

Second Regular Session  
Sixty-eighth General Assembly  
STATE OF COLORADO

REVISED

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

LLS NO. 12-0225.01 Richard Sweetman x4333

SENATE BILL 12-068

SENATE SPONSORSHIP

Guzman,

HOUSE SPONSORSHIP

Massey and Duran,

Senate Committees

Agriculture, Natural Resources, and Energy  
Appropriations

House Committees

Education

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.*

HOUSE  
Am ended 2nd Reading  
May 8, 2012

SENATE  
3rd Reading Unam ended  
April 10, 2012

SENATE  
Am ended 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.

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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;

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; OR

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

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

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

23 **22-30.5-523. Institute charter schools - children's nutrition -**  
24 **no trans fats in school foods - definitions - rules.** (1) AS USED IN THIS  
25 SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

26 (a) "EXTENDED SCHOOL DAY" MEANS THE SCHOOL DAY, PLUS ANY  
27 ADDITIONAL TIME THAT A STUDENT SPENDS ON SCHOOL GROUNDS BEFORE

1 OR AFTER THE SCHOOL DAY FOR THE PURPOSE OF PARTICIPATING IN A  
2 SCHOOL-SANCTIONED EXTRACURRICULAR ACTIVITY OR CHILD CARE  
3 PROGRAM.

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

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

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

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

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

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

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

27 (a) ANY FOOD OR BEVERAGE THAT IS MADE AVAILABLE TO A

1 STUDENT AS PART OF A MEAL PROGRAM OF THE UNITED STATES  
2 DEPARTMENT OF AGRICULTURE;

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

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

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

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

18 **SECTION 5. Act subject to petition - effective date.** This act  
19 takes effect at 12:01 a.m. on the day following the expiration of the  
20 ninety-day period after final adjournment of the general assembly (August  
21 8, 2012, if adjournment sine die is on May 9, 2012); except that, if a  
22 referendum petition is filed pursuant to section 1 (3) of article V of the  
23 state constitution against this act or an item, section, or part of this act  
24 within such period, then the act, item, section, or part will not take effect  
25 unless approved by the people at the general election to be held in  
26 November 2012 and, in such case, will take effect on the date of the  
27 official declaration of the vote thereon by the governor.