

HB1132_L.002

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Rural Affairs & Agriculture.

HB19-1132 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

5 **ARTICLE 99**

6 **Local School Food Purchasing Programs**

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

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

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

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

23 (4) "PARTICIPATING PROVIDER" MEANS A SCHOOL DISTRICT,
24 CHARTER SCHOOL, BOARD OF COOPERATIVE SERVICES THAT OPERATES A
25 PUBLIC SCHOOL, OR RESIDENTIAL CHILD CARE CENTER AS DEFINED IN
26 SECTION 26-6-102 (5) THAT PARTICIPATES IN THE FEDERAL "RICHARD B.
27 RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.,
28 AND THAT HAS BEEN SELECTED BY THE DEPARTMENT TO PARTICIPATE IN
29 THE SCHOOL FOOD PURCHASING PROGRAM PURSUANT TO SECTION
30 22-99-102 (2)(b).

31 (5) "SCHOOL FOOD PURCHASING PROGRAM" MEANS THE LOCAL
32 SCHOOL FOOD PURCHASING PROGRAM CREATED PURSUANT TO SECTION
33 22-99-102.

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

37 (7) "VALUE-ADDED PROCESSED PRODUCTS" MEANS PRODUCTS
38 THAT ARE ALTERED FROM THEIR UNPROCESSED OR MINIMALLY PROCESSED
39 STATE THROUGH PRESERVATION TECHNIQUES, INCLUDING COOKING,
40 BAKING, OR CANNING.

41 **22-99-102. Local school food purchasing program - creation**

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

5 (2) (a) ON OR BEFORE DECEMBER 1, 2019, AND ON OR BEFORE
6 DECEMBER 1 OF ANY YEAR THEREAFTER, A SCHOOL DISTRICT, CHARTER
7 SCHOOL, BOARD OF COOPERATIVE SERVICES THAT OPERATES A PUBLIC
8 SCHOOL, OR RESIDENTIAL CHILD CARE CENTER MAY APPLY TO THE
9 DEPARTMENT ON A FORM DEVELOPED BY THE DEPARTMENT TO
10 PARTICIPATE IN THE SCHOOL FOOD PURCHASING PROGRAM TO RECEIVE
11 REIMBURSEMENT FOR THE PURCHASE OF COLORADO GROWN, RAISED, OR
12 PROCESSED PRODUCTS PURSUANT TO THIS SECTION.

13 (b) ON OR BEFORE MARCH 1, 2020, AND ON OF BEFORE EACH
14 MARCH 1 THEREAFTER, THE DEPARTMENT SHALL SELECT PARTICIPATING
15 PROVIDERS. THE DEPARTMENT SHALL SELECT PARTICIPATING PROVIDERS
16 THAT IN THE PREVIOUS YEAR FOR WHICH NUMBERS ARE AVAILABLE THE
17 TOTAL NUMBER OF LUNCHESES PROVIDED BY ALL PARTICIPATING PROVIDERS
18 WAS SEVEN MILLION OR FEWER. THE DEPARTMENT SHALL GIVE
19 PREFERENCE TO APPLICANTS THAT:

20 (I) DEMONSTRATE A COMMITMENT TO LOCAL PURCHASING OR
21 FOOD AND AGRICULTURAL EDUCATION;

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

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

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

30 (c) ON OR BEFORE AUGUST 1 OF THE YEAR FOLLOWING THE
31 PARTICIPATING PROVIDER'S APPLICATION, THE PARTICIPATING PROVIDER
32 SHALL TRACK AND REPORT TO THE DEPARTMENT ON A FORM DEVELOPED
33 BY THE DEPARTMENT FOR THE SCHOOL YEAR IN WHICH IT APPLIED, AND
34 FOR THE PRIOR YEAR, THE TOTAL AMOUNT OF COLORADO GROWN, RAISED,
35 OR PROCESSED PRODUCTS IT PURCHASED FOR STUDENT MEALS, THE TOTAL
36 AMOUNT OF VALUE-ADDED PROCESSED PRODUCTS IT PURCHASED FOR
37 SCHOOL MEALS, AND THE TOTAL NUMBER OF LUNCHESES THAT IT PROVIDED
38 TO STUDENTS.

39 (3) (a) IN OCTOBER 2020 AND EACH OCTOBER THEREAFTER, THE
40 DEPARTMENT SHALL REIMBURSE EACH PARTICIPATING PROVIDER
41 PARTICIPATING IN THE SCHOOL FOOD PURCHASING PROGRAM AS OF THE
42 PREVIOUS DECEMBER 1 FOR THE AMOUNT SPENT FOR MEALS FOR
43 STUDENTS ON COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS, UP

1 TO THE MAXIMUM INCENTIVE ESTABLISHED PURSUANT TO SUBSECTION
2 (3)(b) OF THIS SECTION; EXCEPT THAT A PARTICIPATING PROVIDER SHALL
3 NOT BE REIMBURSED FOR THE AMOUNT OF VALUE-ADDED PROCESSED
4 PRODUCTS THAT EXCEEDS TWENTY-FIVE PERCENT OF THE TOTAL OF THE
5 COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS IT PURCHASED.

6 (b) EACH PARTICIPATING PROVIDER IS ENTITLED TO BE
7 REIMBURSED FOR AN AMOUNT UP TO THE NUMBER OF SCHOOL LUNCHESES
8 PROVIDED BY THE PARTICIPATING PROVIDER AS REPORTED TO THE
9 DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION, DIVIDED BY
10 THE TOTAL NUMBER OF LUNCHESES REPORTED BY ALL PARTICIPATING
11 PROVIDERS, MULTIPLIED BY THE TOTAL APPROPRIATION FOR THE SCHOOL
12 FOOD PURCHASING PROGRAM FOR PARTICIPATING PROVIDERS.

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

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

18 (b) THE DEPARTMENT IS AUTHORIZED TO MONITOR THE SCHOOL
19 FOOD PURCHASING PROGRAM TO ENSURE PROGRAM INTEGRITY AND TO
20 ANNUALLY REALLOCATE MONEY AMONG PARTICIPATING PROVIDERS TO
21 MAXIMIZE THE AMOUNT OF THE MONEY GIVEN.

22 **22-99-103. Local school food purchasing technical assistance**
23 **and education grant program - created - report.** (1) THERE IS
24 CREATED IN THE DEPARTMENT THE LOCAL SCHOOL FOOD PURCHASING
25 TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM TO ISSUE A
26 GRANT TO A STATEWIDE NONPROFIT ORGANIZATION TO DEVELOP AND
27 MANAGE A GRANT PROGRAM TO ASSIST WITH THE PROMOTION OF
28 COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS TO PARTICIPATING
29 PROVIDERS.

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

32 (a) TRAINING, TECHNICAL ASSISTANCE, AND PHYSICAL
33 INFRASTRUCTURE GRANTS TO PARTICIPATING PROVIDERS, GROWER
34 ASSOCIATIONS, OR OTHER ORGANIZATIONS THAT AGGREGATE PRODUCTS
35 FROM PRODUCERS FOR:

36 (I) PROFESSIONAL CONTRACTING SERVICES TO SUPPORT THE
37 DEVELOPMENT AND SUSTAINABILITY OF LOCAL AND REGIONAL FOOD
38 SYSTEMS;

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

41 (III) GOOD AGRICULTURAL PRACTICES CERTIFICATION COSTS AND
42 GOOD HANDLING PRACTICES CERTIFICATION COSTS AND TRAINING ON
43 SELLING TO SCHOOLS; AND

1 (IV) CAPACITY BUILDING FOR LOCAL VALUE-ADDED PROCESSED
2 PRODUCTS; AND
3 (b) EDUCATION, OUTREACH, AND PROMOTION FOR:
4 (I) SCHOOLS TO ENGAGE FAMILIES AND COMMUNITIES AROUND THE
5 BENEFITS OF FARM-TO-SCHOOL AND WAYS TO SUPPORT FARM-TO-SCHOOL;
6 AND
7 (II) GROWER ASSOCIATIONS AND GROWERS TO COMMUNICATE TO
8 SCHOOLS AND SCHOOL COMMUNITIES ABOUT THE MULTIPLE BENEFITS OF
9 PURCHASING LOCAL PRODUCTS.
10 (3) THE NONPROFIT ORGANIZATION SHALL ANNUALLY REPORT TO
11 THE DEPARTMENT ON THE TECHNICAL ASSISTANCE AND EDUCATION
12 PROGRAM INCLUDING:
13 (a) THE NUMBER AND TYPES OF ENTITIES RECEIVING GRANTS;
14 (b) THE NUMBER, TYPES, AND PURPOSES OF THE GRANTS AWARDED
15 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION; AND
16 (c) THE TYPES OF EDUCATION AND OUTREACH CONDUCTED BY
17 PARTICIPATING PROVIDERS AND OTHERS PURSUANT TO SUBSECTION (2)(b)
18 OF THIS SECTION.
19 **22-99-104. Evaluation - report.** (1) ON OR BEFORE DECEMBER
20 1, 2021, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE
21 DEPARTMENT SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES
22 OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, THE RURAL AFFAIRS
23 AND AGRICULTURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND
24 THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE,
25 OR ANY SUCCESSOR COMMITTEES, ON THE EFFECT OF THE SCHOOL FOOD
26 PURCHASING PROGRAM ON THE AMOUNT OF COLORADO GROWN, RAISED,
27 OR PROCESSED PRODUCTS PURCHASED BY PARTICIPATING PROVIDERS,
28 INCLUDING:
29 (a) NAMES AND DEMOGRAPHIC DATA OF PARTICIPATING
30 PROVIDERS;
31 (b) DOLLAR AMOUNT SPENT ON COLORADO PRODUCTS DURING THE
32 SCHOOL FOOD PURCHASING PROGRAM, INCLUDING LOCAL PURCHASING
33 DATA FROM THE YEAR PRIOR TO THE SCHOOL FOOD PURCHASING PROGRAM
34 INCLUDED IN THE APPLICATION;
35 (c) PRODUCT CATEGORIES PURCHASED;
36 (d) NUMBER OF COLORADO PRODUCERS OR BUSINESSES
37 PARTICIPATING BY PARTICIPATING PROVIDER AND IN TOTAL;
38 (e) ECONOMIC IMPACT ON PARTICIPATING PROVIDERS, PRODUCERS,
39 AND ECONOMIES; AND
40 (f) QUALITATIVE PRODUCER AND PARTICIPATING PROVIDER
41 SURVEYS.
42 (2) NOTWITHSTANDING THE PROVISIONS OF SECTION 24-1-136
43 (11)(a)(I), THE REPORTING REQUIREMENT PURSUANT TO SUBSECTION (1)

1 OF THIS SECTION CONTINUES INDEFINITELY.

2 **22-99-105. Repeal.** THIS ARTICLE 99 IS REPEALED, EFFECTIVE
3 JANUARY 1, 2023.

4 **SECTION 2. 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."

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