

**First Regular Session
Seventieth General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 15-0620.01 Esther van Mourik x4215

HOUSE BILL 15-1088

HOUSE SPONSORSHIP

Winter,

SENATE SPONSORSHIP

(None),

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE INTERAGENCY FARM-TO-SCHOOL**
102 **GRANT PROGRAM, AND, IN CONNECTION THEREWITH, MAKING**
103 **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/bills summaries>.)

The bill creates the interagency farm-to-school grant program (grant program), established by the department of education and administered by the interagency farm-to-school coordination task force (task force). The grant program is funded from the general fund and may award up to 2 types of grants as follows:

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.*

! A cost-share grant to farmers, ranchers, or food hubs to be used for investments necessary to meet the food safety associated with sales to schools; and

! A grant to a farmer, rancher, or food hub for costs associated with sales to schools.

The bill requires the task force to issue guidelines as may be necessary for the implementation of the grant program.

The bill requires the task force to review the grant program and submit a report to the joint education committee in 2016, 2018, and 2019 regarding the effectiveness of the grant program.

The bill repeals the grant program after 5 years and establishes a sunset review.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-82.6-102, **add** (3)
3 as follows:

4 **22-82.6-102. Legislative declaration.** (3) THE GENERAL
5 ASSEMBLY FURTHER FINDS AND DECLARES THAT THE INTERAGENCY
6 FARM-TO-SCHOOL GRANT PROGRAM ESTABLISHED IN HOUSE BILL 15-1088,
7 ENACTED IN 2015, PROVIDES SUPPORT FOR THE DEVELOPMENT OF
8 ON-FARM FOOD SAFETY PLANS, INCENTIVIZES FARMERS AND RANCHERS TO
9 SELL TO SCHOOLS BY HELPING WITH THE COSTS ASSOCIATED WITH
10 MEETING ON-FARM FOOD SAFETY REQUIREMENTS THAT ARE NECESSARY
11 TO SELL TO SCHOOLS, AND HELPS FARMERS AND RANCHERS WITH COSTS
12 ASSOCIATED WITH SALES TO SCHOOLS.

13 **SECTION 2.** In Colorado Revised Statutes, 22-82.6-103, **amend**
14 (7) (d), (7) (f), (7) (g), (7) (j), (7) (l), and (8); and **add** (9), (10), (11), (12),
15 and (13) as follows:

16 **22-82.6-103. Definitions.** As used in this article, unless the
17 context otherwise requires:

18 (7) "Farm-to-school program" means a program that encourages
19 or incentivizes the acquisition and use of locally grown, produced, and

1 processed FOOD AND agricultural products by schools in order to provide
2 healthy, local food products to students and benefit the state agricultural
3 industry. A farm-to-school program may include the following
4 components:

5 (d) Increasing the size and stability of farmers' AND RANCHERS'
6 direct sales markets;

7 (f) Providing outreach and guidance to farmers AND RANCHERS
8 concerning the value of, and procedures for, selling their agricultural
9 products to interested schools;

10 (g) Developing and regularly updating an internet database of
11 farmers AND RANCHERS interested in selling their agricultural products to
12 schools, including the types and yields of agricultural products the
13 farmers AND RANCHERS want to sell and the time periods that farmers AND
14 RANCHERS want to sell;

15 (j) Conducting workshops and training sessions, and providing
16 professional development and technical advice, to schools' food service
17 directors, school personnel, farmers AND RANCHERS, produce distributors,
18 and produce processors regarding the demand for and availability of
19 Colorado farm products and helping teachers educate students about
20 nutrition, obesity prevention, coping with allergies, and farm-to-school
21 connections;

22 (l) Establishing partnerships with public and nonprofit sources to
23 implement a public engagement campaign and establishing a structure to
24 facilitate communication between farmers AND RANCHERS and school
25 districts SCHOOLS.

26 (8) "School" includes institutions of higher education "FOOD
27 SAFETY CERTIFICATION" MEANS THIRD-PARTY AUDITS OF ON-FARM FOOD

1 SAFETY PLANS AND PRACTICES. THE AUDITS CAN INCLUDE GAP/GHP
2 AUDITS OR OTHER ON-FARM FOOD SAFETY CERTIFICATIONS.

3 (9) "GAP/GHP AUDITS" MEANS AUDITS THAT FOCUS ON BEST
4 AGRICULTURAL PRACTICES TO VERIFY THAT FOOD AND AGRICULTURAL
5 PRODUCTS ARE PRODUCED, PACKED, HANDLED, AND STORED IN THE
6 SAFEST MANNER POSSIBLE TO MINIMIZE RISKS OF MICROBIAL FOOD SAFETY
7 HAZARDS. GAP/GHP AUDITS SHOULD ALSO VERIFY ADHERENCE TO THE
8 RECOMMENDATIONS MADE IN THE FEDERAL FOOD AND DRUG
9 ADMINISTRATION'S "GUIDANCE FOR INDUSTRY: GUIDE TO MINIMIZE
10 MICROBIAL FOOD SAFETY HAZARDS OF FRESH-CUT FRUITS AND
11 VEGETABLES", OR ANY SUCCESSOR PUBLICATION, AND INDUSTRY
12 RECOGNIZED FOOD SAFETY PRACTICES.

13 (10) "INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK
14 FORCE" OR "TASK FORCE" MEANS THE INTERAGENCY FARM-TO-SCHOOL
15 COORDINATION TASK FORCE CREATED IN SECTION 22-82.6-104.

16 (11) "INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM" OR
17 "GRANT PROGRAM" MEANS THE INTERAGENCY FARM-TO-SCHOOL GRANT
18 PROGRAM CREATED IN SECTION 22-82.6-105.

19 (12) "ON-FARM FOOD SAFETY PLANS" MEANS WRITTEN PLANS OR
20 PROCEDURES THAT DOCUMENT THE METHODS BY WHICH FOOD SAFETY IS
21 ADDRESSED ON A FARM. THE PLANS MAY INCLUDE GENERAL INFORMATION
22 ABOUT THE OPERATION, TRACEABILITY PROGRAM, RECALL PROCEDURE,
23 CORRECTIVE ACTION PROCEDURE, WORKER HEALTH AND HYGIENE,
24 PREVIOUS LAND USE AND SITE SELECTION, AGRICULTURAL WATER,
25 AGRICULTURAL CHEMICALS, ANIMAL AND PEST CONTROL, SOIL
26 AMENDMENTS AND MANURE, FIELD HARVESTING, TRANSPORTATION PLANS
27 FROM THE FIELD TO A PACKING HOUSE, PACKING HOUSE ACTIVITIES, AND

1 FINAL TRANSPORTATION PLANS FOR THE FOOD AND AGRICULTURAL
2 PRODUCTS.

3 (13) "SCHOOL" INCLUDES INSTITUTIONS OF HIGHER EDUCATION.

4 **SECTION 3.** In Colorado Revised Statutes, 22-82.6-104, **amend**
5 (1), (3) (b), (3) (c), (3) (d), and (3) (e) as follows:

6 **22-82.6-104. Interagency farm-to-school coordination task**
7 **force - creation.** (1) In order to establish a state farm-to-school program
8 in the future, there is hereby created an interagency farm-to-school
9 coordination task force. ~~referred to in this section as the "task force".~~

10 (3) The task force shall study, develop, and recommend policies
11 and methods to best implement a farm-to-school program, including:

12 (b) Offering assistance in identifying funding sources and grants
13 that allow ~~school districts~~ SCHOOLS to recover the cost associated with
14 purchasing locally grown food AND AGRICULTURAL products;

15 (c) Identifying, designing, or making available training programs
16 to enable ~~local~~ farmers and ranchers to market their products to ~~school~~
17 ~~districts~~ SCHOOLS, including programs related to crop production,
18 marketing of crops, post-harvest handling of crops, food safety, business
19 management, liability and risk management, contracting for crops,
20 processing of crops, and any other topics deemed appropriate by the task
21 force;

22 (d) Advising ~~school districts~~ SCHOOLS on methods by which a
23 school ~~district~~ may improve facilities to allow for the purchase and use of
24 minimally processed and fresh and locally produced ~~foods~~ FOOD AND
25 AGRICULTURAL PRODUCTS in school meals;

26 (e) Providing assistance to school food services to establish
27 procedures, recipes, menu rotation, proper handling, preparing, storing,

1 and other internal processes that accommodate the use of locally grown
2 foods AND AGRICULTURAL PRODUCTS in public schools;

3 **SECTION 4.** In Colorado Revised Statutes, add 22-82.6-105 as
4 follows:

5 **22-82.6-105. Interagency farm-to-school grant program -**
6 **application - criteria - awards - repeal.** (1) THERE IS HEREBY CREATED
7 THE INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM TO PROVIDE
8 GRANTS TO FARMERS AND RANCHERS TO FURTHER ENCOURAGE A
9 SUCCESSFUL STATEWIDE FARM-TO-SCHOOL PROGRAM.

10 (2) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
11 SHALL ADMINISTER THE GRANT PROGRAM IN ACCORDANCE WITH THE
12 PROCEDURES IN THIS SECTION. THE GENERAL ASSEMBLY SHALL ANNUALLY
13 APPROPRIATE AN AMOUNT OF NOT LESS THAN FIVE HUNDRED THOUSAND
14 DOLLARS TO THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT TO
15 ALLOW THE INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK FORCE
16 TO AWARD GRANTS AS SPECIFIED IN THIS SECTION. THE DEPARTMENT MAY
17 EXPEND NOT MORE THAN SEVEN PERCENT OF THE MONEYS ANNUALLY
18 APPROPRIATED FOR THE GRANT PROGRAM TO OFFSET THE DIRECT COSTS
19 INCURRED BY THE DEPARTMENT IN ADMINISTERING THE GRANT PROGRAM
20 PURSUANT TO THIS SECTION.

21 (3) BOTH THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
22 AND THE TASK FORCE ARE AUTHORIZED TO SEEK AND ACCEPT GIFTS,
23 GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES FOR THE
24 PURPOSES OF THIS SECTION, BUT THE RECEIPT OF GIFTS, GRANTS, AND
25 DONATIONS IS NOT A PREREQUISITE TO THE IMPLEMENTATION OF THE
26 GRANT PROGRAM.

27 (4) TO THE EXTENT PERMITTED BY LAW, THE DEPARTMENT OF

1 PUBLIC HEALTH AND ENVIRONMENT MAY, AT ITS DISCRETION, DIRECT
2 OTHER MONEYS TO FUND THE GRANT PROGRAM.

3 (5) TWO TYPES OF GRANTS MAY BE AWARDED BY THE TASK FORCE:

4 (a) A COST-SHARE GRANT TO A FARMER OR RANCHER TO BE USED
5 FOR INVESTMENTS NECESSARY TO MEET THE REQUIREMENTS OF ON-FARM
6 FOOD SAFETY PLANS, FOOD SAFETY CERTIFICATION, OR GAP/GHP AUDITS
7 TO ENABLE SALES TO SCHOOLS. INVESTMENTS INCLUDE, BUT ARE NOT
8 LIMITED TO:

9 (I) TRAINING FOR MANAGERS, WORKERS, VOLUNTEERS, OR OTHERS
10 INVOLVED IN GROWING AND HANDLING FOOD AND AGRICULTURAL
11 PRODUCTS;

12 (II) EQUIPMENT FOR THE MONITORING OF THE ENVIRONMENT,
13 WATER, SOIL, OR SOIL AMENDMENTS FOR THE PRESENCE OF HUMAN
14 PATHOGENS OR INDICATOR ORGANISMS, INCLUDING ANY OTHER
15 ASSOCIATED COSTS;

16 (III) THE COST OF DISPOSABLE SUPPLIES REQUIRED AS A PART OF
17 ON-FARM FOOD SAFETY PLANS IN ORDER TO SELL FOOD AND
18 AGRICULTURAL PRODUCTS TO SCHOOLS. SUCH DISPOSABLE SUPPLIES MAY
19 INCLUDE, BUT ARE NOT LIMITED TO, HAND WASHING SUPPLIES, CLEANING
20 SUPPLIES OR SANITIZERS, CONTAINERS, TOTES, PACKAGING MATERIALS,
21 TEMPERATURE CONTROL SUPPLIES, OR RODENT CONTROL SUPPLIES.

22 (IV) CAPITAL IMPROVEMENTS MADE AS PART OF ON-FARM FOOD
23 SAFETY PLANS. SUCH CAPITAL IMPROVEMENTS MAY INCLUDE, BUT ARE
24 NOT LIMITED TO, IMPROVEMENTS TO OR CONSTRUCTION OF HYGIENE
25 FACILITIES, INSTALLING SIGNAGE, BUILDING FENCES, MAKING NECESSARY
26 CHANGES TO WATER SOURCES OR DELIVERY SYSTEMS, OR PURCHASING
27 HARVESTING EQUIPMENT, PACKING EQUIPMENT, OR STORAGE OR COOLING

1 FACILITIES OR EQUIPMENT.

2 (b) A COST-SHARE GRANT TO A FARMER OR RANCHER FOR COSTS
3 ASSOCIATED WITH SALES TO SCHOOLS, SPECIFICALLY COSTS RELATED TO:

4 (I) AGGREGATION, TRANSPORTATION, OR DISTRIBUTION OF
5 PRODUCTS TO SCHOOLS, INCLUDING BUT NOT LIMITED TO LABOR OR
6 STORAGE OR COOLING EQUIPMENT NEEDED TO DELIVER PRODUCE TO
7 SCHOOLS;

8 (II) EXPANDED OR ALTERED PRODUCTION PROCESSES NECESSARY
9 FOR SALES TO SCHOOLS, INCLUDING SEASON EXTENSION INVESTMENTS TO
10 EXTEND AVAILABILITY OF PRODUCE DURING THE SCHOOL YEAR; OR

11 (III) PRODUCTION COSTS INCURRED BY FARMERS OR RANCHERS
12 THAT PLACE THEM AT A COMPETITIVE DISADVANTAGE TO OTHER VENDORS
13 WHO SOURCE THEIR FOOD AND AGRICULTURAL PRODUCTS FROM OUTSIDE
14 COLORADO OR ARE OTHERWISE SUBSIDIZED.

15 (6) THE TASK FORCE HAS THE AUTHORITY TO MAKE DECISIONS
16 REGARDING GRANT AWARDS AS PROVIDED IN THIS SECTION.

17 (7) THE TASK FORCE SHALL ISSUE GUIDELINES AS MAY BE
18 NECESSARY FOR THE IMPLEMENTATION OF THE GRANT PROGRAM. THE
19 GUIDELINES MUST INCLUDE, BUT NEED NOT BE LIMITED TO, THE TIME
20 FRAMES FOR SUBMITTING GRANT PROGRAM APPLICATIONS, THE FORM OF
21 THE GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR THE
22 DISTRIBUTION OF GRANT MONEYS. THE TASK FORCE SHALL SEEK PUBLIC
23 COMMENT ON THE GUIDELINES IT ISSUES, WHICH PUBLIC COMMENT MAY BE
24 SUBMITTED ELECTRONICALLY, BY MAIL, OR IN PERSON. UPON
25 COMPLETION, ALL GUIDELINES MUST BE POSTED ON THE TASK FORCE'S WEB
26 SITE.

27 (8) AN ENTITY THAT SEEKS TO RECEIVE A GRANT PURSUANT TO

1 THIS SECTION MUST SUBMIT AN APPLICATION TO THE TASK FORCE IN
2 ACCORDANCE WITH THE GUIDELINES ISSUED BY THE TASK FORCE AS
3 SPECIFIED IN SUBSECTION (7) OF THIS SECTION. AT A MINIMUM, THE
4 APPLICATION MUST INCLUDE THE FOLLOWING INFORMATION:

5 (a) PROOF THAT THE FARM OR RANCH IS LOCATED IN THE STATE;

6 (b) A DESCRIPTION OF THE FOOD SAFETY INVESTMENTS REQUIRED
7 BY THE FARM OR RANCH TO ENABLE SALES TO SCHOOLS;

8 (c) RECEIPTS FOR ALL COST-SHARE EXPENSES SOUGHT FOR
9 REIMBURSEMENT THROUGH A GRANT; AND

10 (d) DEMONSTRATION OF ACTUAL SALES TO SCHOOLS FOR ANY
11 FARMER OR RANCHER SEEKING A GRANT AWARD OR AS A REQUIRED
12 DELIVERABLE RESULTING FROM A GRANT AWARD.

13 (9) THE TASK FORCE SHALL REVIEW THE APPLICATIONS RECEIVED
14 PURSUANT TO THIS SECTION.

15 (10) SUBJECT TO AVAILABLE APPROPRIATIONS, THE TASK FORCE
16 SHALL SELECT APPLICANTS AND THE DEPARTMENT OF PUBLIC HEALTH AND
17 ENVIRONMENT SHALL AWARD GRANTS TO THE SELECTED APPLICANTS ON
18 OR BEFORE AUGUST 1 OF EACH YEAR OF THE GRANT PROGRAM.

19 (11) (a) FOR THE 2015-16 STATE FISCAL YEAR, AND EACH FISCAL
20 YEAR THEREAFTER THROUGH THE 2019-20 STATE FISCAL YEAR, THE TASK
21 FORCE SHALL SELECT ONE GRANT RECIPIENT TO:

22 (I) EVALUATE FOR THE TASK FORCE THE EFFECTIVENESS OF THE
23 INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM TO DETERMINE WHICH
24 COMPONENTS INCENTIVIZE FARMERS OR RANCHERS TO ENTER INTO
25 CONTRACTS WITH SCHOOLS OR INCREASE THE AMOUNT OF AGRICULTURAL
26 PRODUCTS SOLD TO SCHOOLS; AND

27 (II) PERFORM CERTAIN RESPONSIBILITIES INCLUDING, BUT NOT

1 LIMITED TO, ESTABLISHING FOR THE TASK FORCE THE GUIDELINES
2 DESCRIBED IN SUBSECTION (7) OF THIS SECTION, SPECIFYING THE FOOD
3 SAFETY REQUIREMENTS FOR A GRANT, THE CAPITAL IMPROVEMENTS
4 ELIGIBLE FOR A GRANT, PROVIDING TECHNICAL ASSISTANCE TO SCHOOLS,
5 FARMERS, AND RANCHERS, AND LIAISING BETWEEN THE TASK FORCE AND
6 COMMUNITY STAKEHOLDERS WHO WISH TO PARTICIPATE IN OR BENEFIT
7 FROM THE GRANT PROGRAM.

8 (b) ON OR BEFORE FEBRUARY 1, 2016, FEBRUARY 1, 2018, AND
9 FEBRUARY 1, 2019, THE TASK FORCE SHALL SUBMIT A REPORT TO THE
10 JOINT COMMITTEE OF THE GENERAL ASSEMBLY THAT OVERSEES THE
11 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR ANY SUCCESSOR
12 JOINT COMMITTEE, THAT SUMMARIZES THE TASK FORCE'S EVALUATION OF
13 THE GRANT PROGRAM.

14 (12) NOTWITHSTANDING SECTION 24-1-136 (11) (a) (I), C.R.S.,
15 THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE
16 UNTIL THE PROGRAM REPEALS PURSUANT TO SUBSECTION (13) OF THIS
17 SECTION.

18 (13) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.

19 (b) PRIOR TO THE REPEAL, THE INTERAGENCY FARM-TO-SCHOOL
20 GRANT PROGRAM MUST BE REVIEWED AS PROVIDED FOR IN SECTION
21 24-34-104, C.R.S.

22 **SECTION 5.** In Colorado Revised Statutes, 24-34-104, **add** (51)
23 (g) as follows:

24 **24-34-104. General assembly review of regulatory agencies**
25 **and functions for termination, continuation, or reestablishment.**

26 (51) The following agencies, functions, or both, shall terminate on July
27 1, 2020:

1 (g) THE INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM
2 CREATED IN SECTION 22-82.6-105, C.R.S.

3 **SECTION 6. Appropriation.** For the 2015-16 state fiscal year,
4 \$500,000 is appropriated to the department of public health and
5 environment for use by the prevention services division. This
6 appropriation is from the general fund and is based on an assumption that
7 the division will require an additional 0.5 FTE. To implement this act, the
8 division may use this appropriation for the interagency farm-to-school
9 grant program.

10 **SECTION 7. Safety clause.** The general assembly hereby finds,
11 determines, and declares that this act is necessary for the immediate
12 preservation of the public peace, health, and safety.