

HB1088\_L.001

## HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Education.HB15-1088 be amended as follows:

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

3 "SECTION 1. In Colorado Revised Statutes, 22-82.6-102, add  
4 (3) as follows:

5 **22-82.6-102. Legislative declaration.** (3) THE GENERAL  
6 ASSEMBLY FURTHER FINDS AND DECLARES THAT THE INTERAGENCY  
7 FARM-TO-SCHOOL GRANT PROGRAM ESTABLISHED IN HOUSE BILL 15-1088,  
8 ENACTED IN 2015, PROVIDES SUPPORT FOR THE DEVELOPMENT OF  
9 ON-FARM FOOD SAFETY PLANS, INCENTIVIZES FARMERS AND RANCHERS TO  
10 SELL TO SCHOOLS BY HELPING WITH THE COSTS ASSOCIATED WITH  
11 MEETING ON-FARM FOOD SAFETY REQUIREMENTS THAT ARE NECESSARY  
12 TO SELL TO SCHOOLS, AND HELPS FARMERS AND RANCHERS WITH COSTS  
13 ASSOCIATED WITH SALES TO SCHOOLS.

14 **SECTION 2.** In Colorado Revised Statutes, 22-82.6-103, amend  
15 (7) (d), (7) (f), (7) (g), (7) (j), (7) (l), and (8); and add (9), (10), (11), (12),  
16 and (13) as follows:

17 **22-82.6-103. Definitions.** As used in this article, unless the  
18 context otherwise requires:

19 (7) "Farm-to-school program" means a program that encourages  
20 or incentivizes the acquisition and use of locally grown, produced, and  
21 processed FOOD AND agricultural products by schools in order to provide  
22 healthy, local food products to students and benefit the state agricultural  
23 industry. A farm-to-school program may include the following  
24 components:

25 (d) Increasing the size and stability of farmers' AND RANCHERS'  
26 direct sales markets;

27 (f) Providing outreach and guidance to farmers AND RANCHERS  
28 concerning the value of, and procedures for, selling their agricultural  
29 products to interested schools;

30 (g) Developing and regularly updating an internet database of  
31 farmers AND RANCHERS interested in selling their agricultural products to  
32 schools, including the types and yields of agricultural products the  
33 farmers AND RANCHERS want to sell and the time periods that farmers AND  
34 RANCHERS want to sell;

35 (j) Conducting workshops and training sessions, and providing  
36 professional development and technical advice, to schools' food service  
37 directors, school personnel, farmers AND RANCHERS, produce distributors,  
38 and produce processors regarding the demand for and availability of

1 Colorado farm products and helping teachers educate students about  
2 nutrition, obesity prevention, coping with allergies, and farm-to-school  
3 connections;

4 (1) Establishing partnerships with public and nonprofit sources to  
5 implement a public engagement campaign and establishing a structure to  
6 facilitate communication between farmers AND RANCHERS and school  
7 districts SCHOOLS.

8 (8) ~~"School" includes institutions of higher education~~ "FOOD  
9 SAFETY CERTIFICATION" MEANS THIRD-PARTY AUDITS OF ON-FARM FOOD  
10 SAFETY PLANS AND PRACTICES. THE AUDITS CAN INCLUDE GAP/GHP  
11 AUDITS OR OTHER ON-FARM FOOD SAFETY CERTIFICATIONS.

12 (9) "GAP/GHP AUDITS" MEANS AUDITS THAT FOCUS ON BEST  
13 AGRICULTURAL PRACTICES TO VERIFY THAT FOOD AND AGRICULTURAL  
14 PRODUCTS ARE PRODUCED, PACKED, HANDLED, AND STORED IN THE  
15 SAFEST MANNER POSSIBLE TO MINIMIZE RISKS OF MICROBIAL FOOD SAFETY  
16 HAZARDS. GAP/GHP AUDITS SHOULD ALSO VERIFY ADHERENCE TO THE  
17 RECOMMENDATIONS MADE IN THE FEDERAL FOOD AND DRUG  
18 ADMINISTRATION'S "GUIDANCE FOR INDUSTRY: GUIDE TO MINIMIZE  
19 MICROBIAL FOOD SAFETY HAZARDS OF FRESH-CUT FRUITS AND  
20 VEGETABLES", OR ANY SUCCESSOR PUBLICATION, AND INDUSTRY  
21 RECOGNIZED FOOD SAFETY PRACTICES.

22 (10) "INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK  
23 FORCE" OR "TASK FORCE" MEANS THE INTERAGENCY FARM-TO-SCHOOL  
24 COORDINATION TASK FORCE CREATED IN SECTION 22-82.6-104.

25 (11) "INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM" OR  
26 "GRANT PROGRAM" MEANS THE INTERAGENCY FARM-TO-SCHOOL GRANT  
27 PROGRAM CREATED IN SECTION 22-82.6-105.

28 (12) "ON-FARM FOOD SAFETY PLANS" MEANS WRITTEN PLANS OR  
29 PROCEDURES THAT DOCUMENT THE METHODS BY WHICH FOOD SAFETY IS  
30 ADDRESSED ON A FARM. THE PLANS MAY INCLUDE GENERAL INFORMATION  
31 ABOUT THE OPERATION, TRACEABILITY PROGRAM, RECALL PROCEDURE,  
32 CORRECTIVE ACTION PROCEDURE, WORKER HEALTH AND HYGIENE,  
33 PREVIOUS LAND USE AND SITE SELECTION, AGRICULTURAL WATER,  
34 AGRICULTURAL CHEMICALS, ANIMAL AND PEST CONTROL, SOIL  
35 AMENDMENTS AND MANURE, FIELD HARVESTING, TRANSPORTATION PLANS  
36 FROM THE FIELD TO A PACKING HOUSE, PACKING HOUSE ACTIVITIES, AND  
37 FINAL TRANSPORTATION PLANS FOR THE FOOD AND AGRICULTURAL  
38 PRODUCTS.

39 (13) "SCHOOL" INCLUDES INSTITUTIONS OF HIGHER EDUCATION.

40 **SECTION 3.** In Colorado Revised Statutes, 22-82.6-104, **amend**  
41 (1), (3) (b), (3) (c), (3) (d), and (3) (e) as follows:

1           **22-82.6-104. Interagency farm-to-school coordination task**  
2 **force - creation.** (1) In order to establish a state farm-to-school program  
3 in the future, there is hereby created an interagency farm-to-school  
4 coordination task force. ~~referred to in this section as the "task force".~~

5           (3) The task force shall study, develop, and recommend policies  
6 and methods to best implement a farm-to-school program, including:

7           (b) Offering assistance in identifying funding sources and grants  
8 that allow ~~school districts~~ SCHOOLS to recover the cost associated with  
9 purchasing locally grown food AND AGRICULTURAL products;

10          (c) Identifying, designing, or making available training programs  
11 to enable ~~local~~ farmers and ranchers to market their products to ~~school~~  
12 ~~districts~~ SCHOOLS, including programs related to crop production,  
13 marketing of crops, post-harvest handling of crops, food safety, business  
14 management, liability and risk management, contracting for crops,  
15 processing of crops, and any other topics deemed appropriate by the task  
16 force;

17          (d) Advising ~~school districts~~ SCHOOLS on methods by which a  
18 school district may improve facilities to allow for the purchase and use of  
19 minimally processed and fresh and locally produced ~~foods~~ FOOD AND  
20 AGRICULTURAL PRODUCTS in school meals;

21          (e) Providing assistance to school food services to establish  
22 procedures, recipes, menu rotation, proper handling, preparing, storing,  
23 and other internal processes that accommodate the use of locally grown  
24 foods AND AGRICULTURAL PRODUCTS in ~~public~~ schools;

25          **SECTION 4.** In Colorado Revised Statutes, **add** 22-82.6-105 as  
26 follows:

27          **22-82.6-105. Interagency farm-to-school grant program -**  
28 **application - criteria - awards - repeal.** (1) THERE IS HEREBY CREATED  
29 THE INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM TO PROVIDE  
30 GRANTS TO FARMERS AND RANCHERS TO FURTHER ENCOURAGE A  
31 SUCCESSFUL STATEWIDE FARM-TO-SCHOOL PROGRAM.

32          (2) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
33 SHALL ADMINISTER THE GRANT PROGRAM IN ACCORDANCE WITH THE  
34 PROCEDURES IN THIS SECTION. THE GENERAL ASSEMBLY SHALL ANNUALLY  
35 APPROPRIATE BY SEPARATE LINE ITEM IN THE ANNUAL GENERAL  
36 APPROPRIATION ACT AN AMOUNT OF NOT LESS THAN NINE HUNDRED FIFTY  
37 THOUSAND DOLLARS TO THE DEPARTMENT OF PUBLIC HEALTH AND  
38 ENVIRONMENT TO ALLOW THE INTERAGENCY FARM-TO-SCHOOL  
39 COORDINATION TASK FORCE TO AWARD GRANTS AS SPECIFIED IN THIS  
40 SECTION. THE DEPARTMENT MAY EXPEND NOT MORE THAN SEVEN  
41 PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FOR THE GRANT



1 PROGRAM TO OFFSET THE DIRECT COSTS INCURRED BY THE DEPARTMENT  
2 IN ADMINISTERING THE GRANT PROGRAM PURSUANT TO THIS SECTION.

3 (3) BOTH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT  
4 AND THE TASK FORCE ARE AUTHORIZED TO SEEK AND ACCEPT GIFTS,  
5 GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES FOR THE  
6 PURPOSES OF THIS SECTION, BUT THE RECEIPT OF GIFTS, GRANTS, AND  
7 DONATIONS IS NOT A PREREQUISITE TO THE IMPLEMENTATION OF THE  
8 GRANT PROGRAM.

9 (4) TO THE EXTENT PERMITTED BY LAW, THE DEPARTMENT OF  
10 PUBLIC HEALTH AND ENVIRONMENT MAY, AT ITS DISCRETION, DIRECT  
11 OTHER MONEYS TO FUND THE GRANT PROGRAM.

12 (5) TWO TYPES OF GRANTS MAY BE AWARDED BY THE TASK FORCE:

13 (a) A COST-SHARE GRANT TO A FARMER OR RANCHER TO BE USED  
14 FOR INVESTMENTS NECESSARY TO MEET THE REQUIREMENTS OF ON-FARM  
15 FOOD SAFETY PLANS, FOOD SAFETY CERTIFICATION, OR GAP/GHP AUDITS  
16 TO ENABLE SALES TO SCHOOLS. INVESTMENTS INCLUDE, BUT ARE NOT  
17 LIMITED TO:

18 (I) TRAINING FOR MANAGERS, WORKERS, VOLUNTEERS, OR OTHERS  
19 INVOLVED IN GROWING AND HANDLING FOOD AND AGRICULTURAL  
20 PRODUCTS;

21 (II) EQUIPMENT FOR THE MONITORING OF THE ENVIRONMENT,  
22 WATER, SOIL, OR SOIL AMENDMENTS FOR THE PRESENCE OF HUMAN  
23 PATHOGENS OR INDICATOR ORGANISMS, INCLUDING ANY OTHER  
24 ASSOCIATED COSTS;

25 (III) THE COST OF DISPOSABLE SUPPLIES REQUIRED AS A PART OF  
26 ON-FARM FOOD SAFETY PLANS IN ORDER TO SELL FOOD AND  
27 AGRICULTURAL PRODUCTS TO SCHOOLS. SUCH DISPOSABLE SUPPLIES MAY  
28 INCLUDE, BUT ARE NOT LIMITED TO, HAND WASHING SUPPLIES, CLEANING  
29 SUPPLIES OR SANITIZERS, CONTAINERS, TOTES, PACKAGING MATERIALS,  
30 TEMPERATURE CONTROL SUPPLIES, OR RODENT CONTROL SUPPLIES.

31 (IV) CAPITAL IMPROVEMENTS MADE AS PART OF ON-FARM FOOD  
32 SAFETY PLANS. SUCH CAPITAL IMPROVEMENTS MAY INCLUDE, BUT ARE  
33 NOT LIMITED TO, IMPROVEMENTS TO OR CONSTRUCTION OF HYGIENE  
34 FACILITIES, INSTALLING SIGNAGE, BUILDING FENCES, MAKING NECESSARY  
35 CHANGES TO WATER SOURCES OR DELIVERY SYSTEMS, OR PURCHASING  
36 HARVESTING EQUIPMENT, PACKING EQUIPMENT, OR STORAGE OR COOLING  
37 FACILITIES OR EQUIPMENT.

38 (b) A COST-SHARE GRANT TO A FARMER OR RANCHER FOR COSTS  
39 ASSOCIATED WITH SALES TO SCHOOLS, SPECIFICALLY COSTS RELATED TO:

40 (I) AGGREGATION, TRANSPORTATION, OR DISTRIBUTION OF  
41 PRODUCTS TO SCHOOLS, INCLUDING BUT NOT LIMITED TO LABOR OR

1 STORAGE OR COOLING EQUIPMENT NEEDED TO DELIVER PRODUCE TO  
2 SCHOOLS;

3 (II) EXPANDED OR ALTERED PRODUCTION PROCESSES NECESSARY  
4 FOR SALES TO SCHOOLS, INCLUDING SEASON EXTENSION INVESTMENTS TO  
5 EXTEND AVAILABILITY OF PRODUCE DURING THE SCHOOL YEAR; OR

6 (III) PRODUCTION COSTS INCURRED BY FARMERS OR RANCHERS  
7 THAT PLACE THEM AT A COMPETITIVE DISADVANTAGE TO OTHER VENDORS  
8 WHO SOURCE THEIR FOOD AND AGRICULTURAL PRODUCTS FROM OUTSIDE  
9 COLORADO OR ARE OTHERWISE SUBSIDIZED.

10 (6) THE TASK FORCE HAS THE AUTHORITY TO MAKE DECISIONS  
11 REGARDING GRANT AWARDS AS PROVIDED IN THIS SECTION.

12 (7) THE TASK FORCE SHALL ISSUE GUIDELINES AS MAY BE  
13 NECESSARY FOR THE IMPLEMENTATION OF THE GRANT PROGRAM. THE  
14 GUIDELINES MUST INCLUDE, BUT NEED NOT BE LIMITED TO, THE TIME  
15 FRAMES FOR SUBMITTING GRANT PROGRAM APPLICATIONS, THE FORM OF  
16 THE GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR THE  
17 DISTRIBUTION OF GRANT MONEYS. THE TASK FORCE SHALL SEEK PUBLIC  
18 COMMENT ON THE GUIDELINES IT ISSUES, WHICH PUBLIC COMMENT MAY BE  
19 SUBMITTED ELECTRONICALLY, BY MAIL, OR IN PERSON. UPON  
20 COMPLETION, ALL GUIDELINES MUST BE POSTED ON THE TASK FORCE'S WEB  
21 SITE.

22 (8) AN ENTITY THAT SEEKS TO RECEIVE A GRANT PURSUANT TO  
23 THIS SECTION MUST SUBMIT AN APPLICATION TO THE TASK FORCE IN  
24 ACCORDANCE WITH THE GUIDELINES ISSUED BY THE TASK FORCE AS  
25 SPECIFIED IN SUBSECTION (7) OF THIS SECTION. AT A MINIMUM, THE  
26 APPLICATION MUST INCLUDE THE FOLLOWING INFORMATION:

27 (a) PROOF THAT THE FARM OR RANCH IS LOCATED IN THE STATE;

28 (b) A DESCRIPTION OF THE FOOD SAFETY INVESTMENTS REQUIRED  
29 BY THE FARM OR RANCH TO ENABLE SALES TO SCHOOLS;

30 (c) RECEIPTS FOR ALL COST-SHARE EXPENSES SOUGHT FOR  
31 REIMBURSEMENT THROUGH A GRANT; AND

32 (d) DEMONSTRATION OF ACTUAL SALES TO SCHOOLS FOR ANY  
33 FARMER OR RANCHER SEEKING A GRANT AWARD OR AS A REQUIRED  
34 DELIVERABLE RESULTING FROM A GRANT AWARD.

35 (9) THE TASK FORCE SHALL REVIEW THE APPLICATIONS RECEIVED  
36 PURSUANT TO THIS SECTION.

37 (10) SUBJECT TO AVAILABLE APPROPRIATIONS, THE TASK FORCE  
38 SHALL SELECT APPLICANTS AND THE DEPARTMENT OF PUBLIC HEALTH AND  
39 ENVIRONMENT SHALL AWARD GRANTS TO THE SELECTED APPLICANTS ON  
40 OR BEFORE AUGUST 1 OF EACH YEAR OF THE GRANT PROGRAM.

41 (11) (a) FOR THE 2015-16 STATE FISCAL YEAR, AND EACH FISCAL

1 YEAR THEREAFTER THROUGH THE 2019-20 STATE FISCAL YEAR, THE TASK  
2 FORCE SHALL SELECT ONE GRANT RECIPIENT TO:

3 (I) EVALUATE FOR THE TASK FORCE THE EFFECTIVENESS OF THE  
4 INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM TO DETERMINE WHICH  
5 COMPONENTS INCENTIVIZE FARMERS OR RANCHERS TO ENTER INTO  
6 CONTRACTS WITH SCHOOLS OR INCREASE THE AMOUNT OF AGRICULTURAL  
7 PRODUCTS SOLD TO SCHOOLS; AND

8 (II) PERFORM CERTAIN RESPONSIBILITIES INCLUDING, BUT NOT  
9 LIMITED TO, ESTABLISHING FOR THE TASK FORCE THE GUIDELINES  
10 DESCRIBED IN SUBSECTION (7) OF THIS SECTION, SPECIFYING THE FOOD  
11 SAFETY REQUIREMENTS FOR A GRANT, THE CAPITAL IMPROVEMENTS  
12 ELIGIBLE FOR A GRANT, PROVIDING TECHNICAL ASSISTANCE TO SCHOOLS,  
13 FARMERS, AND RANCHERS, AND LIAISING BETWEEN THE TASK FORCE AND  
14 COMMUNITY STAKEHOLDERS WHO WISH TO PARTICIPATE IN OR BENEFIT  
15 FROM THE GRANT PROGRAM.

16 (b) ON OR BEFORE FEBRUARY 1, 2016, FEBRUARY 1, 2018, AND  
17 FEBRUARY 1, 2019, THE TASK FORCE SHALL SUBMIT A REPORT TO THE  
18 JOINT COMMITTEE OF THE GENERAL ASSEMBLY THAT OVERSEES THE  
19 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR ANY SUCCESSOR  
20 JOINT COMMITTEE, THAT SUMMARIZES THE TASK FORCE'S EVALUATION OF  
21 THE GRANT PROGRAM.

22 (12) NOTWITHSTANDING SECTION 24-1-136 (11) (a) (I), C.R.S.,  
23 THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE  
24 UNTIL THE PROGRAM REPEALS PURSUANT TO SUBSECTION (13) OF THIS  
25 SECTION.

26 (13) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

27 (b) PRIOR TO THE REPEAL, THE INTERAGENCY FARM-TO-SCHOOL  
28 GRANT PROGRAM MUST BE REVIEWED AS PROVIDED FOR IN SECTION  
29 24-34-104, C.R.S.

30 **SECTION 5.** In Colorado Revised Statutes, 24-34-104, **add** (51)  
31 (g) as follows:

32 **24-34-104. General assembly review of regulatory agencies**  
33 **and functions for termination, continuation, or reestablishment.**

34 (51) The following agencies, functions, or both, shall terminate on July  
35 1, 2020:

36 (g) THE INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM  
37 CREATED IN SECTION 22-82.6-105, C.R.S.

38 **SECTION 6. Safety clause.** The general assembly hereby finds,  
39 determines, and declares that this act is necessary for the immediate  
40 preservation of the public peace, health, and safety."

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