

CHAPTER 127

HEALTH AND ENVIRONMENT

SENATE BILL 20-090

BY SENATOR(S) Winter, Bridges, Cooke, Coram, Danielson, Donovan, Gardner, Ginal, Hansen, Hisey, Lee, Lundeen, Marble, Moreno, Priola, Rodriguez, Scott, Smallwood, Sonnenberg, Story, Tate, Todd, Williams A., Woodward, Zenzinger, Garcia; also REPRESENTATIVE(S) Esgar and Titone, Arndt, Benavidez, Bird, Buckner, Carver, Champion, Coleman, Cutter, Duran, Exum, Geitner, Gonzales-Gutierrez, Hooton, Jackson, Jaquez Lewis, Kennedy, Kipp, Liston, Lontine, McLachlan, Melton, Michaelson Jenet, Mullica, Ransom, Roberts, Saine, Singer, Snyder, Tipper, Valdez A., Valdez D., Van Winkle, Will, Woodrow, Young, Becker.

AN ACT**CONCERNING DONATIONS OF FOOD TO NONPROFIT ORGANIZATIONS FOR DISTRIBUTION TO NEEDY INDIVIDUALS.**

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

SECTION 1. In Colorado Revised Statutes, **add 25-4-1616** as follows:

25-4-1616. Food donations to nonprofit organizations encouraged. EACH RETAIL FOOD ESTABLISHMENT IS ENCOURAGED TO DONATE APPARENTLY WHOLESOME FOOD TO ONE OR MORE LOCAL NONPROFIT ORGANIZATIONS FOR DISTRIBUTION TO NEEDY OR POOR INDIVIDUALS.

SECTION 2. In Colorado Revised Statutes, **add 17-20-129** as follows:

17-20-129. Food donations to nonprofit organizations encouraged. EACH CORRECTIONAL FACILITY IS ENCOURAGED TO DONATE APPARENTLY WHOLESOME FOOD TO ONE OR MORE LOCAL NONPROFIT ORGANIZATIONS FOR DISTRIBUTION TO NEEDY OR POOR INDIVIDUALS.

SECTION 3. In Colorado Revised Statutes, 13-21-113, **amend (1); and add (3.5)** as follows:

13-21-113. Donation of items of food - exemption from civil and criminal liability - definitions. (1) (a) No farmer, retail food establishment, CORRECTIONAL FACILITY, SCHOOL DISTRICT, HOSPITAL, or processor, distributor, wholesaler, or

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.

retailer of food ~~who~~ THAT donates items of food to a nonprofit organization for use or distribution in providing assistance to needy or poor persons nor any nonprofit organization in receipt of such gleaned or donated food who transfers ~~said~~ THE food to another nonprofit organization for use or distribution in providing assistance to needy or poor persons ~~shall be~~ IS liable for damages in any civil action or subject to prosecution in any criminal proceeding resulting from the nature, age, condition, or packaging of ~~such~~ THE donated foods; except that this exemption ~~shall~~ DOES not apply to ~~the~~ willful, wanton, or reckless acts of donors ~~which~~ THAT result in injury to recipients of ~~such~~ donated foods.

(b) ~~For the purposes of~~ AS USED IN this section, "retail food establishment" ~~shall have the same meaning as set forth in section 25-4-1602 (14), C.R.S., and~~ UNLESS THE CONTEXT OTHERWISE REQUIRES:

(I) "CORRECTIONAL FACILITY" HAS THE MEANING SET FORTH IN SECTION 17-1-102 (1.7).

(II) "HOSPITAL" MEANS A HOSPITAL LICENSED PURSUANT TO SECTION 25-3-101.

(III) "Nonprofit organization" means any organization ~~which~~ THAT is exempt from the income tax imposed under article 22 of title 39; ~~C.R.S.~~; except that ~~the~~ term "nonprofit organization" does not include organizations ~~which~~ THAT sell or offer to sell ~~such~~ donated items of food.

(IV) "RETAIL FOOD ESTABLISHMENT" HAS THE MEANING SET FORTH IN SECTION 25-4-1602 (14).

(V) "SCHOOL DISTRICT" HAS THE MEANING SET FORTH IN SECTION 22-30-103 (13).

(3.5) A FARMER WHO ALLOWS ONE OR MORE INDIVIDUALS TO MAKE ENTRY ON THE FARMER'S PROPERTY FOR THE PURPOSE OF GLEANING PRODUCE FOR DONATION TO A NONPROFIT ORGANIZATION FOR USE OR DISTRIBUTION IN PROVIDING ASSISTANCE TO NEEDY OR POOR PERSONS, AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION, IS NOT LIABLE FOR DAMAGES IN ANY CIVIL ACTION OR SUBJECT TO PROSECUTION IN ANY CRIMINAL PROCEEDING RESULTING FROM AN INJURY TO ANY SUCH INDIVIDUALS UNLESS THE INJURY RESULTS FROM A WILLFUL OR WANTON ACT OR OMISSION OF THE FARMER.

SECTION 4. In Colorado Revised Statutes, **add** 22-32-148 as follows:

22-32-148. Food donations to nonprofit organizations encouraged. EACH SCHOOL DISTRICT IS ENCOURAGED TO DONATE APPARENTLY WHOLESOME FOOD TO ONE OR MORE LOCAL NONPROFIT ORGANIZATIONS FOR DISTRIBUTION TO NEEDY OR POOR INDIVIDUALS.

SECTION 5. In Colorado Revised Statutes, **add** 25-3-124 as follows:

25-3-124. Food donations to nonprofit organizations encouraged. EACH HOSPITAL IS ENCOURAGED TO DONATE APPARENTLY WHOLESOME FOOD TO ONE OR MORE LOCAL NONPROFIT ORGANIZATIONS FOR DISTRIBUTION TO NEEDY OR POOR INDIVIDUALS.

SECTION 6. 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 5, 2020, if adjournment sine die is on May 6, 2020); 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: June 26, 2020