

HOUSE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

Date

Committee on Education.

After consideration on the merits, the Committee recommends the following:

HB15-1088 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute:

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

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

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

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

19 (7) "Farm-to-school program" means a program that encourages
20 or incentivizes the acquisition and use of locally grown, produced, and
21 processed FOOD AND agricultural products by schools in order to provide
22 healthy, local food products to students and benefit the state agricultural
23 industry. A farm-to-school program may include the following
24 components:

- 1 (d) Increasing the size and stability of farmers' AND RANCHERS'
2 direct sales markets;
- 3 (f) Providing outreach and guidance to farmers AND RANCHERS
4 concerning the value of, and procedures for, selling their agricultural
5 products to interested schools;
- 6 (g) Developing and regularly updating an internet database of
7 farmers AND RANCHERS interested in selling their agricultural products to
8 schools, including the types and yields of agricultural products the
9 farmers AND RANCHERS want to sell and the time periods that farmers AND
10 RANCHERS want to sell;
- 11 (j) Conducting workshops and training sessions, and providing
12 professional development and technical advice, to schools' food service
13 directors, school personnel, farmers AND RANCHERS, produce distributors,
14 and produce processors regarding the demand for and availability of
15 Colorado farm products and helping teachers educate students about
16 nutrition, obesity prevention, coping with allergies, and farm-to-school
17 connections;
- 18 (l) Establishing partnerships with public and nonprofit sources to
19 implement a public engagement campaign and establishing a structure to
20 facilitate communication between farmers AND RANCHERS and ~~school~~
21 ~~districts~~ SCHOOLS.
- 22 (8) ~~"School" includes institutions of higher education~~ "FOOD
23 SAFETY CERTIFICATION" MEANS THIRD-PARTY AUDITS OF ON-FARM FOOD
24 SAFETY PLANS AND PRACTICES. THE AUDITS CAN INCLUDE GAP/GHP
25 AUDITS OR OTHER ON-FARM FOOD SAFETY CERTIFICATIONS.
- 26 (9) "GAP/GHP AUDITS" MEANS AUDITS THAT FOCUS ON BEST
27 AGRICULTURAL PRACTICES TO VERIFY THAT FOOD AND AGRICULTURAL
28 PRODUCTS ARE PRODUCED, PACKED, HANDLED, AND STORED IN THE
29 SAFEST MANNER POSSIBLE TO MINIMIZE RISKS OF MICROBIAL FOOD SAFETY
30 HAZARDS. GAP/GHP AUDITS SHOULD ALSO VERIFY ADHERENCE TO THE
31 RECOMMENDATIONS MADE IN THE FEDERAL FOOD AND DRUG
32 ADMINISTRATION'S "GUIDANCE FOR INDUSTRY: GUIDE TO MINIMIZE
33 MICROBIAL FOOD SAFETY HAZARDS OF FRESH-CUT FRUITS AND
34 VEGETABLES", OR ANY SUCCESSOR PUBLICATION, AND INDUSTRY
35 RECOGNIZED FOOD SAFETY PRACTICES.
- 36 (10) "INTERAGENCY FARM-TO-SCHOOL COORDINATION TASK
37 FORCE" OR "TASK FORCE" MEANS THE INTERAGENCY FARM-TO-SCHOOL
38 COORDINATION TASK FORCE CREATED IN SECTION 22-82.6-104.
- 39 (11) "INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM" OR
40 "GRANT PROGRAM" MEANS THE INTERAGENCY FARM-TO-SCHOOL GRANT
41 PROGRAM CREATED IN SECTION 22-82.6-105.

1 (12) "ON-FARM FOOD SAFETY PLANS" MEANS WRITTEN PLANS OR
2 PROCEDURES THAT DOCUMENT THE METHODS BY WHICH FOOD SAFETY IS
3 ADDRESSED ON A FARM. THE PLANS MAY INCLUDE GENERAL INFORMATION
4 ABOUT THE OPERATION, TRACEABILITY PROGRAM, RECALL PROCEDURE,
5 CORRECTIVE ACTION PROCEDURE, WORKER HEALTH AND HYGIENE,
6 PREVIOUS LAND USE AND SITE SELECTION, AGRICULTURAL WATER,
7 AGRICULTURAL CHEMICALS, ANIMAL AND PEST CONTROL, SOIL
8 AMENDMENTS AND MANURE, FIELD HARVESTING, TRANSPORTATION PLANS
9 FROM THE FIELD TO A PACKING HOUSE, PACKING HOUSE ACTIVITIES, AND
10 FINAL TRANSPORTATION PLANS FOR THE FOOD AND AGRICULTURAL
11 PRODUCTS.

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

13 **SECTION 3.** In Colorado Revised Statutes, 22-82.6-104, **amend**
14 (1), (3) (b), (3) (c), (3) (d), and (3) (e) as follows:

15 **22-82.6-104. Interagency farm-to-school coordination task**
16 **force - creation.** (1) In order to establish a state farm-to-school program
17 in the future, there is hereby created an interagency farm-to-school
18 coordination task force. ~~referred to in this section as the "task force"~~.

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

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

24 (c) Identifying, designing, or making available training programs
25 to enable ~~local~~ farmers and ranchers to market their products to ~~school~~
26 ~~districts~~ SCHOOLS, including programs related to crop production,
27 marketing of crops, post-harvest handling of crops, food safety, business
28 management, liability and risk management, contracting for crops,
29 processing of crops, and any other topics deemed appropriate by the task
30 force;

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

35 (e) Providing assistance to school food services to establish
36 procedures, recipes, menu rotation, proper handling, preparing, storing,
37 and other internal processes that accommodate the use of locally grown
38 foods AND AGRICULTURAL PRODUCTS in ~~public~~ schools;

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

41 **22-82.6-105. Interagency farm-to-school grant program -**

1 **application - criteria - awards - repeal.** (1) THERE IS HEREBY CREATED
2 THE INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM TO PROVIDE
3 GRANTS TO FARMERS AND RANCHERS TO FURTHER ENCOURAGE A
4 SUCCESSFUL STATEWIDE FARM-TO-SCHOOL PROGRAM.

5 (2) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT
6 SHALL ADMINISTER THE GRANT PROGRAM IN ACCORDANCE WITH THE
7 PROCEDURES IN THIS SECTION. THE GENERAL ASSEMBLY SHALL ANNUALLY
8 APPROPRIATE BY SEPARATE LINE ITEM IN THE ANNUAL GENERAL
9 APPROPRIATION ACT AN AMOUNT OF NOT LESS THAN NINE HUNDRED FIFTY
10 THOUSAND DOLLARS TO THE DEPARTMENT OF PUBLIC HEALTH AND
11 ENVIRONMENT TO ALLOW THE INTERAGENCY FARM-TO-SCHOOL
12 COORDINATION TASK FORCE TO AWARD GRANTS AS SPECIFIED IN THIS
13 SECTION. THE DEPARTMENT MAY EXPEND NOT MORE THAN SEVEN
14 PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FOR THE GRANT
15 PROGRAM TO OFFSET THE DIRECT COSTS INCURRED BY THE DEPARTMENT
16 IN ADMINISTERING THE GRANT PROGRAM PURSUANT TO THIS SECTION.

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

23 (4) TO THE EXTENT PERMITTED BY LAW, THE DEPARTMENT OF
24 PUBLIC HEALTH AND ENVIRONMENT MAY, AT ITS DISCRETION, DIRECT
25 OTHER MONEYS TO FUND THE GRANT PROGRAM.

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

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

32 (I) TRAINING FOR MANAGERS, WORKERS, VOLUNTEERS, OR OTHERS
33 INVOLVED IN GROWING AND HANDLING FOOD AND AGRICULTURAL
34 PRODUCTS;

35 (II) EQUIPMENT FOR THE MONITORING OF THE ENVIRONMENT,
36 WATER, SOIL, OR SOIL AMENDMENTS FOR THE PRESENCE OF HUMAN
37 PATHOGENS OR INDICATOR ORGANISMS, INCLUDING ANY OTHER
38 ASSOCIATED COSTS;

39 (III) THE COST OF DISPOSABLE SUPPLIES REQUIRED AS A PART OF
40 ON-FARM FOOD SAFETY PLANS IN ORDER TO SELL FOOD AND
41 AGRICULTURAL PRODUCTS TO SCHOOLS. SUCH DISPOSABLE SUPPLIES MAY

1 INCLUDE, BUT ARE NOT LIMITED TO, HAND WASHING SUPPLIES, CLEANING
2 SUPPLIES OR SANITIZERS, CONTAINERS, TOTES, PACKAGING MATERIALS,
3 TEMPERATURE CONTROL SUPPLIES, OR RODENT CONTROL SUPPLIES.

4 (IV) CAPITAL IMPROVEMENTS MADE AS PART OF ON-FARM FOOD
5 SAFETY PLANS. SUCH CAPITAL IMPROVEMENTS MAY INCLUDE, BUT ARE
6 NOT LIMITED TO, IMPROVEMENTS TO OR CONSTRUCTION OF HYGIENE
7 FACILITIES, INSTALLING SIGNAGE, BUILDING FENCES, MAKING NECESSARY
8 CHANGES TO WATER SOURCES OR DELIVERY SYSTEMS, OR PURCHASING
9 HARVESTING EQUIPMENT, PACKING EQUIPMENT, OR STORAGE OR COOLING
10 FACILITIES OR EQUIPMENT.

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

13 (I) AGGREGATION, TRANSPORTATION, OR DISTRIBUTION OF
14 PRODUCTS TO SCHOOLS, INCLUDING BUT NOT LIMITED TO LABOR OR
15 STORAGE OR COOLING EQUIPMENT NEEDED TO DELIVER PRODUCE TO
16 SCHOOLS;

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

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

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

26 (7) THE TASK FORCE SHALL ISSUE GUIDELINES AS MAY BE
27 NECESSARY FOR THE IMPLEMENTATION OF THE GRANT PROGRAM. THE
28 GUIDELINES MUST INCLUDE, BUT NEED NOT BE LIMITED TO, THE TIME
29 FRAMES FOR SUBMITTING GRANT PROGRAM APPLICATIONS, THE FORM OF
30 THE GRANT PROGRAM APPLICATION, AND THE TIME FRAMES FOR THE
31 DISTRIBUTION OF GRANT MONEYS. THE TASK FORCE SHALL SEEK PUBLIC
32 COMMENT ON THE GUIDELINES IT ISSUES, WHICH PUBLIC COMMENT MAY
33 BE SUBMITTED ELECTRONICALLY, BY MAIL, OR IN PERSON. UPON
34 COMPLETION, ALL GUIDELINES MUST BE POSTED ON THE TASK FORCE'S WEB
35 SITE.

36 (8) AN ENTITY THAT SEEKS TO RECEIVE A GRANT PURSUANT TO
37 THIS SECTION MUST SUBMIT AN APPLICATION TO THE TASK FORCE IN
38 ACCORDANCE WITH THE GUIDELINES ISSUED BY THE TASK FORCE AS
39 SPECIFIED IN SUBSECTION (7) OF THIS SECTION. AT A MINIMUM, THE
40 APPLICATION MUST INCLUDE THE FOLLOWING INFORMATION:

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

1 (b) A DESCRIPTION OF THE FOOD SAFETY INVESTMENTS REQUIRED
2 BY THE FARM OR RANCH TO ENABLE SALES TO SCHOOLS;
3 (c) RECEIPTS FOR ALL COST-SHARE EXPENSES SOUGHT FOR
4 REIMBURSEMENT THROUGH A GRANT; AND
5 (d) DEMONSTRATION OF ACTUAL SALES TO SCHOOLS FOR ANY
6 FARMER OR RANCHER SEEKING A GRANT AWARD OR AS A REQUIRED
7 DELIVERABLE RESULTING FROM A GRANT AWARD.
8 (9) THE TASK FORCE SHALL REVIEW THE APPLICATIONS RECEIVED
9 PURSUANT TO THIS SECTION.
10 (10) SUBJECT TO AVAILABLE APPROPRIATIONS, THE TASK FORCE
11 SHALL SELECT APPLICANTS AND THE DEPARTMENT OF PUBLIC HEALTH AND
12 ENVIRONMENT SHALL AWARD GRANTS TO THE SELECTED APPLICANTS ON
13 OR BEFORE AUGUST 1 OF EACH YEAR OF THE GRANT PROGRAM.
14 (11) (a) FOR THE 2015-16 STATE FISCAL YEAR, AND EACH FISCAL
15 YEAR THEREAFTER THROUGH THE 2019-20 STATE FISCAL YEAR, THE TASK
16 FORCE SHALL SELECT ONE GRANT RECIPIENT TO:
17 (I) EVALUATE FOR THE TASK FORCE THE EFFECTIVENESS OF THE
18 INTERAGENCY FARM-TO-SCHOOL GRANT PROGRAM TO DETERMINE WHICH
19 COMPONENTS INCENTIVIZE FARMERS OR RANCHERS TO ENTER INTO
20 CONTRACTS WITH SCHOOLS OR INCREASE THE AMOUNT OF AGRICULTURAL
21 PRODUCTS SOLD TO SCHOOLS; AND
22 (II) PERFORM CERTAIN RESPONSIBILITIES INCLUDING, BUT NOT
23 LIMITED TO, ESTABLISHING FOR THE TASK FORCE THE GUIDELINES
24 DESCRIBED IN SUBSECTION (7) OF THIS SECTION, SPECIFYING THE FOOD
25 SAFETY REQUIREMENTS FOR A GRANT, THE CAPITAL IMPROVEMENTS
26 ELIGIBLE FOR A GRANT, PROVIDING TECHNICAL ASSISTANCE TO SCHOOLS,
27 FARMERS, AND RANCHERS, AND LIAISING BETWEEN THE TASK FORCE AND
28 COMMUNITY STAKEHOLDERS WHO WISH TO PARTICIPATE IN OR BENEFIT
29 FROM THE GRANT PROGRAM.
30 (b) ON OR BEFORE FEBRUARY 1, 2016, FEBRUARY 1, 2018, AND
31 FEBRUARY 1, 2019, THE TASK FORCE SHALL SUBMIT A REPORT TO THE
32 JOINT COMMITTEE OF THE GENERAL ASSEMBLY THAT OVERSEES THE
33 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR ANY SUCCESSOR
34 JOINT COMMITTEE, THAT SUMMARIZES THE TASK FORCE'S EVALUATION OF
35 THE GRANT PROGRAM.
36 (12) NOTWITHSTANDING SECTION 24-1-136 (11) (a) (I), C.R.S.,
37 THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE
38 UNTIL THE PROGRAM REPEALS PURSUANT TO SUBSECTION (13) OF THIS
39 SECTION.
40 (13) (a) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2020.
41 (b) PRIOR TO THE REPEAL, THE INTERAGENCY FARM-TO-SCHOOL

1 GRANT PROGRAM MUST BE REVIEWED AS PROVIDED FOR IN SECTION
2 24-34-104, C.R.S.

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

5 **24-34-104. General assembly review of regulatory agencies**
6 **and functions for termination, continuation, or reestablishment.**
7 (51) The following agencies, functions, or both, shall terminate on July
8 1, 2020:

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

11 **SECTION 6. Safety clause.** The general assembly hereby finds,
12 determines, and declares that this act is necessary for the immediate
13 preservation of the public peace, health, and safety."

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