

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

REENGROSSED

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

LLS NO. 10-0608.01 Kate Meyer

SENATE BILL 10-081

SENATE SPONSORSHIP

Sandoval,

HOUSE SPONSORSHIP

Solano,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 **CONCERNING CREATION OF THE "FARM-TO-SCHOOL HEALTHY KIDS**
102 **ACT", AND, IN CONNECTION THEREWITH, ESTABLISHING AN**
103 **INTERAGENCY TASK FORCE TO DEVELOP FARM-TO-SCHOOL**
104 **PROGRAM POLICIES.**

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://www.leg.state.co.us/billsummaries>.)

In order to provide for the development of a state farm-to-school program, which will promote the consumption of nutritional foods

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
3rd Reading Unamended
February 24, 2010

SENATE
Amended 2nd Reading
February 19, 2010

provided by state agricultural producers, the bill creates the "Farm-to-School Healthy Kids Act", which establishes the interagency farm-to-school coordination task force (task force). The bill describes the composition and duties of the task force, and sets a future repeal date of December 31, 2013.

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

2 **SECTION 1.** Title 22, Colorado Revised Statutes, is amended BY
3 THE ADDITION OF A NEW ARTICLE to read:

4 **ARTICLE 82.6**

5 **Farm-to-School Healthy Kids Act**

6 **22-82.6-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND
7 MAY BE CITED AS THE "FARM-TO-SCHOOL HEALTHY KIDS ACT".

8 **22-82.6-102. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY FINDS AND DECLARES THAT:

10 (a) IT IS IN THE BEST INTERESTS OF COLORADO'S CHILDREN,
11 FARMERS, RANCHERS, FOOD PROCESSORS, MANUFACTURERS, AND
12 COMMUNITIES TO DEVELOP A MORE ROBUST AND SELF-SUSTAINING
13 AGRICULTURAL SECTOR THAT PROMOTES HEALTHY FOODS AT SCHOOLS
14 AND TO ENCOURAGE REGULATED CHILD CARE PROGRAMS TO INCREASE
15 THEIR USE OF LOCAL FARM AND RANCH PRODUCTS IN THEIR FOOD SERVICE
16 PROGRAMS, ESPECIALLY THE SCHOOL MEAL PROGRAMS, IN ORDER TO
17 IMPROVE CHILD NUTRITION AND STRENGTHEN LOCAL AND REGIONAL
18 AGRICULTURAL ECONOMIES;

19 (b) BECAUSE A CHILD CAN RECEIVE UP TO FIFTY-FIVE PERCENT OF
20 HIS OR HER DAILY NUTRITIONAL REQUIREMENTS FROM SCHOOL BREAKFAST
21 AND LUNCH PROGRAMS, IT IS IMPORTANT TO ENCOURAGE CHILDREN TO
22 EAT A HEALTHY DIET OF FRESH FOODS AT SCHOOL;

23 (c) WHILE CHILDREN RECEIVING INADEQUATE NUTRITION ARE AT

1 RISK OF LOWER ACHIEVEMENT IN SCHOOL, RESEARCH SHOWS AN
2 IMPROVEMENT IN STUDENT BEHAVIOR, ACADEMIC PERFORMANCE, AND
3 HEALTH SCORES WHEN NUTRITION IS IMPROVED; AND

4 (d) THEREFORE, IN ORDER TO ENCOURAGE HEALTHY AND LIFELONG
5 HABITS OF EATING FRESH, MINIMALLY PROCESSED, AND NUTRITIOUS LOCAL
6 FOODS AS WELL AS TO FOSTER RELATIONSHIPS AMONG FARMERS AND
7 SCHOOL CHILDREN, SCHOOL PERSONNEL, AND OTHER ADULTS IN THE
8 COLORADO COMMUNITY AND TO PROMOTE THE SALE OF AGRICULTURAL
9 PRODUCTS PRODUCED IN THE STATE, IT IS IN THE BEST INTERESTS OF THE
10 STATE TO DEVELOP A FARM-TO-SCHOOL PROGRAM.

11 (2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT
12 A SUCCESSFUL STATEWIDE FARM-TO-SCHOOL PROGRAM WILL REQUIRE THE
13 CREATION OF AN INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK
14 FORCE WITH RESOURCES, EXPERTISE, AND COLLABORATION OF A VARIETY
15 OF STATE AGENCIES, INCLUDING THE DEPARTMENT OF EDUCATION, THE
16 DEPARTMENT OF AGRICULTURE, THE DEPARTMENT OF PUBLIC HEALTH AND
17 ENVIRONMENT, AND SCHOOL DISTRICTS.

18 **22-82.6-103. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "COMMISSIONER OF AGRICULTURE" MEANS THE COMMISSIONER
21 OF AGRICULTURE CREATED IN SECTION 24-1-123, C.R.S.

22 (2) "COMMISSIONER OF EDUCATION" SHALL HAVE THE SAME
23 MEANING AS SET FORTH IN SECTION 22-2-102.

24 (3) "DEPARTMENT OF AGRICULTURE" MEANS THE DEPARTMENT OF
25 AGRICULTURE CREATED IN SECTION 24-1-123, C.R.S.

26 (4) "DEPARTMENT OF EDUCATION" MEANS THE DEPARTMENT OF
27 EDUCATION CREATED IN SECTION 24-1-115, C.R.S.

1 (5) "DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT" MEANS
2 THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT CREATED IN
3 SECTION 25-1-102, C.R.S.

4 (6) "FARM-TO-SCHOOL PROGRAM" MEANS A PROGRAM THAT
5 ENCOURAGES OR INCENTIVIZES THE ACQUISITION AND USE OF LOCALLY
6 GROWN, PRODUCED, AND PROCESSED AGRICULTURAL PRODUCTS BY
7 SCHOOLS IN ORDER TO PROVIDE HEALTHY, LOCAL FOOD PRODUCTS TO
8 STUDENTS AND BENEFIT THE STATE AGRICULTURAL INDUSTRY. A
9 FARM-TO-SCHOOL PROGRAM MAY INCLUDE THE FOLLOWING COMPONENTS:

10 (a) SERVING FOOD TO COLORADO'S SCHOOL CHILDREN AND ADULTS
11 THAT IS FRESH AND AS NUTRITIOUS AS POSSIBLE;

12 (b) MAXIMIZING USE OF FRESH FOOD THAT IS LOCALLY GROWN,
13 PRODUCED, AND PROCESSED;

14 (c) EDUCATING STUDENTS ABOUT HEALTHY EATING HABITS
15 THROUGH NUTRITION EDUCATION, INCLUDING USING HANDS-ON
16 TECHNIQUES TO MAKE CONNECTIONS BETWEEN FARMING AND THE FOODS
17 THAT STUDENTS CONSUME;

18 (d) INCREASING THE SIZE AND STABILITY OF FARMERS' DIRECT
19 SALES MARKETS;

20 (e) INCREASING PARTICIPATION IN UNITED STATES DEPARTMENT
21 OF AGRICULTURE SCHOOL MEAL PROGRAMS BY INCREASING THE
22 SELECTION OF FOOD AVAILABLE TO STUDENTS;

23 (f) PROVIDING OUTREACH AND GUIDANCE TO FARMERS
24 CONCERNING THE VALUE OF, AND PROCEDURES FOR, SELLING THEIR
25 AGRICULTURAL PRODUCTS TO INTERESTED SCHOOLS;

26 (g) DEVELOPING AND REGULARLY UPDATING AN INTERNET
27 DATABASE OF FARMERS INTERESTED IN SELLING THEIR AGRICULTURAL

1 PRODUCTS TO SCHOOLS, INCLUDING THE TYPES AND YIELDS OF
2 AGRICULTURAL PRODUCTS THE FARMERS WANT TO SELL AND THE TIME
3 PERIODS THAT FARMERS WANT TO SELL;

4 (h) PROMOTING STATE AGRICULTURE AND FARM PRODUCTS TO
5 CHILDREN THROUGH SCHOOL MEAL AND CLASSROOM PROGRAMS;

6 (i) IDENTIFYING AND PROMOTING THE CRITICAL COMPONENT OF
7 INDIVIDUAL FARM-TO-SCHOOL PROGRAMS AND ADVISING STATE AGENCIES
8 ON NEEDED ACTIONS AND STRATEGIES TO IMPLEMENT THIS ARTICLE;

9 (j) CONDUCTING WORKSHOPS AND TRAINING SESSIONS, AND
10 PROVIDING PROFESSIONAL DEVELOPMENT AND TECHNICAL ADVICE, TO
11 SCHOOLS' FOOD SERVICE DIRECTORS, SCHOOL PERSONNEL, FARMERS,
12 PRODUCE DISTRIBUTORS, AND PRODUCE PROCESSORS REGARDING THE
13 DEMAND FOR AND AVAILABILITY OF COLORADO FARM PRODUCTS AND
14 HELPING TEACHERS EDUCATE STUDENTS ABOUT NUTRITION, OBESITY
15 PREVENTION, COPING WITH ALLERGIES, AND FARM-TO-SCHOOL
16 CONNECTIONS;

17 (k) PROVIDING LEADERSHIP AT THE STATE LEVEL TO ENCOURAGE
18 SCHOOL DISTRICTS TO DEVELOP AND IMPROVE SCHOOL NUTRITION USING
19 LOCALLY GROWN, FARM-FRESH PRODUCTS; AND

20 (l) ESTABLISHING PARTNERSHIPS WITH PUBLIC AND NONPROFIT
21 SOURCES TO IMPLEMENT A PUBLIC ENGAGEMENT CAMPAIGN AND
22 ESTABLISHING A STRUCTURE TO FACILITATE COMMUNICATION BETWEEN
23 FARMERS AND SCHOOL DISTRICTS.

24 **22-82.6-104. Interagency farm-to-school coordination task**
25 **force - creation - repeal.** (1) IN ORDER TO ESTABLISH A STATE
26 FARM-TO-SCHOOL PROGRAM IN THE FUTURE, THERE IS HEREBY CREATED
27 AN INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK FORCE,

1 REFERRED TO IN THIS SECTION AS THE "TASK FORCE".

2 (2) (a) THE TASK FORCE CONSISTS OF TWELVE MEMBERS AS
3 FOLLOWS:

4 (I) THE COMMISSIONER OF EDUCATION OR THE COMMISSIONER'S
5 DESIGNEE;

6 (II) THE COMMISSIONER OF AGRICULTURE OR THE COMMISSIONER'S
7 DESIGNEE;

8 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC
9 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

10 (IV) THE FOLLOWING FIVE MEMBERS AS SELECTED BY THE
11 MEMBER SERVING PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH
12 (a):

13 (A) FOUR REPRESENTATIVES OF SCHOOL FOOD SERVICE
14 DIRECTORS; AND

15 (B) A REPRESENTATIVE OF PARENT ORGANIZATIONS;

16 (V) THE FOLLOWING FOUR MEMBERS AS SELECTED BY THE
17 MEMBER SERVING PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH
18 (a):

19 (A) A REPRESENTATIVE OF FRUIT AND VEGETABLE
20 ORGANIZATIONS;

21 (B) A REPRESENTATIVE OF CATTLE RANCHING ORGANIZATIONS;

22 (C) A REPRESENTATIVE OF THE WESTERN DAIRY ASSOCIATION;

23 AND

24 (D) A REPRESENTATIVE OF A FOOD DISTRIBUTION ASSOCIATION.

25 (b) THE MEMBERS OF THE TASK FORCE SHALL BE APPOINTED ON OR
26 BEFORE OCTOBER 30, 2010.

27 (c) ON OR BEFORE DECEMBER 31, 2010, THE MEMBERS SERVING

1 PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (a) OF THIS
2 SUBSECTION (2) SHALL JOINTLY CONVENE THE INITIAL MEETING OF THE
3 TASK FORCE. AT THE FIRST MEETING, THE TASK FORCE SHALL ELECT A
4 CHAIR AND VICE-CHAIR FROM THE MEMBERS SERVING PURSUANT TO
5 SUBPARAGRAPHS (I) TO (V) OF PARAGRAPH (a) OF THIS SUBSECTION (2).

6 (d) MEMBERS OF THE TASK FORCE SHALL SERVE AT THE WILL OF
7 THE PERSON APPOINTING THE MEMBER.

8 (e) MEMBERS OF THE TASK FORCE SHALL NOT BE COMPENSATED
9 FOR OR REIMBURSED FOR THEIR EXPENSES INCURRED IN ATTENDING
10 MEETINGS OF THE TASK FORCE.

11 (f) THE TASK FORCE SHALL MEET AS OFTEN AS NECESSARY AND
12 MAY ADOPT POLICIES AND PROCEDURES NECESSARY TO CARRY OUT ITS
13 DUTIES.

14 (3) THE TASK FORCE SHALL STUDY, DEVELOP, AND RECOMMEND
15 POLICIES AND METHODS TO BEST IMPLEMENT A FARM-TO-SCHOOL
16 PROGRAM, INCLUDING:

17 (a) CREATING FARM-TO-SCHOOL PROGRAM PILOTS OR EXPANDING
18 FOOD FOCUS EDUCATION PROGRAM PILOTS;

19 (b) OFFERING ASSISTANCE IN IDENTIFYING FUNDING SOURCES AND
20 GRANTS THAT ALLOW SCHOOL DISTRICTS TO RECOVER THE COST
21 ASSOCIATED WITH PURCHASING LOCALLY GROWN FOOD PRODUCTS;

22 (c) IDENTIFYING, DESIGNING, OR MAKING AVAILABLE TRAINING
23 PROGRAMS TO ENABLE LOCAL FARMERS AND RANCHERS TO MARKET THEIR
24 PRODUCTS TO SCHOOL DISTRICTS, INCLUDING PROGRAMS RELATED TO
25 CROP PRODUCTION, MARKETING OF CROPS, POST-HARVEST HANDLING OF
26 CROPS, FOOD SAFETY, BUSINESS MANAGEMENT, LIABILITY AND RISK
27 MANAGEMENT, CONTRACTING FOR CROPS, PROCESSING OF CROPS, AND ANY

1 OTHER TOPICS DEEMED APPROPRIATE BY THE TASK FORCE;

2 (d) ADVISING SCHOOL DISTRICTS ON METHODS BY WHICH A
3 SCHOOL DISTRICT MAY IMPROVE FACILITIES TO ALLOW FOR THE PURCHASE
4 AND USE OF MINIMALLY PROCESSED AND FRESH AND LOCALLY PRODUCED
5 FOODS IN SCHOOL MEALS; AND

6 (e) PROVIDING ASSISTANCE TO SCHOOL FOOD SERVICES TO
7 ESTABLISH PROCEDURES, RECIPES, MENU ROTATION, PROPER HANDLING,
8 PREPARING, STORING, AND OTHER INTERNAL PROCESSES THAT
9 ACCOMMODATE THE USE OF LOCALLY GROWN FOODS IN PUBLIC SCHOOLS.

10 (4) THE TASK FORCE SHALL REPORT ITS PROGRESS, FINDINGS, AND
11 RECOMMENDATIONS TO THE EDUCATION COMMITTEES OF THE HOUSE OF
12 REPRESENTATIVES AND THE SENATE, THE SENATE AGRICULTURE AND
13 NATURAL RESOURCES COMMITTEE, AND THE HOUSE AGRICULTURE,
14 LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR ANY SUCCESSOR
15 COMMITTEES, ON OR BEFORE APRIL 1, 2013.

16 (5)(a) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2013.

17 (b) PRIOR TO SAID REPEAL, THE TASK FORCE CREATED PURSUANT
18 TO THIS SECTION SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203,
19 C.R.S.

20 **SECTION 2.** 2-3-1203 (3) (z.5), Colorado Revised Statutes, as
21 it will become effective July 1, 2010, is amended to read:

22 **2-3-1203. Sunset review of advisory committees.** (3) The
23 following dates are the dates for which the statutory authorization for the
24 designated advisory committees is scheduled for repeal:

25 (z.5) December 31, 2013:

26 (I) The Colorado wildlife habitat stamp committee created in
27 section 33-4-102.7, C.R.S.;

1 (II) THE INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK
2 FORCE CREATED IN SECTION 22-82.6-104, C.R.S.

3 **SECTION 3. Act subject to petition - effective date.** This act
4 shall take effect at 12:01 a.m. on the day following the expiration of the
5 ninety-day period after final adjournment of the general assembly (August
6 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
7 referendum petition is filed pursuant to section 1 (3) of article V of the
8 state constitution against this act or an item, section, or part of this act
9 within such period, then the act, item, section, or part shall not take effect
10 unless approved by the people at the general election to be held in
11 November 2010 and shall take effect on the date of the official
12 declaration of the vote thereon by the governor.