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Seventy-fifth General Assembly
STATE OF COLORADO

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BILL 5

LLS NO. 25-0212.01 Anna Petrini x5497

INTERIM COMMITTEE BILL

Representative Hugh McKean
Colorado Youth Advisory Council Review Committee

BILL TOPIC: Food Waste Reduction in Public Schools
DEADLINES: File by: 9/9/2024

A BILL FOR AN ACT

101 **CONCERNING REDUCING FOOD WASTE 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/>.)

Representative Hugh McKean Colorado Youth Advisory Council Review Committee. The bill encourages each local education provider to adopt a policy to reduce food waste in school cafeterias and food preparation facilities (policy). The policy may address food waste diversion and aversion initiatives, including composting and share tables that permit students to return whole food or beverage items for redistribution to other students or donation to local nonprofits. The policy may address permissible food and beverage redistribution practices, food

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

safety measures, communications with students and parents about food waste reduction efforts, and training and compensation for school personnel supervising the local education provider's implementation of the policy.

Current law establishes the Colorado circular communities enterprise (enterprise) to award grants and other funding and to provide technical assistance to certain entities throughout the state, including local governments, nonprofit and for-profit businesses, public and private schools, and institutions of higher education, that pursue a circular economy for waste management, including waste diversion and aversion. The bill requires the enterprise to consider reducing food waste by incentivizing public schools to develop and implement effective composting or share table programs.

The bill extends limited immunity from civil and criminal liability to school personnel and local education providers that supervise food and beverage redistribution pursuant to policies that include share tables.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 22-32-152 as
3 follows:

4 **22-32-152. Food waste reduction encouraged - definitions.**

5 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
8 CREATED IN SECTION 24-1-115.

9 (b) "LOCAL EDUCATION PROVIDER" MEANS:

10 (I) A SCHOOL DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF
11 THIS TITLE 22;

12 (II) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
13 ARTICLE 5 OF THIS TITLE 22;

14 (III) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT
15 PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22;

16 (IV) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE

1 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
2 THIS TITLE 22;

3 (V) AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION
4 22-2-402 (1); OR

5 (VI) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND
6 DESCRIBED IN SECTION 22-80-102.

7 (c) "ORGANIC MATERIALS" HAS THE SAME MEANING SET FORTH IN
8 SECTION 25-17-901.

9 (d) "SHARE TABLE" MEANS A STATION WHERE A STUDENT MAY
10 RETURN WHOLE FOOD OR BEVERAGE ITEMS THAT THE STUDENT CHOOSES
11 NOT TO CONSUME. RETURNED FOOD AND BEVERAGE ITEMS ARE THEN
12 AVAILABLE FOR REDISTRIBUTION TO OTHER STUDENTS OR LOCAL
13 NONPROFIT ORGANIZATIONS IN COMPLIANCE WITH FEDERAL, STATE, AND
14 LOCAL HEALTH AND FOOD SAFETY REQUIREMENTS.

15 (2) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO ADOPT A
16 POLICY TO REDUCE FOOD WASTE IN SCHOOL CAFETERIAS AND MEAL
17 PREPARATION FACILITIES THAT INCLUDES:

18 (a) THE MANAGEMENT OF SHARE TABLES;

19 (b) THE COMPOSTING OF RAW AND CERTAIN REUSED MATERIALS,
20 INCLUDING ORGANIC MATERIALS; OR

21 (c) OTHER FOOD WASTE DIVERSION OR AVERSION INITIATIVES.

22 (3) A FOOD WASTE REDUCTION POLICY MAY ADDRESS:

23 (a) ALLOWABLE FOOD AND BEVERAGE REDISTRIBUTION PRACTICES
24 FOR SHARE TABLE ITEMS, INCLUDING RETURNING ITEMS TO STORAGE FOR
25 SERVICE TO STUDENTS OR DONATING ITEMS TO LOCAL NONPROFIT
26 ORGANIZATIONS PURSUANT TO SECTION 22-32-148;

27 (b) COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND

1 LOCAL SANITATION AND HEALTH REQUIREMENTS, ANY STANDARD
2 OPERATING PROCEDURES THE DEPARTMENT MAY ISSUE, AS WELL AS
3 POLICIES AND PROCEDURES PERTAINING TO FOOD ALLERGIES, IN THE
4 IDENTIFICATION, STORAGE, HANDLING, AND SERVICE OF REDISTRIBUTED
5 FOOD AND BEVERAGES;

6 (c) PROHIBITIONS ON REDISTRIBUTION OF CERTAIN FOOD AND
7 BEVERAGE ITEMS, INCLUDING ITEMS BROUGHT FROM HOME;

8 (d) COMMUNICATIONS WITH STUDENTS AND STUDENTS' PARENTS,
9 CUSTODIANS, OR LEGAL GUARDIANS ABOUT SAFE AND EFFECTIVE
10 PARTICIPATION IN FOOD WASTE REDUCTION EFFORTS; AND

11 (e) TRAINING AND COMPENSATION FOR DESIGNATED SCHOOL
12 PERSONNEL SUPERVISING SHARE TABLES, COMPOSTING BINS, OR OTHER
13 FOOD WASTE DIVERSION AND AVERSION INITIATIVES.

14 (4) IN THE DESIGN AND IMPLEMENTATION OF FOOD WASTE
15 REDUCTION POLICIES, LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO
16 LEVERAGE STUDENT LEADERSHIP, LOCAL PUBLIC HEALTH AGENCY
17 EXPERTISE, OR OTHER AVAILABLE WASTE DIVERSION AND AVERSION
18 RESOURCES, INCLUDING THE TECHNICAL ASSISTANCE AND GRANT FUNDING
19 PROVIDED BY THE COLORADO CIRCULAR COMMUNITIES ENTERPRISE
20 PURSUANT TO SECTION 25-16.5-109.

21 **SECTION 2.** In Colorado Revised Statutes, 25-16.5-109, **amend**
22 (5)(a)(VI) and (5)(a)(VII); and **add** (2)(i) and (5)(a)(VIII) as follows:

23 **25-16.5-109. Colorado circular communities enterprise - fund**
24 **- goals - grant program - personal property tax reimbursements -**
25 **gifts, grants, or donations - definitions - legislative declaration -**
26 **repeal. (2) Definitions.** As used in this section, unless the context
27 otherwise requires:

1 (i) "SHARE TABLE" MEANS A STATION WHERE A STUDENT MAY
2 RETURN WHOLE FOOD OR BEVERAGE ITEMS THAT THE STUDENT CHOOSES
3 NOT TO CONSUME. RETURNED FOOD AND BEVERAGE ITEMS ARE THEN
4 AVAILABLE FOR REDISTRIBUTION TO OTHER STUDENTS OR LOCAL
5 NONPROFIT ORGANIZATIONS IN COMPLIANCE WITH FEDERAL, STATE, AND
6 LOCAL HEALTH AND FOOD SAFETY REQUIREMENTS.

7 (5) **Circular economy promotion.** (a) The enterprise shall
8 promote a circular economy in the state, including waste diversion and
9 aversion. In promoting a circular economy, the enterprise shall consider:

10 (VI) Extending the useful life of local landfills; ~~and~~

11 (VII) Supporting statewide municipal waste diversion and
12 aversion and waste reduction goals; AND

13 (VIII) REDUCING FOOD WASTE BY INCENTIVIZING PUBLIC SCHOOLS
14 TO DEVELOP AND IMPLEMENT EFFECTIVE COMPOSTING OR SHARE TABLE
15 PROGRAMS.

16 **SECTION 3.** In Colorado Revised Statutes, 13-21-113, **add**
17 (1)(b)(II.5), (1)(b)(VI), and (5) as follows:

18 **13-21-113. Donation of items of food - exemption from civil**
19 **and criminal liability - definitions.** (1) (b) As used in this section,
20 unless the context otherwise requires:

21 (II.5) "LOCAL EDUCATION PROVIDER" MEANS:

22 (A) A SCHOOL DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF
23 TITLE 22;

24 (B) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO
25 ARTICLE 5 OF TITLE 22;

26 (C) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT
27 PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22;

1 (D) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE
2 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
3 TITLE 22;

4 (E) AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION
5 22-2-402 (1); OR

6 (F) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND
7 DESCRIBED IN SECTION 22-80-102.

8 (VI) "SHARE TABLE" HAS THE MEANING SET FORTH IN SECTION
9 22-32-152.

10 (5) A DESIGNATED SCHOOL EMPLOYEE OR LOCAL EDUCATION
11 PROVIDER THAT SUPERVISES THE REDISTRIBUTION OF FOOD AND BEVERAGE
12 ITEMS RETURNED TO A SHARE TABLE PURSUANT TO SECTION 22-32-152 IS
13 NOT LIABLE FOR DAMAGES IN ANY CIVIL ACTION OR SUBJECT TO
14 PROSECUTION IN ANY CRIMINAL PROCEEDING RESULTING FROM THE
15 NATURE, AGE, CONDITION, OR PACKAGING OF THE REDISTRIBUTED FOOD OR
16 BEVERAGE ITEMS; EXCEPT THAT THIS EXEMPTION DOES NOT APPLY TO
17 WILLFUL, WANTON, OR RECKLESS ACTS OF SCHOOL PERSONNEL OR LOCAL
18 EDUCATION PROVIDERS THAT RESULT IN INJURY TO RECIPIENTS OF
19 REDISTRIBUTED ITEMS.

20 **SECTION 4. Act subject to petition - effective date.** This act
21 takes effect at 12:01 a.m. on the day following the expiration of the
22 ninety-day period after final adjournment of the general assembly; except
23 that, if a referendum petition is filed pursuant to section 1 (3) of article V
24 of the state constitution against this act or an item, section, or part of this
25 act within such period, then the act, item, section, or part will not take
26 effect unless approved by the people at the general election to be held in

- 1 November 2026 and, in such case, will take effect on the date of the
- 2 official declaration of the vote thereon by the governor.