

Second Regular Session
Sixty-sixth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 08-0791.01 Richard Sweetman

SENATE BILL 08-129

SENATE SPONSORSHIP

Gibbs,

HOUSE SPONSORSHIP

Riesberg,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING NUTRITION IN SCHOOLS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Requires each school district board of education ("district board") and the state charter school institute ("institute") to adopt and implement a policy that prohibits the sale of beverages to students from any source. Creates exceptions to the policy for the sale of beverages that satisfy minimum nutritional requirements and beverages that are sold during specified school events. Includes in the policy maximum portion sizes for beverages sold at elementary, middle, and high schools.

Requires each district board and the institute to adopt policies concerning the provision of healthful food choices in schools.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.

Capital letters indicate new material to be added to existing statute.

Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
February 25, 2008

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and determines that:

4 (a) It is in the best interest of Colorado residents to address the
5 rising rates of childhood obesity by adopting a policy regarding the
6 serving of beverages in schools; and

7 (b) The policy should address any concerns raised by beverage
8 manufacturers.

9 (2) Now, therefore, the general assembly hereby declares that each
10 public school shall adopt beverage policies that comply with the Alliance
11 for a Healthier Generation guidelines that were set forth in a
12 memorandum of understanding between various interested entities,
13 including the American Heart Association, the William J. Clinton
14 Foundation, the American Beverage Association, Cadbury Schweppes
15 Americas Beverages, the Coca-Cola Company, and PepsiCo, Inc.

16 **SECTION 2. Repeal.** 22-32-134, Colorado Revised Statutes, is
17 repealed.

18 **SECTION 3.** Article 32 of title 22, Colorado Revised Statutes, is
19 amended BY THE ADDITION OF A NEW SECTION to read:

20 **22-32-134.5. Healthy beverages policy required.** (1) ON OR
21 BEFORE SEPTEMBER 1, 2008, EACH SCHOOL DISTRICT BOARD OF
22 EDUCATION SHALL ADOPT AND IMPLEMENT A POLICY THAT PROHIBITS,
23 EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE SALE OF
24 BEVERAGES TO STUDENTS FROM ANY SOURCE, INCLUDING BUT NOT
25 LIMITED TO:

26 (a) SCHOOL CAFETERIAS;

- 1 (b) VENDING MACHINES;
- 2 (c) SCHOOL STORES; AND
- 3 (d) FUND-RAISING ACTIVITIES CONDUCTED ON SCHOOL CAMPUSES.

4 (2) ON OR BEFORE SEPTEMBER 1, 2008, THE STATE BOARD OF
5 EDUCATION SHALL PROMULGATE RULES DESCRIBING BEVERAGES THAT
6 SCHOOL DISTRICTS AND SCHOOLS MAY PERMIT TO BE SOLD TO STUDENTS.
7 EACH BEVERAGE DESCRIBED BY THE RULES PROMULGATED BY THE STATE
8 BOARD PURSUANT TO THIS SUBSECTION (2) SHALL SATISFY MINIMUM
9 NUTRITIONAL STANDARDS FOR BEVERAGES, WHICH STANDARDS ARE
10 SCIENCE-BASED AND ESTABLISHED BY A NATIONAL ORGANIZATION THAT
11 ESTABLISHES AND PROMOTES MINIMUM NUTRITIONAL GUIDELINES FOR
12 BEVERAGES SERVED TO STUDENTS IN SCHOOLS.

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14 (3) (a) THE POLICY ADOPTED BY A SCHOOL DISTRICT PURSUANT TO
15 SUBSECTION (1) OF THIS SECTION SHALL APPLY TO ALL BEVERAGES SOLD
16 ON SCHOOL CAMPUSES DURING REGULAR AND EXTENDED SCHOOL DAYS.

17 (b) FOR THE PURPOSES OF THIS SUBSECTION (3), "EXTENDED
18 SCHOOL DAY" MEANS THE REGULAR HOURS OF OPERATION FOR A SCHOOL
19 PLUS ANY TIME SPENT BY STUDENTS AFTER THE REGULAR HOURS OF
20 OPERATION FOR ANY PURPOSE, INCLUDING BUT NOT LIMITED TO
21 PARTICIPATION IN EXTRACURRICULAR ACTIVITIES OR CHILDCARE
22 PROGRAMS.

23 (4) THE PROVISIONS OF THIS SECTION SHALL APPLY TO CONTRACTS
24 ENTERED INTO OR RENEWED BY A SCHOOL DISTRICT ON OR AFTER
25 SEPTEMBER 1, 2008.

26 **SECTION 4. 22-32-136 (3) (a) (II), Colorado Revised Statutes,**
27 **is amended to read:**

1 **22-32-136. Children's nutrition - healthful alternatives -**
2 **information - facilities - local wellness policy - competitive foods.**

3 (3) On or before July 1, 2006, each school district board of education is
4 encouraged to adopt policies ensuring that:

5 (a) Every student has access to healthful food choices in
6 appropriate portion sizes throughout the school day. At a minimum, this
7 includes the provision of:

8 (II) Healthful items in vending machines, pursuant to section
9 22-32-134 BEVERAGES SOLD TO STUDENTS ON SCHOOL CAMPUSES,
10 PURSUANT TO SECTION 22-32-134.5; and

11 =====

12 **SECTION 5.** 22-30.5-505, Colorado Revised Statutes, is
13 amended BY THE ADDITION OF A NEW SUBSECTION to read:

14 **22-30.5-505. State charter school institute - institute board -**
15 **appointment - powers and duties - rules.** (12) PURSUANT TO SECTION
16 22-30.5-517, THE INSTITUTE SHALL ADOPT AND IMPLEMENT A POLICY
17 THAT REGULATES THE SALE OF BEVERAGES TO STUDENTS AT AN INSTITUTE
18 CHARTER SCHOOL.

19 =====

20 **SECTION 6.** Part 5 of article 30.5 of title 22, Colorado Revised
21 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
22 read:

23 **22-30.5-517. Institute charter school nutritional beverage**
24 **policy.** (1) ON OR BEFORE SEPTEMBER 1, 2008, THE STATE CHARTER
25 SCHOOL INSTITUTE SHALL ADOPT AND IMPLEMENT A POLICY THAT
26 PROHIBITS, EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AN
27 INSTITUTE CHARTER SCHOOL FROM PERMITTING THE SALE OF BEVERAGES

1 TO STUDENTS FROM ANY SOURCE, INCLUDING BUT NOT LIMITED TO:

2 (a) SCHOOL CAFETERIAS;

3 (b) VENDING MACHINES;

4 (c) SCHOOL STORES; AND

5 (d) FUND-RAISING ACTIVITIES CONDUCTED ON SCHOOL CAMPUSES.

6 (2) ON OR BEFORE SEPTEMBER 1, 2008, THE INSTITUTE BOARD
7 SHALL PROMULGATE RULES DESCRIBING BEVERAGES THAT INSTITUTE
8 CHARTER SCHOOLS MAY PERMIT TO BE SOLD TO STUDENTS. EACH
9 BEVERAGE DESCRIBED BY THE RULES PROMULGATED BY THE INSTITUTE
10 BOARD PURSUANT TO THIS SUBSECTION (2) SHALL SATISFY MINIMUM
11 NUTRITIONAL STANDARDS FOR BEVERAGES, WHICH STANDARDS ARE
12 SCIENCE-BASED AND ESTABLISHED BY A NATIONAL ORGANIZATION THAT
13 HAS AS ITS PRIMARY MISSION THE ESTABLISHMENT AND PROMOTION OF
14 MINIMUM NUTRITIONAL GUIDELINES FOR BEVERAGES SERVED TO
15 STUDENTS IN SCHOOLS.

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17 (3) (a) THE POLICY ADOPTED BY THE STATE CHARTER SCHOOL
18 INSTITUTE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL APPLY
19 TO ALL BEVERAGES SOLD ON INSTITUTE CHARTER SCHOOL CAMPUSES
20 DURING REGULAR AND EXTENDED SCHOOL DAYS.

21 (b) FOR THE PURPOSES OF THIS SUBSECTION (3), "EXTENDED
22 SCHOOL DAY" MEANS THE REGULAR HOURS OF OPERATION FOR AN
23 INSTITUTE CHARTER SCHOOL PLUS ANY TIME SPENT BY STUDENTS AFTER
24 SUCH REGULAR HOURS OF OPERATION FOR ANY PURPOSE, INCLUDING BUT
25 NOT LIMITED TO PARTICIPATION IN EXTRACURRICULAR ACTIVITIES OR
26 CHILDCARE PROGRAMS.

27 (4) THE PROVISIONS OF THIS SECTION SHALL APPLY TO CONTRACTS

1 ENTERED INTO OR RENEWED BY THE STATE CHARTER SCHOOL INSTITUTE
2 OR AN INSTITUTE CHARTER SCHOOL ON OR AFTER SEPTEMBER 1, 2008.

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4 **SECTION 7. Effective date.** This act shall take effect at 12:01
5 a.m. on the day following the expiration of the ninety-day period after
6 final adjournment of the general assembly that is allowed for submitting
7 a referendum petition pursuant to article V, section 1 (3) of the state
8 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);
9 except that, if a referendum petition is filed against this act or an item,
10 section, or part of this act within such period, then the act, item, section,
11 or part, if approved by the people, shall take effect on the date of the
12 official declaration of the vote thereon by proclamation of the governor.