

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 25-0655.01 Richard Sweetman x4333

HOUSE BILL 25-1166

HOUSE SPONSORSHIP

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A BILL FOR AN ACT

101 **CONCERNING REDUCING FOOD WASTE.**

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>.)

The bill requires the department of public health and environment (department), to the extent that funding is available as part of the department's green business network, to:

- Provide annual training that includes food waste prevention and reduction strategies;
- Develop a food waste reduction guidance document (document);
- Place the document on the department's public website; and

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
2nd Reading Unamended
March 31, 2025

HOUSE
3rd Reading Unamended
February 27, 2025

HOUSE
2nd Reading Unamended
February 26, 2025

- Update the document at least annually.

The bill suggests means by which retail food establishments may donate or resell safe food.

The bill states that, on and after January 1, 2026, grocery stores are encouraged to:

- Clearly display the ingredients of items of prepared food; and
- Use "best if used or frozen by" dates rather than "sell by" dates upon prepared items of food.

Current law provides civil and criminal immunity to a farmer, retail food establishment, correctional facility, school district, hospital, or processor, distributor, wholesaler, or retailer of food that donates items of food to a nonprofit organization for use or distribution in providing assistance to individuals in need. The bill extends this immunity to apply to:

- Faith-based organizations that donate food; and
- Food donations to faith-based organizations and individuals.

The bill also clarifies that the immunity from liability applies regardless of whether the donated food is alleged to have caused illness or death.

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

2 **SECTION 1.** In Colorado Revised Statutes, 25-16.5-106, **amend**
3 (2)(g) and (2)(h); and **add** (2)(i) as follows:

4 **25-16.5-106. Statewide voluntary sustainability program.**

5 (2) In implementing the statewide voluntary program, the department
6 may:

7 (g) Provide services and funding to assist small businesses; ~~and~~

8 (h) ~~At the discretion of the department, deliver additional~~
9 ~~sustainability services to meet business needs~~ TO THE EXTENT FUNDING

10 IS AVAILABLE, PROVIDE ANNUAL TRAINING THAT INCLUDES FOOD WASTE

11 PREVENTION AND REDUCTION STRATEGIES, DEVELOP A FOOD WASTE

12 REDUCTION GUIDANCE DOCUMENT, PLACE THE DOCUMENT ON THE

13 DEPARTMENT'S PUBLIC WEBSITE, AND UPDATE THE DOCUMENT AT LEAST

1 ANNUALLY; AND

2 (i) AT THE DISCRETION OF THE DEPARTMENT, DELIVER ADDITIONAL
3 SUSTAINABILITY SERVICES TO MEET BUSINESS NEEDS.

4 **SECTION 2.** In Colorado Revised Statutes, **amend** 25-4-1616 as
5 follows:

6 **25-4-1616. Donation and resale of safe food encouraged.**

7 (1) ~~Each~~ Retail food ~~establishment is~~ ESTABLISHMENTS ARE encouraged
8 to donate ~~apparently wholesome~~ OR RESELL SAFE food to ~~one or more~~
9 INDIVIDUALS, TO FAMILIES, OR TO local nonprofit organizations ~~for~~
10 ~~distribution~~ THAT DISTRIBUTE FOOD to ~~needy or poor~~ individuals OR
11 FAMILIES, INCLUDING BY:

12 (a) CHILLING OR FREEZING SAFE FOOD TO ALLOW INDIVIDUALS
13 RECEIVING ASSISTANCE FROM THE SUPPLEMENTAL NUTRITION ASSISTANCE
14 PROGRAM ESTABLISHED IN PART 3 OF ARTICLE 2 OF TITLE 26 TO PURCHASE
15 PREPARED MEALS AT DISCOUNTED PRICES; AND

16 (b) ATTEMPTING TO SELL OR DONATE SAFE FOOD THROUGH ONLINE
17 APPLICATIONS THAT ARE DEDICATED TO SUCH PURPOSE.

18 **SECTION 3.** In Colorado Revised Statutes, **add** 25-4-1618 as
19 follows:

20 **25-4-1618. Grocery store labeling practices encouraged.**

21 (1) ON AND AFTER JANUARY 1, 2026, GROCERY STORES ARE ENCOURAGED
22 TO:

23 (a) CLEARLY DISPLAY THE INGREDIENTS OF ITEMS OF PREPARED
24 FOOD; AND

25 (b) USE "BEST IF USED OR FROZEN BY" DATES RATHER THAN "SELL
26 BY" DATES UPON PREPARED ITEMS OF FOOD.

27 **SECTION 4.** In Colorado Revised Statutes, 13-21-113, **amend**

1 (1)(a), (2), and (3.5) as follows:

2 **13-21-113. Donation of items of food - exemption from civil**
3 **and criminal liability - definitions.** (1) (a) (I) EXCEPT AS DESCRIBED IN
4 SUBSECTION (1)(a)(II) OF THIS SECTION, THE FOLLOWING PERSONS ARE
5 NOT LIABLE FOR DAMAGES IN ANY CIVIL ACTION OR SUBJECT TO
6 PROSECUTION IN ANY CRIMINAL PROCEEDING RESULTING FROM THE
7 NATURE, AGE, CONDITION, OR PACKAGING OF DONATED FOODS,
8 REGARDLESS OF WHETHER THE DONATED FOOD IS ALLEGED TO HAVE
9 CAUSED ILLNESS OR DEATH:

10 (A) ~~No~~ A farmer, A retail food establishment, A correctional
11 facility, A school district, A hospital, A FAITH-BASED ORGANIZATION, or
12 A processor, distributor, wholesaler, or retailer of food that donates items
13 of food to a nonprofit organization OR A FAITH-BASED ORGANIZATION OR
14 AN INDIVIDUAL for use or distribution in providing assistance to ~~needy or~~
15 ~~poor persons nor any~~ INDIVIDUALS; AND

16 (B) A nonprofit organization in receipt of ~~such cleaned or~~ donated
17 food ~~who~~ THAT transfers the food to another nonprofit organization for
18 use or distribution in providing assistance to ~~needy or poor persons is~~
19 ~~liable for damages in any civil action or subject to prosecution in any~~
20 ~~criminal proceeding resulting from the nature, age, condition, or~~
21 ~~packaging of the donated foods; except that this exemption~~ INDIVIDUALS.

22 (II) THE IMMUNITY FROM LIABILITY DESCRIBED IN SUBSECTION
23 (1)(a)(I) OF THIS SECTION does not apply to willful, wanton, or reckless
24 acts of donors that result in injury OR DEATH to recipients of donated
25 foods.

26 (2) Nothing in this section relieves ~~any~~ A nonprofit organization
27 that serves or provides food to ~~needy persons~~ INDIVIDUALS for ~~their~~

1 consumption from any liability for any injury OR DEATH, including ~~but not~~
2 ~~limited to,~~ injury OR DEATH resulting from ingesting donated foods, as a
3 result of receiving, accepting, gathering, or removing any foods donated
4 under this section; except that a nonprofit organization is not liable for
5 any injury OR DEATH caused by donated food produced pursuant to the
6 "Colorado Cottage Foods Act", section 25-4-1614, ~~C.R.S.~~, unless the
7 nonprofit organization acted unreasonably.

8 (3.5) A farmer who allows one or more individuals to make entry
9 on the farmer's property for the purpose of gleaning produce for donation
10 to a nonprofit organization for use or distribution in providing assistance
11 to ~~needy or poor persons~~ INDIVIDUALS, as described in subsection (1)(a)
12 of this section, is not liable for damages in any civil action or subject to
13 prosecution in any criminal proceeding resulting from an injury OR DEATH
14 to ~~any~~ such individuals unless the injury OR DEATH results from a willful
15 or wanton act or omission of the farmer.

16 **SECTION 5. Act subject to petition - effective date.** This act
17 takes effect at 12:01 a.m. on the day following the expiration of the
18 ninety-day period after final adjournment of the general assembly; except
19 that, if a referendum petition is filed pursuant to section 1 (3) of article V
20 of the state constitution against this act or an item, section, or part of this
21 act within such period, then the act, item, section, or part will not take
22 effect unless approved by the people at the general election to be held in
23 November 2026 and, in such case, will take effect on the date of the
24 official declaration of the vote thereon by the governor.