

An Act

SENATE BILL 12-068

BY SENATOR(S) Guzman, Boyd, Carroll, Foster, Hudak, Nicholson, Tochtrop, Williams S.;
also REPRESENTATIVE(S) Massey and Duran, Casso, Fields, Fischer, Hamner, Labuda, McCann, Miklosi, Pace, Schafer S., Todd, Tyler, Williams A., Young.

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

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds and declares that:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(3) THE PROHIBITION DESCRIBED IN SUBSECTION (2) OF THIS SECTION 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.

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

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

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

(c) ANY FOOD OR BEVERAGE THAT IS DONATED TO THE SCHOOL TO BE GIVEN TO A STUDENT FOR CONSUMPTION OFF OF SCHOOL PREMISES AND NOT DURING THE SCHOOL DAY.

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

SECTION 3. In Colorado Revised Statutes, **add** 22-30.5-524 as

follows:

22-30.5-524. Institute charter schools - children's nutrition - no trans fats in school foods - definitions - rules. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

(3) THE PROHIBITION DESCRIBED IN SUBSECTION (2) OF THIS SECTION 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 ANY 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.

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

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

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

(c) ANY FOOD OR BEVERAGE THAT IS DONATED TO THE SCHOOL TO BE GIVEN TO A STUDENT FOR CONSUMPTION OFF OF SCHOOL PREMISES AND NOT DURING THE SCHOOL DAY.

(5) THE STATE CHARTER SCHOOL INSTITUTE MAY PROMULGATE SUCH RULES AS ARE NECESSARY FOR THE ADMINISTRATION OF THIS SECTION.

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

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

and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Brandon C. Shaffer
PRESIDENT OF
THE SENATE

Frank McNulty
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Cindi L. Markwell
SECRETARY OF
THE SENATE

Marilyn Eddins
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____

John W. Hickenlooper
GOVERNOR OF THE STATE OF COLORADO