NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

HOUSE BILL 02-1129

BY REPRESENTATIVE(S) Tochtrop, Borodkin, Boyd, Coleman, Groff, Grossman, Hodge, Jahn, Jameson, Lawrence, Mace, Madden, Miller, Mitchell, Plant, Ragsdale, Romanoff, Saliman, Sanchez, Stafford, Tapia, Vigil, Weddig, and Williams S.;
also SENATOR(S) Hanna.

CONCERNING THE DISTRIBUTION OF FOOD COUPONS REDEEMABLE AT FARMERS' MARKETS TO WOMEN, INFANTS, AND CHILDREN PROGRAM PARTICIPANTS.

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

SECTION 1. Title 25, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 32
Farmers' Market Nutrition Program
Women, Infants, and Children

25-32-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE COLORADO DEPARTMENT OF PUBLIC

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

HEALTH AND ENVIRONMENT.

(2) "FARMERS' MARKET" MEANS A LOCATION AT WHICH TWO OR MORE FARMERS THAT ARE AUTHORIZED BY THE DEPARTMENT TO ACCEPT FARMERS' MARKET NUTRITION PROGRAM FOOD COUPONS SELL PRODUCE.

(3) "FOOD COUPON" MEANS A COUPON ISSUED BY THE DEPARTMENT THAT IS EXCHANGEABLE FOR PRODUCE AT A FARMERS' MARKET.

(4) "PRODUCE" MEANS FRESH FRUITS AND VEGETABLES.

(5) "W.I.C. PROGRAM" MEANS THE FEDERAL SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN, AS PROVIDED FOR IN 42 U.S.C. SEC. 1786, ADMINISTERED BY THE DEPARTMENT.

25-32-102. Women, infants, and children program - farmers' markets - rules. THE STATE BOARD OF HEALTH SHALL PROMULGATE RULES, CONDITIONED ON THE RECEIPT OF GIFTS, GRANTS, OR DONATIONS SUFFICIENT TO PROVIDE FOR THE REQUIRED STATE MATCH AND ADMINISTRATIVE EXPENSES, TO IMPLEMENT A FARMERS' MARKET NUTRITION PROGRAM TO DISTRIBUTE FARMERS' MARKET NUTRITION PROGRAM FOOD COUPONS THAT ARE REDEEMABLE ONLY AT FARMERS' MARKETS TO ELIGIBLE PARTICIPANTS OF THE W.I.C. PROGRAM. THE FARMERS' MARKET NUTRITION PROGRAM SHALL NOT BE IMPLEMENTED UNLESS THE UNITED STATES DEPARTMENT OF AGRICULTURE APPROVES THE STATE PLAN AND AWARDS FEDERAL MONEYS FOR SAID PROGRAM.

25-32-103. Acceptance of gifts, grants, and donations - farmers' market nutrition program cash fund. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT MAY ACCEPT AND EXPEND MONEYS FROM GIFTS, GRANTS, AND DONATIONS FOR PURPOSES OF PROVIDING THE STATE MATCH FOR THE FARMERS' MARKET NUTRITION PROGRAM AND TO ADMINISTER THE PROVISIONS OF THIS ARTICLE. ALL SUCH GIFTS, GRANTS, AND DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER WHO SHALL CREDIT THE SAME TO THE FARMERS' MARKET NUTRITION PROGRAM CASH FUND, WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE FARMERS' MARKET NUTRITION PROGRAM CASH FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE ADMINISTRATION OF THIS ARTICLE. ALL INVESTMENT EARNINGS DERIVED FROM THE DEPOSIT AND INVESTMENT OF

MONEYS IN THE FARMERS' MARKET NUTRITION PROGRAM CASH FUND SHALL REMAIN IN THE FUND AND SHALL NOT BE TRANSFERRED OR REVERT TO THE GENERAL FUND OF THE STATE AT THE END OF ANY FISCAL YEAR, EXCEPT AS PROVIDED IN SECTION 25-32-104 (2).

25-32-104. Repeal of article. (1) THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2006, IF THE DEPARTMENT REPORTS TO THE STAFF DIRECTOR OF THE JOINT BUDGET COMMITTEE ON OR BEFORE MAY 1, 2006, THAT THE FARMERS' MARKET NUTRITION PROGRAM HAS NEVER BEEN IMPLEMENTED DUE TO THE FACT THAT GIFTS, GRANTS, OR DONATIONS RECEIVED NEVER REACHED AN AMOUNT EQUAL TO THE AMOUNT NECESSARY FOR THE REQUIRED STATE MATCH AND ADMINISTRATIVE EXPENSES. THE STAFF DIRECTOR OF THE JOINT BUDGET COMMITTEE SHALL COMMUNICATE TO THE REVISOR OF STATUTES THAT THIS CONDITION HAS BEEN MET.

(2) IF THIS ARTICLE IS REPEALED PURSUANT TO SUBSECTION (1) OF THIS SECTION, ANY MONEYS REMAINING IN THE FARMERS' MARKET NUTRITION PROGRAM CASH FUND SHALL REVERT TO THE GENERAL FUND.

SECTION 2. Safety clause. The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Doug Dean SPEAKER OF THE HOUSE OF REPRESENTATIVES	Stan Matsunaka PRESIDENT OF THE SENATE
Judith Rodrigue CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES	Karen Goldman SECRETARY OF THE SENATE

APPROVED_____

Bill Owens
GOVERNOR OF THE STATE OF COLORADO