Second Regular Session Sixty-seventh General Assembly STATE OF COLORADO

REREVISED

This Version Includes All Amendments Adopted in the Second House SENATE BILL 10-081

LLS NO. 10-0608.01 Kate Meyer

SENATE SPONSORSHIP

Sandoval,

Solano,

HOUSE SPONSORSHIP

Senate Committees Education House Committees Education

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.

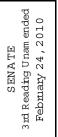
Bill Summary

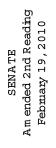
(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at http://www.leg.state.co.us/billsummaries.)

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

HOUSE 3rd Reading Unam ended M arch 15, 2010

HOUSE Am ended 2nd Reading M arch 12, 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

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RISK OF LOWER ACHIEVEMENT IN SCHOOL, RESEARCH SHOWS AN
 IMPROVEMENT IN STUDENT BEHAVIOR, ACADEMIC PERFORMANCE, AND
 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.

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

(2) "Commissioner of Education" shall have the same
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.

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

4 (6) "EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION ON
5 HIGHER EDUCATION" MEANS THE EXECUTIVE DIRECTOR APPOINTED
6 PURSUANT TO SECTION 24-1-114, C.R.S.

7 (7) "FARM-TO-SCHOOL PROGRAM" MEANS A PROGRAM THAT 8 ENCOURAGES OR INCENTIVIZES THE ACQUISITION AND USE OF LOCALLY 9 GROWN, PRODUCED, AND PROCESSED AGRICULTURAL PRODUCTS BY 10 SCHOOLS IN ORDER TO PROVIDE HEALTHY, LOCAL FOOD PRODUCTS TO 11 STUDENTS AND BENEFIT THE STATE AGRICULTURAL INDUSTRY. A 12 FARM-TO-SCHOOL PROGRAM MAY INCLUDE THE FOLLOWING COMPONENTS: 13 (a) SERVING FOOD TO COLORADO'S SCHOOLCHILDREN AND ADULTS 14 THAT IS FRESH AND AS NUTRITIOUS AS POSSIBLE;

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

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

21 (d) INCREASING THE SIZE AND STABILITY OF FARMERS' DIRECT
22 SALES MARKETS;

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

26 (f) PROVIDING OUTREACH AND GUIDANCE TO FARMERS27 CONCERNING THE VALUE OF, AND PROCEDURES FOR, SELLING THEIR

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1 AGRICULTURAL PRODUCTS TO INTERESTED SCHOOLS;

2 (g) DEVELOPING AND REGULARLY UPDATING AN INTERNET
3 DATABASE OF FARMERS INTERESTED IN SELLING THEIR AGRICULTURAL
4 PRODUCTS TO SCHOOLS, INCLUDING THE TYPES AND YIELDS OF
5 AGRICULTURAL PRODUCTS THE FARMERS WANT TO SELL AND THE TIME
6 PERIODS THAT FARMERS WANT TO SELL;

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

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

12 (j) CONDUCTING WORKSHOPS AND TRAINING SESSIONS, AND 13 PROVIDING PROFESSIONAL DEVELOPMENT AND TECHNICAL ADVICE, TO 14 SCHOOLS' FOOD SERVICE DIRECTORS, SCHOOL PERSONNEL, FARMERS, 15 PRODUCE DISTRIBUTORS, AND PRODUCE PROCESSORS REGARDING THE 16 DEMAND FOR AND AVAILABILITY OF COLORADO FARM PRODUCTS AND 17 HELPING TEACHERS EDUCATE STUDENTS ABOUT NUTRITION, OBESITY 18 PREVENTION, COPING WITH ALLERGIES, AND FARM-TO-SCHOOL 19 CONNECTIONS;

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

(1) ESTABLISHING PARTNERSHIPS WITH PUBLIC AND NONPROFIT
SOURCES TO IMPLEMENT A PUBLIC ENGAGEMENT CAMPAIGN AND
ESTABLISHING A STRUCTURE TO FACILITATE COMMUNICATION BETWEEN
FARMERS AND SCHOOL DISTRICTS.

27

(8) "SCHOOL" INCLUDES INSTITUTIONS OF HIGHER EDUCATION.

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1 22-82.6-104. Interagency farm-to-school coordination task 2 force - creation - repeal. (1) IN ORDER TO ESTABLISH A STATE 3 FARM-TO-SCHOOL PROGRAM IN THE FUTURE, THERE IS HEREBY CREATED 4 AN INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK FORCE, 5 REFERRED TO IN THIS SECTION AS THE "TASK FORCE". 6 (2) (a) THE TASK FORCE CONSISTS OF THIRTEEN MEMBERS AS 7 FOLLOWS: 8 (I) THE COMMISSIONER OF EDUCATION OR THE COMMISSIONER'S 9 DESIGNEE; 10 (II) THE COMMISSIONER OF AGRICULTURE OR THE COMMISSIONER'S 11 DESIGNEE; 12 (III) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC 13 HEALTH AND ENVIRONMENT OR THE EXECUTIVE DIRECTOR'S DESIGNEE; 14 (IV) THE EXECUTIVE DIRECTOR OF THE COLORADO COMMISSION 15 ON HIGHER EDUCATION OR THE EXECUTIVE DIRECTOR'S DESIGNEE; 16 (V) THE FOLLOWING FIVE MEMBERS AS SELECTED BY THE MEMBER 17 SERVING PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH (a): 18 (A) FOUR REPRESENTATIVES OF SCHOOL FOOD SERVICE 19 DIRECTORS; AND 20 (B) A REPRESENTATIVE OF PARENT ORGANIZATIONS; 21 (VI) THE FOLLOWING FOUR MEMBERS AS SELECTED BY THE 22 MEMBER SERVING PURSUANT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH 23 (a): 24 (A) A REPRESENTATIVE OF FRUIT AND VEGETABLE 25 ORGANIZATIONS; 26 (B) A REPRESENTATIVE OF CATTLE RANCHING ORGANIZATIONS; 27 (C) A REPRESENTATIVE OF THE WESTERN DAIRY ASSOCIATION;

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1 AND

2 (D) A REPRESENTATIVE OF A FOOD DISTRIBUTION ASSOCIATION.
3 (b) THE MEMBERS OF THE TASK FORCE SHALL BE APPOINTED ON OR
4 BEFORE OCTOBER 30, 2010.

5 (c) ON OR BEFORE DECEMBER 31, 2010, THE MEMBERS SERVING 6 PURSUANT TO SUBPARAGRAPHS (I) AND (II) OF PARAGRAPH (a) OF THIS 7 SUBSECTION (2) SHALL JOINTLY CONVENE THE INITIAL MEETING OF THE 8 TASK FORCE. AT THE FIRST MEETING, THE TASK FORCE SHALL ELECT A 9 CHAIR AND VICE-CHAIR FROM THE MEMBERS SERVING PURSUANT TO 10 SUBPARAGRAPHS (I) TO (VI) OF PARAGRAPH (a) OF THIS SUBSECTION (2).

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

13 (e) MEMBERS OF THE TASK FORCE SHALL NOT BE COMPENSATED
14 FOR OR REIMBURSED FOR THEIR EXPENSES INCURRED IN ATTENDING
15 MEETINGS OF THE TASK FORCE.

16 (f) THE TASK FORCE SHALL MEET AS OFTEN AS NECESSARY AND
17 MAY ADOPT POLICIES AND PROCEDURES NECESSARY TO CARRY OUT ITS
18 DUTIES.

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

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

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

27 (c) Identifying, designing, or making available training

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PROGRAMS TO ENABLE LOCAL FARMERS AND RANCHERS TO MARKET THEIR
 PRODUCTS TO SCHOOL DISTRICTS, INCLUDING PROGRAMS RELATED TO
 CROP PRODUCTION, MARKETING OF CROPS, POST-HARVEST HANDLING OF
 CROPS, FOOD SAFETY, BUSINESS MANAGEMENT, LIABILITY AND RISK
 MANAGEMENT, CONTRACTING FOR CROPS, PROCESSING OF CROPS, AND ANY
 OTHER TOPICS DEEMED APPROPRIATE BY THE TASK FORCE;

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

11 (e) PROVIDING ASSISTANCE TO SCHOOL FOOD SERVICES TO 12 ESTABLISH PROCEDURES, RECIPES, MENU ROTATION, PROPER HANDLING, 13 PREPARING, STORING, AND OTHER INTERNAL PROCESSES THAT 14 ACCOMMODATE THE USE OF LOCALLY GROWN FOODS IN PUBLIC SCHOOLS. 15 (4) THE TASK FORCE SHALL REPORT ITS PROGRESS, FINDINGS, AND 16 RECOMMENDATIONS TO THE EDUCATION COMMITTEES OF THE HOUSE OF 17 REPRESENTATIVES AND THE SENATE, THE SENATE AGRICULTURE AND 18 NATURAL RESOURCES COMMITTEE, AND THE HOUSE AGRICULTURE, 19 LIVESTOCK, AND NATURAL RESOURCES COMMITTEE, OR ANY SUCCESSOR

20 COMMITTEES, ON OR BEFORE FEBRUARY 1, 2013.

(5) (a) THIS SECTION IS REPEALED, EFFECTIVE DECEMBER 31, 2013.
(b) PRIOR TO SAID REPEAL, THE TASK FORCE CREATED PURSUANT
TO THIS SECTION SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203,
C.R.S.

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

27 **2-3-1203.** Sunset review of advisory committees. (3) The

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1	following dates are the dates for which the statutory authorization for the
2	designated advisory committees is scheduled for repeal:
3	(z.5) December 31, 2013:
4	(I) The Colorado wildlife habitat stamp committee created in
5	section 33-4-102.7, C.R.S.;
6	(II) THE INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK
7	FORCE CREATED IN SECTION 22-82.6-104, C.R.S.
8	SECTION 3. Act subject to petition - effective date. This act
9	shall take effect at 12:01 a.m. on the day following the expiration of the
10	ninety-day period after final adjournment of the general assembly (August
11	11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
12	referendum petition is filed pursuant to section 1 (3) of article V of the
13	state constitution against this act or an item, section, or part of this act
14	within such period, then the act, item, section, or part shall not take effect
15	unless approved by the people at the general election to be held in
16	November 2010 and shall take effect on the date of the official
17	declaration of the vote thereon by the governor.