY FOR THE PROGRAM.

23 (4) (a) TO ADMINISTER THE PROGRAM, THE STATE DEPARTMENT  
24 SHALL:

25 (I) ESTABLISH ELIGIBILITY CRITERIA AND DISTRIBUTE BENEFITS  
26 CONSISTENT WITH FEDERAL LAW;

27 (II) DEVELOP PROCEDURES TO PURSUE CLAIMS FOR BENEFIT

1 RECOVERY;

2 (III) DEVELOP AN OUTREACH PLAN AND CONDUCT OUTREACH TO  
3 COMMUNITY-BASED ORGANIZATIONS AND HOUSEHOLDS; AND

4 (IV) PROMULGATE RULES TO MANAGE HOUSEHOLD AND  
5 ADMINISTRATIVE ERRORS AND ANY OTHER RULES NECESSARY TO COMPLY  
6 WITH FEDERAL LAW.

7 (b) TO ADMINISTER THE PROGRAM, THE DEPARTMENT OF  
8 EDUCATION SHALL:

9 (I) DEVELOP AN OUTREACH PLAN AND CONDUCT OUTREACH TO  
10 LOCAL EDUCATION PROVIDERS, AS DEFINED IN SECTION 22-16-103, AND  
11 SCHOOL FOOD AUTHORITIES; AND

12 (II) PROVIDE TECHNICAL ASSISTANCE TO SCHOOL FOOD  
13 AUTHORITIES, SPECIFICALLY SCHOOL FOOD AUTHORITIES LOCATED IN  
14 RURAL AREAS.

15 (c) THE STATE DEPARTMENT AND THE DEPARTMENT OF EDUCATION  
16 SHALL JOINTLY:

17 (I) DEVELOP PROTOCOLS FOR THE SHARING OF RELEVANT DATA  
18 NECESSARY FOR THE ADMINISTRATION OF THE PROGRAM;

19 (II) STREAMLINE RULE-MAKING AND DATA COLLECTION; AND

20 (III) DEVELOP AND PROVIDE A PARENT OPT-OUT PROCESS, TO THE  
21 EXTENT ALLOWABLE PURSUANT TO THE FEDERAL REQUIREMENTS FOR THE  
22 PROGRAM.

23 (5) (a) EACH SCHOOL FOOD AUTHORITY SHALL PROVIDE TO THE  
24 DEPARTMENT OF EDUCATION THE MINIMUM STUDENT-LEVEL DATA  
25 NECESSARY TO GATHER AND MAINTAIN ELIGIBILITY INFORMATION  
26 REQUIRED FOR THE PROGRAM BY THE UNITED STATES DEPARTMENT OF  
27 AGRICULTURE FOOD AND NUTRITION SERVICE. THE DEPARTMENT OF

1 EDUCATION SHALL SHARE THE DATA WITH THE STATE DEPARTMENT FOR  
2 THE ADMINISTRATION OF THE PROGRAM.

3 (b) IN COLLECTING DATA FROM SCHOOL FOOD AUTHORITIES  
4 PURSUANT TO SUBSECTION (5)(a) OF THIS SECTION, THE DEPARTMENT OF  
5 EDUCATION IS NOT SUBJECT TO THE ADVANCED NOTICE DATA REPORTING  
6 REQUIREMENT DESCRIBED IN SECTION 22-2-306 (3)(a).

7 (c) THE DATA DESCRIBED IN THIS SUBSECTION (5) MUST BE  
8 AVAILABLE TO THE STATE DEPARTMENT AND THE DEPARTMENT OF  
9 EDUCATION FOR A PERIOD NOT TO EXCEED FEDERAL RETENTION  
10 REQUIREMENTS. THE DATA MUST BE TREATED AS PROTECTED PERSONALLY  
11 IDENTIFIABLE INFORMATION CONSISTENT WITH THE FEDERAL "FAMILY  
12 EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. SEC.  
13 1232g, AS AMENDED; THE "STUDENT DATA TRANSPARENCY AND  
14 SECURITY ACT", ARTICLE 16 OF TITLE 22; AND ALL OTHER APPLICABLE  
15 STATE AND FEDERAL LAWS.

16 (6) THIS SECTION DOES NOT PREVENT THE STATE DEPARTMENT OR  
17 THE DEPARTMENT OF EDUCATION FROM COMPLYING WITH THE FEDERAL  
18 REQUIREMENTS FOR THE PROGRAM PURSUANT TO FEDERAL LAW AND  
19 REGULATION FOR THE STATE TO QUALIFY FOR FEDERAL FUNDS AND TO  
20 MAINTAIN THE PROGRAM WITHIN THE LIMITS OF AVAILABLE  
21 APPROPRIATIONS.

22 (7) (a) FOR FISCAL YEARS 2023-24 AND 2024-25, THE STATE  
23 DEPARTMENT AND THE DEPARTMENT OF EDUCATION ARE EXEMPT FROM  
24 THE REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112  
25 OF TITLE 24, WHEN SELECTING VENDORS TO IMPLEMENT AND ADMINISTER  
26 THE PROGRAM.

27 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2026.

1           (8) (a) (I) FOR STATE FISCAL YEAR 2023-24, THE GENERAL  
2 ASSEMBLY SHALL APPROPRIATE AT LEAST THREE MILLION ONE HUNDRED  
3 THIRTEEN THOUSAND EIGHT HUNDRED SEVENTY-NINE DOLLARS TO THE  
4 STATE DEPARTMENT FROM THE GENERAL FUND FOR PURPOSES OF THIS  
5 SECTION.

6           (II) THE STATE DEPARTMENT SHALL RETAIN ANY UNSPENT MONEY  
7 APPROPRIATED IN FISCAL YEAR 2023-24 FROM THE GENERAL FUND  
8 PURSUANT TO SUBSECTION (8)(a)(I) OF THIS SECTION FOR THE  
9 ADMINISTRATION OF THE PROGRAM.

10          (b) (I) FOR STATE FISCAL YEAR 2024-25, THE GENERAL ASSEMBLY  
11 SHALL APPROPRIATE AT LEAST ONE MILLION EIGHT HUNDRED THOUSAND  
12 THREE HUNDRED TWENTY-THREE DOLLARS FOR PURPOSES OF THIS  
13 SECTION.

14          (II) THE STATE DEPARTMENT SHALL RETAIN ANY UNSPENT MONEY  
15 APPROPRIATED IN FISCAL YEAR 2024-25 FROM THE GENERAL FUND  
16 PURSUANT TO SUBSECTION (8)(b)(I) OF THIS SECTION FOR THE  
17 ADMINISTRATION OF THE PROGRAM.

18          **SECTION 2.** In Colorado Revised Statutes, **add** 22-2-149 as  
19 follows:

20          **22-2-149. Summer electronic benefits transfer for children**  
21 **program - duties.** (1) THE DEPARTMENT IS THE DESIGNATED PARTNER  
22 AGENCY FOR THE SUMMER ELECTRONIC BENEFITS TRANSFER FOR  
23 CHILDREN PROGRAM CREATED IN THE DEPARTMENT OF HUMAN SERVICES  
24 PURSUANT TO SECTION 26-2-309.

25          (2) TO ADMINISTER THE SUMMER ELECTRONIC BENEFITS TRANSFER  
26 FOR CHILDREN PROGRAM, THE DEPARTMENT SHALL:

27          (a) DEVELOP AN OUTREACH PLAN AND CONDUCT OUTREACH TO



1 LOCAL EDUCATION PROVIDERS, AS DEFINED IN SECTION 22-16-103, AND  
2 SCHOOL FOOD AUTHORITIES, AS DEFINED IN SECTION 26-2-309;

3 (b) PROVIDE TECHNICAL ASSISTANCE TO SCHOOL FOOD  
4 AUTHORITIES, SPECIFICALLY SCHOOL FOOD AUTHORITIES LOCATED IN  
5 RURAL AREAS; AND

6 (c) COLLECT THE MINIMUM STUDENT-LEVEL DATA NECESSARY TO  
7 GATHER AND MAINTAIN ELIGIBILITY INFORMATION REQUIRED BY THE  
8 SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM AND  
9 SHARE THE DATA WITH THE DEPARTMENT OF HUMAN SERVICES FOR THE  
10 ADMINISTRATION OF THE SUMMER ELECTRONIC BENEFITS TRANSFER FOR  
11 CHILDREN PROGRAM AS SET FORTH IN SECTION 26-2-309 (5).

12 (3) THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT  
13 SHALL JOINTLY:

14 (a) DEVELOP PROTOCOLS FOR THE SHARING OF RELEVANT DATA  
15 NECESSARY FOR THE ADMINISTRATION OF THE SUMMER ELECTRONIC  
16 BENEFITS TRANSFER FOR CHILDREN PROGRAM;

17 (b) STREAMLINE RULE-MAKING AND DATA COLLECTION; AND

18 (c) DEVELOP AND PROVIDE A PARENT OPT-OUT PROCESS, TO THE  
19 EXTENT ALLOWABLE PURSUANT TO THE FEDERAL REQUIREMENTS FOR THE  
20 SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM.

21 (4) (a) (I) FOR STATE FISCAL YEAR 2023-24, THE GENERAL  
22 ASSEMBLY SHALL APPROPRIATE ONE HUNDRED NINETY-SIX THOUSAND  
23 FORTY-THREE DOLLARS TO THE DEPARTMENT FROM THE GENERAL FUND  
24 FOR PURPOSES OF THIS SECTION.

25 (II) THE DEPARTMENT SHALL RETAIN ANY UNSPENT MONEY  
26 APPROPRIATED IN FISCAL YEAR 2023-24 FROM THE GENERAL FUND  
27 PURSUANT TO SUBSECTION (4)(a)(I) OF THIS SECTION FOR THE

1 ADMINISTRATION OF THE SUMMER ELECTRONIC BENEFITS TRANSFER FOR  
2 CHILDREN PROGRAM.

3 (b) (I) FOR STATE FISCAL YEAR 2024-25, THE GENERAL ASSEMBLY  
4 SHALL APPROPRIATE THREE HUNDRED NINETY-THREE THOUSAND EIGHT  
5 HUNDRED SIX DOLLARS TO THE DEPARTMENT FROM THE GENERAL FUND  
6 FOR PURPOSES OF THIS SECTION.

7 (II) THE DEPARTMENT SHALL RETAIN ANY UNSPENT MONEY  
8 APPROPRIATED IN FISCAL YEAR 2024-25 FROM THE GENERAL FUND  
9 PURSUANT TO SUBSECTION (4)(b)(I) OF THIS SECTION FOR THE  
10 ADMINISTRATION OF THE SUMMER ELECTRONIC BENEFITS TRANSFER FOR  
11 CHILDREN PROGRAM.

12 **SECTION 3. Safety clause.** The general assembly finds,  
13 determines, and declares that this act is necessary for the immediate  
14 preservation of the public peace, health, or safety or for appropriations for  
15 the support and maintenance of the departments of the state and state  
16 institutions.