

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 15-0620.01 Esther van Mourik x4215

**HOUSE BILL 15-1088**

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**HOUSE SPONSORSHIP**

Winter,

**SENATE SPONSORSHIP**

Crowder,

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**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.**

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**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 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.*

HOUSE  
3rd Reading Unamended  
April 22, 2015

HOUSE  
Amended 2nd Reading  
April 21, 2015

! 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.

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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, ACCEPT, AND EXPEND  
23 GIFTS, GRANTS, AND DONATIONS FROM PUBLIC AND PRIVATE SOURCES FOR  
24 THE 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, 2021.

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** (52)  
23 (j) as follows:

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

26 (52) The following agencies, functions, or both, shall terminate on July  
27 1, 2021:

1 (j) 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.