

CHAPTER 176

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 19-1132

BY REPRESENTATIVE(S) Buentello and Pelton, Arndt, Benavidez, Bird, Buckner, Caraveo, Coleman, Cutter, Duran, Esgar, Exum, Galindo, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Jaquez Lewis, Kennedy, Kraft-Tharp, Lewis, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Singer, Snyder, Soper, Titone, Valdez A., Valdez D., Weissman, Will, Becker;
also SENATOR(S) Coram and Bridges, Court, Ginal, Moreno, Pettersen, Priola, Story, Todd, Winter.

AN ACT

CONCERNING COLORADO FOOD PRODUCTS IN SCHOOLS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 100 to title 22 as follows:

ARTICLE 100
Local School Food Purchasing Programs

22-100-101. Definitions. AS USED IN THIS ARTICLE 100, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

(3) "MINIMALLY PROCESSED PRODUCTS" MEANS RAW OR FROZEN FABRICATED PRODUCTS; PRODUCTS THAT RETAIN THEIR INHERENT CHARACTER, SUCH AS SHREDDED CARROTS OR DICED ONIONS; AND DRIED PRODUCTS, SUCH AS BEANS, BUT

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

DOES NOT INCLUDE ANY PRODUCTS THAT ARE HEATED, COOKED, OR CANNED.

(4) "PARTICIPATING PROVIDER" MEANS A SCHOOL DISTRICT, CHARTER SCHOOL, BOARD OF COOPERATIVE SERVICES THAT OPERATES A PUBLIC SCHOOL, OR RESIDENTIAL CHILD CARE CENTER AS DEFINED IN SECTION 26-6-102 (5) THAT PARTICIPATES IN THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., AND THAT HAS BEEN SELECTED BY THE DEPARTMENT TO PARTICIPATE IN THE SCHOOL FOOD PURCHASING PROGRAM PURSUANT TO SECTION 22-100-102 (2)(b).

(5) "SCHOOL FOOD PURCHASING PROGRAM" MEANS THE LOCAL SCHOOL FOOD PURCHASING PROGRAM CREATED PURSUANT TO SECTION 22-100-102.

(6) "TECHNICAL ASSISTANCE AND EDUCATION PROGRAM" MEANS THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM CREATED PURSUANT TO SECTION 22-100-103.

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

22-100-102. Local school food purchasing program - creation - rules - report. (1) THERE IS CREATED IN THE DEPARTMENT THE LOCAL SCHOOL FOOD PURCHASING PROGRAM TO REIMBURSE PARTICIPATING PROVIDERS FOR THE PURCHASE OF COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS.

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

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

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

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

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

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

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

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

(II) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(a)(I) OF THIS SECTION, THE MAXIMUM AMOUNT OF REIMBURSEMENTS THAT MAY BE AWARDED IN ANY YEAR IS FIVE HUNDRED THOUSAND DOLLARS. IF THE TOTAL OF ALL ELIGIBLE REIMBURSEMENTS AS CALCULATED UNDER SUBSECTION (3)(a)(I) OF THIS SECTION EXCEEDS FIVE HUNDRED THOUSAND DOLLARS, EACH PARTICIPATING PROVIDER'S REIMBURSEMENT AMOUNT MUST BE REDUCED PROPORTIONATELY.

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

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

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

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

22-100-103. Local school food purchasing technical assistance and education grant program - created - report. (1) THERE IS CREATED IN THE DEPARTMENT THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM TO ISSUE A GRANT TO A STATEWIDE NONPROFIT ORGANIZATION TO

DEVELOP AND MANAGE A GRANT PROGRAM TO ASSIST WITH THE PROMOTION OF COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS TO PARTICIPATING PROVIDERS.

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

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

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

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

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

(IV) CAPACITY BUILDING FOR LOCAL VALUE-ADDED PROCESSED PRODUCTS; AND

(b) EDUCATION, OUTREACH, AND PROMOTION FOR:

(I) SCHOOLS TO ENGAGE FAMILIES AND COMMUNITIES AROUND THE BENEFITS OF FARM-TO-SCHOOL AND WAYS TO SUPPORT FARM-TO-SCHOOL; AND

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

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

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

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

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

22-100-104. Evaluation - report. (1) ON OR BEFORE DECEMBER 1, 2021, AND ON OR BEFORE DECEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, THE RURAL AFFAIRS AND AGRICULTURE COMMITTEE OF THE HOUSE OF REPRESENTATIVES, AND THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, ON THE EFFECT OF THE SCHOOL FOOD PURCHASING PROGRAM ON THE AMOUNT OF

COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS PURCHASED BY PARTICIPATING PROVIDERS, INCLUDING:

(a) NAMES AND DEMOGRAPHIC DATA OF PARTICIPATING PROVIDERS;

(b) DOLLAR AMOUNT SPENT ON COLORADO PRODUCTS DURING THE SCHOOL FOOD PURCHASING PROGRAM, INCLUDING LOCAL PURCHASING DATA FROM THE YEAR PRIOR TO THE SCHOOL FOOD PURCHASING PROGRAM INCLUDED IN THE APPLICATION;

(c) PRODUCT CATEGORIES PURCHASED;

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

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

(f) QUALITATIVE PRODUCER AND PARTICIPATING PROVIDER SURVEYS.

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

22-100-105. Repeal. THIS ARTICLE 100 IS REPEALED, EFFECTIVE JANUARY 1, 2023.

SECTION 2. Appropriation. For the 2019-20 state fiscal year, \$168,942 is appropriated to the department of education. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.3 FTE. To implement this act, the department may use this appropriation for local school food purchasing programs.

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

Approved: May 14, 2019