

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

**ENGROSSED**

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

LLS NO. 12-0225.01 Richard Sweetman x4333

**SENATE BILL 12-068**

---

**SENATE SPONSORSHIP**

**Guzman,**

**HOUSE SPONSORSHIP**

**Massey,**

---

**Senate Committees**

Agriculture, Natural Resources, and Energy  
Appropriations

**House Committees**

---

**A BILL FOR AN ACT**

101 **CONCERNING PROHIBITING THE INCLUSION OF INDUSTRIALLY**  
102 **PRODUCED TRANS FATS IN FOODS MADE AVAILABLE TO**  
103 **STUDENTS BY PUBLIC SCHOOLS, AND, IN CONNECTION**  
104 **THEREWITH, MAKING AN APPROPRIATION.**

---

**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>.)*

The bill prohibits a public school or institute charter school from making available to a student a food item that contains any amount of

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  
April 9, 2012

industrially produced trans fat. The prohibition applies to all food and beverages made available to a student on school grounds during each school day and extended school day, including but not limited to a food or beverage item made available to a student in a school cafeteria, school store, vending machine, or other food service entity existing upon school grounds or through any fundraising effort conducted by one or more students, teachers, or parents.

---

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 declares that:

4 (a) Dietary intake of trans fats raises the risk of cardiovascular  
5 disease by raising the levels of low-density lipoprotein, also known as  
6 "bad cholesterol, and lowering the levels of high-density lipoprotein, also  
7 known as "good cholesterol, in one's body;

8 (b) There is an important need to reduce cardiovascular disease  
9 risk in the United States;

10 (c) Approximately eighty percent of the trans fats in a person's  
11 diet come from industrially-produced sources and can be identified on an  
12 ingredients label as "partially-hydrogenated fats" or "vegetable oils";

13 (d) Industrial food providers have developed trans-fat-free  
14 alternatives for use in the United States food supply;

15 (e) The reduction of trans-fats in a person's diet should be  
16 considered within the context of an overall healthy lifestyle including  
17 regular physical activity; moderate food portion sizes; low intakes of  
18 saturated fat, cholesterol, sodium, and added sugars; and higher intakes  
19 of nutrient-rich foods such as whole grains, fruits, vegetables, and  
20 seafood; and

21 (f) The reduction of trans-fats in one's diet should not lead to  
22 unintended consequences, such as replacing trans-fats with greater intakes

1 of saturated fats.

2 **SECTION 2.** In Colorado Revised Statutes, **add** 22-32-136.3 as  
3 follows:

4 **22-32-136.3. Children's nutrition - no trans fats in school foods**  
5 **- definitions - rules.** (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT  
6 OTHERWISE REQUIRES:

7 (a) "EXTENDED SCHOOL DAY" MEANS THE SCHOOL DAY, PLUS ANY  
8 ADDITIONAL TIME THAT A STUDENT SPENDS ON SCHOOL GROUNDS BEFORE  
9 OR AFTER THE SCHOOL DAY FOR THE PURPOSE OF PARTICIPATING IN A  
10 SCHOOL-SANCTIONED EXTRACURRICULAR ACTIVITY OR CHILD CARE  
11 PROGRAM.

12 (b) "INDUSTRIALLY PRODUCED TRANS FAT" MEANS VEGETABLE  
13 SHORTENING, MARGARINE, OR ANY TYPE OF PARTIALLY HYDROGENATED  
14 VEGETABLE OIL THAT CONTAINS MORE THAN ZERO GRAMS OF TRANS FAT  
15 PER SERVING AS LABELED.

16 (c) "PUBLIC SCHOOL" MEANS A SCHOOL OF A SCHOOL DISTRICT, A  
17 DISTRICT CHARTER SCHOOL, OR A BOARD OF COOPERATIVE SERVICES.

18 (d) "SCHOOL DAY" HAS THE SAME MEANING AS SET FORTH IN  
19 SECTION 22-32-136.

20 (2) ON AND AFTER SEPTEMBER 1, 2013, A PUBLIC SCHOOL SHALL  
21 NOT:

22 (a) MAKE AVAILABLE TO A STUDENT ANY FOOD OR BEVERAGE  
23 THAT CONTAINS ANY AMOUNT OF INDUSTRIALLY PRODUCED TRANS FAT;  
24 OR

25 (b) USE A FOOD THAT CONTAINS ANY INDUSTRIALLY PRODUCED  
26 TRANS FAT IN THE PREPARATION OF A FOOD ITEM OR BEVERAGE THAT IS  
27 INTENDED FOR CONSUMPTION BY A STUDENT.

1 (3) THE PROHIBITION DESCRIBED IN SUBSECTION (2) OF THIS  
2 SECTION APPLIES TO ALL FOOD AND BEVERAGES MADE AVAILABLE TO A  
3 STUDENT ON SCHOOL GROUNDS DURING EACH SCHOOL DAY AND  
4 EXTENDED SCHOOL DAY, INCLUDING BUT NOT LIMITED TO A FOOD OR  
5 BEVERAGE ITEM MADE AVAILABLE TO A STUDENT IN A SCHOOL CAFETERIA,  
6 SCHOOL STORE, VENDING MACHINE, OR OTHER FOOD SERVICE ENTITY  
7 EXISTING UPON SCHOOL GROUNDS.

8 (4) THE PROHIBITION DESCRIBED IN SUBSECTION (2) OF THIS  
9 SECTION DOES NOT APPLY TO:

10 (a) ANY FOOD OR BEVERAGE THAT IS MADE AVAILABLE TO A  
11 STUDENT AS PART OF A MEAL PROGRAM OF THE UNITED STATES  
12 DEPARTMENT OF AGRICULTURE; OR

13 (b) ANY FOOD OR BEVERAGE THAT IS MADE AVAILABLE TO A  
14 STUDENT AS PART OF A FUNDRAISING EFFORT CONDUCTED BY ONE OR  
15 MORE STUDENTS, TEACHERS, OR PARENTS.

16 (5) THE STATE BOARD OF EDUCATION MAY PROMULGATE SUCH  
17 RULES AS ARE NECESSARY FOR THE ADMINISTRATION OF THIS SECTION.

18 **SECTION 3.** In Colorado Revised Statutes, **add 22-30.5-523** as  
19 follows:

20 **22-30.5-523. Institute charter schools - children's nutrition -**  
21 **no trans fats in school foods - definitions - rules.** (1) AS USED IN THIS  
22 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

23 (a) "EXTENDED SCHOOL DAY" MEANS THE SCHOOL DAY, PLUS ANY  
24 ADDITIONAL TIME THAT A STUDENT SPENDS ON SCHOOL GROUNDS BEFORE  
25 OR AFTER THE SCHOOL DAY FOR THE PURPOSE OF PARTICIPATING IN A  
26 SCHOOL-SANCTIONED EXTRACURRICULAR ACTIVITY OR CHILD CARE  
27 PROGRAM.

1 (b) "INDUSTRIALLY PRODUCED TRANS FAT" MEANS VEGETABLE  
2 SHORTENING, MARGARINE, OR ANY TYPE OF PARTIALLY HYDROGENATED  
3 VEGETABLE OIL THAT CONTAINS MORE THAN ZERO GRAMS OF TRANS FAT  
4 PER SERVING.

5 (c) "SCHOOL DAY" HAS THE SAME MEANING AS SET FORTH IN  
6 SECTION 22-32-136.

7 (2) ON AND AFTER SEPTEMBER 1, 2013, NEITHER THE STATE  
8 CHARTER SCHOOL INSTITUTE NOR ANY INSTITUTE CHARTER SCHOOL  
9 SHALL:

10 (a) MAKE AVAILABLE TO A STUDENT ANY FOOD THAT CONTAINS A  
11 AMOUNT OF INDUSTRIALLY PRODUCED TRANS FAT; OR

12 (b) USE A FOOD THAT CONTAINS AN AMOUNT OF INDUSTRIALLY  
13 PRODUCED TRANS FAT IN THE PREPARATION OF A FOOD ITEM THAT IS  
14 INTENDED FOR CONSUMPTION BY A STUDENT.

15 (3) THE PROHIBITION DESCRIBED IN SUBSECTION (2) OF THIS  
16 SECTION APPLIES TO ALL FOOD AND BEVERAGES MADE AVAILABLE TO A  
17 STUDENT ON SCHOOL GROUNDS DURING EACH SCHOOL DAY AND  
18 EXTENDED SCHOOL DAY, INCLUDING BUT NOT LIMITED TO ANY FOOD OR  
19 BEVERAGE ITEM MADE AVAILABLE TO A STUDENT IN A SCHOOL CAFETERIA,  
20 SCHOOL STORE, VENDING MACHINE, OR OTHER FOOD SERVICE ENTITY  
21 EXISTING UPON SCHOOL GROUNDS.

22 (4) THE PROHIBITION DESCRIBED IN SUBSECTION (2) OF THIS  
23 SECTION DOES NOT APPLY TO ANY FOOD OR BEVERAGE THAT IS MADE  
24 AVAILABLE TO A STUDENT AS PART OF A MEAL PROGRAM OF THE UNITED  
25 STATES DEPARTMENT OF AGRICULTURE OR AS PART OF A FUNDRAISING  
26 EFFORT CONDUCTED BY ONE OR MORE STUDENTS, TEACHERS, OR PARENTS.

27 (5) THE STATE CHARTER SCHOOL INSTITUTE MAY PROMULGATE

1 SUCH RULES AS ARE NECESSARY FOR THE ADMINISTRATION OF THIS  
2 SECTION.

3 **SECTION 4. Appropriation.** In addition to any other  
4 appropriation, there is hereby appropriated, out of any moneys in the  
5 general fund not otherwise appropriated, to the department of education,  
6 for the fiscal year beginning July 1, 2012, the sum of \$6,800, or so much  
7 thereof as may be necessary, for allocation to the federal nutrition  
8 programs for consulting services related to the implementation of this act.

9 **SECTION 5. Act subject to petition - effective date.** This act  
10 takes effect at 12:01 a.m. on the day following the expiration of the  
11 ninety-day period after final adjournment of the general assembly (August  
12 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
13 referendum petition is filed pursuant to section 1 (3) of article V of the  
14 state constitution against this act or an item, section, or part of this act  
15 within such period, then the act, item, section, or part will not take effect  
16 unless approved by the people at the general election to be held in  
17 November 2012 and, in such case, will take effect on the date of the  
18 official declaration of the vote thereon by the governor.