

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

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 25-0750.04 Pierce Lively x2059

**SENATE BILL 25-214**

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**SENATE SPONSORSHIP**

**Bridges and Amabile**, Kirkmeyer, Michaelson Jenet, Mullica, Snyder, Wallace

**HOUSE SPONSORSHIP**

**Sirota and Taggart**, Bird

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**Senate Committees**  
Appropriations

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING REIMBURSEMENTS FOR ELIGIBLE MEALS PROVIDED**  
102                    **THROUGH THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM,**  
103                    **AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN**  
104                    **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/>.)*

**Joint Budget Committee.** The healthy school meals for all program (program) reimburses participating school food authorities for meals that those authorities provide to students without charge. **Section**

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.

SENATE  
3rd Reading Unamended  
April 3, 2025

SENATE  
Amended 2nd Reading  
April 2, 2025

2 of the bill allows for the amount of these reimbursements to be modified in 2 different scenarios. First, if a referred measure that would, beginning with the 2026 state income tax year, increase state taxes annually by at least \$90 million in connection with the program is not approved by the voters voting on the referred measure at the 2025 statewide election, the department of education (department) is required to only provide reimbursements to participating school food authorities for meals served at eligible sites. Eligible sites are those that either:

- Qualify for the community eligibility provision program, as that program exists on November 15, 2025; or
- Is identified as an eligible site by the department based on the amount that the general assembly appropriates for the purpose of providing reimbursements to a participating school food authority for offering eligible meals without charge and the percentage of a site's student enrollment who are certified as eligible for free meals based on documentation of benefit receipt or categorical eligibility as described in federal rule, or any successor regulations.

Second, if the department, in consultation with the office of state planning and budgeting, determines that the amount that the general assembly appropriated for the purpose of providing reimbursements to a participating school food authority is less than the costs of the department providing those reimbursements, the department may request a supplemental appropriation or an overexpenditure. If that request is rejected, the department may determine a prorated reimbursement amount for the reimbursements that the department provides through the program to each participating school food authority for the remainder of that budget year.

Under current law, if the department determines that there is an insufficient amount of money in the healthy school meals for all program cash fund (fund) for the department to provide reimbursements to a participating school food authority for offering eligible meals without charge, the department may make an expenditure from the general fund to provide those reimbursements. **Sections 4 and 6** limit this expenditure authority to fiscal years commencing on or before July 1, 2024.

Additionally, under current law, the general assembly is required to appropriate money from the state education fund to cover program costs for which there is not sufficient money in the fund for state fiscal years 2023-24 and 2024-25. **Section 3** allows the general assembly to appropriate money from the state education fund into state fiscal year 2025-26. **Section 4** requires the department, on January 15, 2027, in consultation with the office of state planning and budgeting, to report to the joint budget committee on whether there is a sufficient balance in the fund for:

- The state treasurer to transfer an amount from the fund to

the state education fund equal to the total amount of expenditures from the state education fund for the program for state fiscal years 2022-23, 2023-24, 2024-25, and 2025-26 minus the amount of additional tax revenue deposited in the state education fund as a result of the increase in state income tax generated in connection with voter approval of the program for those same fiscal years; and

- The department to provide reimbursements to a participating school food authority for offering eligible meals without charge.

**Section 8** decreases the appropriation for school meal reimbursements provided through the program from the general fund by \$42,240,242 and increases the appropriation from the state education fund by \$8,119,271 for the same purpose.

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

2           **SECTION 1. Legislative declaration.** The general assembly  
3 finds and declares that, in the event of unanticipated federal action,  
4 changes in the amount of tax revenue collected in connection with the  
5 Healthy School Meals for All program, or changes in the utilization of the  
6 Healthy School Meals for All program it is the general assembly's intent  
7 to prioritize reimbursing the cost of meals served for those students who  
8 are certified as eligible for free meals based on documentation of benefit  
9 receipt or categorical eligibility as described in 7 CFR 245.9 (f)(1)(iii)  
10 and by those schools that participate in the federal community eligibility  
11 provision program created in 42 U.S.C. sec. 1759a (a)(1)(F).

12           **SECTION 2.** In Colorado Revised Statutes, 22-82.9-204, **amend**  
13 (1)(a)(I), (1)(a)(II), (1)(b), and (2); and **add** (1)(b.3) and (1)(b.5) as  
14 follows:

15           **22-82.9-204. Healthy school meals for all program - created -**  
16 **advisory group - report - rules - definition - repeal.** (1) (a) There is  
17 created in the department the healthy school meals for all program

1 through which each school food authority that chooses to participate in  
2 the program:

3 (I) Offers eligible meals, without charge, to all students enrolled  
4 in the public schools THAT ARE served by the participating school food  
5 authority, ~~that~~ participate in the national school lunch program or national  
6 school breakfast program, AND FOR WHICH THE DEPARTMENT MAY  
7 REIMBURSE THE PARTICIPATING SCHOOL FOOD AUTHORITY PURSUANT TO  
8 SUBSECTION (1)(b) OR (1)(b.3) OF THIS SECTION;

9 (II) Receives reimbursement for the meals as described in  
10 ~~subsection (1)(b) of this section~~ THIS SUBSECTION (1);

11 (b) (I) FOR ELIGIBLE MEALS SERVED BEFORE JANUARY 1, 2026, the  
12 amount of the reimbursement provided through the program to each  
13 participating school food authority for each budget year, is equal to the  
14 federal free reimbursement rate multiplied by the total number of eligible  
15 meals that the participating school food authority serves during the  
16 applicable budget year minus the total amount of reimbursement for  
17 eligible meals served during the applicable budget year that the  
18 participating school food authority receives pursuant to the national  
19 school breakfast program, the national school lunch program, sections  
20 22-54-123 and 22-54-123.5, article 82.7 of this title 22, and part 1 of this  
21 article 82.9.

22 (II) (A) NOTWITHSTANDING ANY LAW TO THE CONTRARY, IF A  
23 REFERRED MEASURE THAT WOULD, IN COMBINATION WITH SECTION  
24 39-22-104 (3)(p.5), RESULT IN THE COLLECTION OF AT LEAST ONE  
25 HUNDRED FIFTY MILLION DOLLARS FOR THE INCOME TAX YEAR  
26 COMMENCING ON JANUARY 1, 2026, IN CONNECTION WITH THE HEALTHY  
27 SCHOOL MEALS FOR ALL PROGRAM IS APPROVED BY THE VOTERS VOTING

1 ON THE REFERRED MEASURE AT THE STATEWIDE ELECTION HELD ON  
2 NOVEMBER 4, 2025, FOR ELIGIBLE MEALS SERVED ON OR AFTER JANUARY  
3 1, 2026, THE AMOUNT OF THE REIMBURSEMENT PROVIDED THROUGH THE  
4 PROGRAM TO EACH PARTICIPATING SCHOOL FOOD AUTHORITY FOR EACH  
5 BUDGET YEAR IS EQUAL TO THE FEDERAL FREE REIMBURSEMENT RATE  
6 MULTIPLIED BY THE TOTAL NUMBER OF ELIGIBLE MEALS THAT THE  
7 PARTICIPATING SCHOOL FOOD AUTHORITY SERVES DURING THE  
8 APPLICABLE BUDGET YEAR MINUS THE TOTAL AMOUNT OF  
9 REIMBURSEMENT FOR ELIGIBLE MEALS SERVED DURING THE APPLICABLE  
10 BUDGET YEAR THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY  
11 RECEIVES PURSUANT TO THE NATIONAL SCHOOL BREAKFAST PROGRAM,  
12 THE NATIONAL SCHOOL LUNCH PROGRAM, SECTIONS 22-54-123 AND  
13 22-54-123.5, ARTICLE 82.7 OF THIS TITLE 22, AND PART 1 OF THIS ARTICLE  
14 82.9.

15 (B) IF A REFERRED MEASURE THAT WOULD, IN COMBINATION WITH  
16 SECTION 39-22-104 (3)(p.5), RESULT IN THE COLLECTION OF AT LEAST ONE  
17 HUNDRED FIFTY MILLION DOLLARS FOR THE INCOME TAX YEAR  
18 COMMENCING ON JANUARY 1, 2026, IN CONNECTION WITH THE HEALTHY  
19 SCHOOL MEALS FOR ALL PROGRAM IS NOT APPROVED BY THE VOTERS  
20 VOTING ON THE REFERRED MEASURE AT THE STATEWIDE ELECTION HELD  
21 ON NOVEMBER 4, 2025, THIS SUBSECTION (1)(b)(II) IS REPEALED,  
22 EFFECTIVE JULY 1, 2026.

23 (b.3) (I) IF A REFERRED MEASURE THAT WOULD, IN COMBINATION  
24 WITH SECTION 39-22-104 (3)(p.5), RESULT IN THE COLLECTION OF AT  
25 LEAST ONE HUNDRED FIFTY MILLION DOLLARS FOR THE INCOME TAX YEAR  
26 COMMENCING ON JANUARY 1, 2026, IN CONNECTION WITH THE HEALTHY  
27 SCHOOL MEALS FOR ALL PROGRAM IS NOT APPROVED BY THE VOTERS

1 VOTING ON THE REFERRED MEASURE AT THE STATEWIDE ELECTION HELD  
2 ON NOVEMBER 4, 2025, FOR ELIGIBLE MEALS SERVED ON OR AFTER  
3 JANUARY 1, 2026, THE DEPARTMENT SHALL ONLY REIMBURSE  
4 PARTICIPATING SCHOOL FOOD AUTHORITIES FOR MEALS SERVED AT  
5 ELIGIBLE SITES.

6 (II) THE AMOUNT OF THE REIMBURSEMENT PROVIDED THROUGH  
7 THE PROGRAM TO EACH PARTICIPATING SCHOOL FOOD AUTHORITY FOR  
8 EACH BUDGET YEAR FOR ELIGIBLE MEALS SERVED AT ELIGIBLE SITES ON OR  
9 AFTER JANUARY 1, 2026, IS EQUAL TO THE FEDERAL FREE REIMBURSEMENT  
10 RATE MULTIPLIED BY THE TOTAL NUMBER OF ELIGIBLE MEALS THAT THE  
11 PARTICIPATING SCHOOL FOOD AUTHORITY SERVES AT ELIGIBLE SITES  
12 DURING THE APPLICABLE BUDGET YEAR MINUS THE TOTAL AMOUNT OF  
13 REIMBURSEMENT FOR ELIGIBLE MEALS SERVED AT ELIGIBLE SITES DURING  
14 THE APPLICABLE BUDGET YEAR THAT THE PARTICIPATING SCHOOL FOOD  
15 AUTHORITY RECEIVES PURSUANT TO THE NATIONAL SCHOOL BREAKFAST  
16 PROGRAM, THE NATIONAL SCHOOL LUNCH PROGRAM, SECTIONS 22-54-123  
17 AND 22-54-123.5, ARTICLE 82.7 OF THIS TITLE 22, AND PART 1 OF THIS  
18 ARTICLE 82.9.

19 (III) AS USED IN THIS SUBSECTION (1)(b.3), UNLESS THE CONTEXT  
20 OTHERWISE REQUIRES, "ELIGIBLE SITE" MEANS A SITE THAT, FOR THE  
21 SCHOOL YEAR DURING THE RELEVANT BUDGET YEAR:

22 (A) QUALIFIES FOR THE COMMUNITY ELIGIBILITY PROVISION  
23 PROGRAM, AS THAT PROGRAM EXISTS ON NOVEMBER 15, 2025; OR

24 (B) IS IDENTIFIED AS AN ELIGIBLE SITE BY THE DEPARTMENT BASED  
25 ON THE AMOUNT THAT THE GENERAL ASSEMBLY APPROPRIATES FOR THE  
26 PURPOSE OF PROVIDING REIMBURSEMENTS TO A PARTICIPATING SCHOOL  
27 FOOD AUTHORITY FOR OFFERING ELIGIBLE MEALS WITHOUT CHARGE

1 PURSUANT TO THIS SUBSECTION (1) AND THE PERCENTAGE OF A SITE'S  
2 STUDENT ENROLLMENT WHO ARE CERTIFIED AS ELIGIBLE FOR FREE MEALS  
3 BASED ON DOCUMENTATION OF BENEFIT RECEIPT OR CATEGORICAL  
4 ELIGIBILITY AS DESCRIBED IN 7 CFR 245.9 (f)(1)(iii) OR ANY SUCCESSOR  
5 REGULATIONS.

6 (IV) IF A REFERRED MEASURE THAT WOULD, IN COMBINATION WITH  
7 SECTION 39-22-104 (3)(p.5), RESULT IN THE COLLECTION OF AT LEAST ONE  
8 HUNDRED FIFTY MILLION DOLLARS FOR THE INCOME TAX YEAR  
9 COMMENCING ON JANUARY 1, 2026, IN CONNECTION WITH THE HEALTHY  
10 SCHOOL MEALS FOR ALL PROGRAM IS APPROVED BY THE VOTERS VOTING  
11 ON THE REFERRED MEASURE AT THE STATEWIDE ELECTION HELD ON  
12 NOVEMBER 4, 2025, THIS SUBSECTION (1)(b.3) IS REPEALED, EFFECTIVE  
13 JULY 1, 2026.

14 (b.5) (I) IF THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE  
15 OF STATE PLANNING AND BUDGETING, ESTIMATES, FOR ANY BUDGET YEAR,  
16 THAT THE AMOUNT THAT THE GENERAL ASSEMBLY APPROPRIATED FOR THE  
17 PURPOSE OF PROVIDING REIMBURSEMENTS TO A PARTICIPATING SCHOOL  
18 FOOD AUTHORITY FOR OFFERING ELIGIBLE MEALS WITHOUT CHARGE  
19 PURSUANT TO THIS SUBSECTION (1) AFTER JANUARY 1, 2026, WILL BE LESS  
20 THAN THE COSTS OF THE DEPARTMENT PROVIDING THOSE  
21 REIMBURSEMENTS, THE DEPARTMENT SHALL PROVIDE NOTICE OF THIS  
22 ESTIMATION TO THE JOINT BUDGET COMMITTEE OF THE GENERAL  
23 ASSEMBLY AND THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL  
24 \_\_\_\_\_ OF THE GENERAL ASSEMBLY AND THE DEPARTMENT MAY  
25 DETERMINE A PRORATED, REDUCED REIMBURSEMENT AMOUNT FOR THE  
26 REIMBURSEMENTS THAT THE DEPARTMENT PROVIDES PURSUANT TO  
27 SUBSECTION (1)(b) OR (1)(b.3) OF THIS SECTION AS APPLICABLE FOR THE

1       REMAINDER OF THAT BUDGET YEAR.

2               (II)       BEFORE PROVIDING THE PRORATED, REDUCED  
3 REIMBURSEMENT AMOUNTS DESCRIBED IN SUBSECTIONS (1)(b.5)(I) OF THIS  
4 SECTION, THE DEPARTMENT SHALL PROVIDE TIMELY WRITTEN NOTICE TO  
5 EACH PARTICIPATING SCHOOL FOOD AUTHORITY.

6               (2) A school food authority that chooses to participate in the  
7 program must annually give notice of participation to the department as  
8 provided by rule of the state board. At a minimum, the notice must  
9 include evidence that the school food authority is participating in  
10 provisional programming if deemed necessary by the department. ~~The~~  
11 ~~department may require school food authority modifications to the~~  
12 ~~program throughout the year to maximize a school food authority's federal~~  
13 ~~reimbursements as deemed necessary by the department.~~

14               **SECTION 3.** In Colorado Revised Statutes, 22-82.9-209, **amend**  
15 (2) as follows:

16               **22-82.9-209. Program - funding.** (2) (a) For the 2023-24 budget  
17 year and the 2024-25 budget year, the general assembly shall appropriate  
18 money from the state education fund created in section 17 (4) of article  
19 IX of the state constitution to cover program costs for which there is not  
20 sufficient money in the healthy school meals for all cash fund.

21               (b) FOR THE 2025-26 BUDGET YEAR, THE GENERAL ASSEMBLY MAY  
22 APPROPRIATE MONEY FROM THE STATE EDUCATION FUND CREATED IN  
23 SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION TO COVER  
24 PROGRAM COSTS FOR WHICH THERE IS NOT SUFFICIENT MONEY IN THE  
25 HEALTHY SCHOOL MEALS FOR ALL CASH FUND.

26               **SECTION 4.** In Colorado Revised Statutes, 22-82.9-211, **amend**  
27 (3)(a)(I) and (5); and **add** (8) as follows:



1           **22-82.9-211. Healthy school meals for all program cash fund**  
2           **- creation - uses - reporting requirements - definitions - repeal.**

3           (3) (a) Subject to annual appropriation by the general assembly, the  
4           department may expend money from the cash fund for the following  
5           purposes:

6           (I) Providing reimbursements to a participating school food  
7           authority for offering eligible meals without charge pursuant to ~~section~~  
8           ~~22-82.9-204 (1)(b)~~ SECTION 22-82.9-204 (1);

9           (5) (a) FOR FISCAL YEARS COMMENCING ON OR BEFORE JULY 1,  
10          2024, if the department determines that there is an insufficient amount of  
11          money in the cash fund to provide for an expenditure authorized by the  
12          annual appropriation from the cash fund for the purposes described in  
13          subsection (3)(a)(I) of this section, the department may make the  
14          expenditure from the general fund.

15          (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2026.

16          (8) (a) ON OR BEFORE JANUARY 15, 2027, THE DEPARTMENT, IN  
17          CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING,  
18          SHALL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL  
19          ASSEMBLY ON WHETHER THERE IS A SUFFICIENT BALANCE IN THE CASH  
20          FUND FOR:

21          (I) THE STATE TREASURER TO TRANSFER AN AMOUNT FROM THE  
22          CASH FUND TO THE STATE EDUCATION FUND EQUAL TO THE TOTAL  
23          AMOUNT OF EXPENDITURES FROM THE STATE EDUCATION FUND FOR THE  
24          PURPOSES OF SUBSECTION (3) OF THIS SECTION MINUS THE AMOUNT OF  
25          ADDITIONAL TAX REVENUE DEPOSITED IN THE STATE EDUCATION FUND AS  
26          A RESULT OF SECTION 39-22-104 (3)(p.5) FOR STATE FISCAL YEARS  
27          2022-23, 2023-24, 2024-25, AND 2025-26; AND

1 (II) THE DEPARTMENT TO PROVIDE REIMBURSEMENTS TO A  
2 PARTICIPATING SCHOOL FOOD AUTHORITY FOR OFFERING ELIGIBLE MEALS  
3 WITHOUT CHARGE PURSUANT TO SECTION 22-82.9-204 (1).

4 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2027.

5 **SECTION 5.** In Colorado Revised Statutes, 22-82.9-208, **amend**  
6 (1)(a)(II) as follows:

7 **22-82.9-208. Report - audit.** (1) (a) On or before December 1,  
8 2024, and on or before December 1 every two years thereafter, the  
9 department shall prepare a report concerning the implementation of  
10 section 22-82.9-204 and sections 22-82.9-205, 22-82.9-206, and  
11 22-82.9-207, to the extent those sections are in effect as provided in  
12 section 22-82.9-204 (4)(b). At a minimum, the report must describe:

13 (II) The effect of the use of local food purchasing grants on the  
14 amount of Colorado grown, raised, or processed products purchased by  
15 participating school food authorities and include a compilation of the  
16 information reported by participating school food authorities pursuant to  
17 ~~section 22-82.9-205 (1)(b)~~ SECTION 22-82.9-205 (1);

18 **SECTION 6.** In Colorado Revised Statutes, 24-75-109, **amend**  
19 (1)(f) and (5) as follows:

20 **24-75-109. Controller may allow expenditures in excess of**  
21 **appropriations - limitations - appropriations for subsequent fiscal**  
22 **year restricted - repeal.** (1) For the purpose of closing the state's books,  
23 and subject to the provisions of this section, the controller may, on or  
24 after May 1 of any fiscal year and before the forty-fifth day after the close  
25 thereof, upon approval of the governor, allow any department, institution,  
26 or agency of the state, including any institution of higher education, to  
27 make an expenditure in excess of the amount authorized by an item of

1 appropriation for such fiscal year if:

2 (f) The overexpenditure is by the department of education for  
3 providing reimbursements to a participating school food authority for  
4 offering eligible meals without charge, pursuant to ~~section 22-82.9-204~~  
5 ~~(1)(b)~~ SECTION 22-82.9-204 (1), FOR STATE FISCAL YEARS COMMENCING  
6 ON OR BEFORE JULY 1, 2024; or

7 (5) The limitation on general fund appropriations and the  
8 requirement for a general fund reserve contained in section 24-75-201.1  
9 shall not apply to overexpenditures from the general fund for medicaid  
10 programs allowed pursuant to subsection (1)(a) of this section ~~to~~  
11 ~~overexpenditures by the department of education allowed pursuant to~~  
12 ~~subsection (1)(f) of this section~~ or to supplemental general fund  
13 appropriations for medicaid programs enacted pursuant to subsection (4)  
14 of this section. Overexpenditures for all other purposes allowed pursuant  
15 to subsection (1) of this section and supplemental general fund  
16 appropriations for all other purposes enacted pursuant to subsection (4)  
17 of this section shall be considered appropriations for the fiscal year in  
18 which the overexpenditure was allowed and shall accordingly be subject  
19 to the limitations and requirements of section 24-75-201.1.

20 **SECTION 7. Effective date.** This act takes effect upon passage;  
21 except that section 24-75-109 (5), Colorado Revised Statutes, as amended  
22 in section 6 of this act, takes effect July 1, 2025.

23 **SECTION 8. Appropriation - adjustments to 2025 long bill.**

24 (1) To implement this act, appropriations made in the annual general  
25 appropriation act for the 2025-26 state fiscal year to the department of  
26 education for use by school district operations are adjusted as follows:

27 (a) The general fund appropriation for school meal

1 reimbursements is decreased by \$42,240,242; and

2 (b) The cash funds appropriation from the state education fund  
3 created in section 17 (4)(a) of article IX of the state constitution for  
4 school meal reimbursements is increased by \$8,119,271.

5 **SECTION 9. Safety clause.** The general assembly finds,  
6 determines, and declares that this act is necessary for the immediate  
7 preservation of the public peace, health, or safety or for appropriations for  
8 the support and maintenance of the departments of the state and state  
9 institutions.