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HOUSE BILL 25-1059

BY REPRESENTATIVE(S) Weinberg and Feret, Bacon, Barron, Boesenecker, Brown, Camacho, Clifford, Duran, Espenoza, Froelich, Lieder, Lindstedt, Lukens, Martinez, Mauro, McCormick, Rutinel, Rydin, Smith, Stewart K., Titone, Valdez, Woodrow, Jackson, Lindsay, Phillips, Story, Velasco;
also SENATOR(S) Rich and Marchman, Winter F., Ball, Cutter, Gonzales J., Jodeh, Kipp, Michaelson Jenet, Mullica, Roberts, Coleman.

CONCERNING REDUCING FOOD WASTE IN SCHOOLS.

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

SECTION 1. In Colorado Revised Statutes, **add** 22-32-152 as follows:

22-32-152. Food waste reduction encouraged - definitions.

(1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115.

(b) "LOCAL EDUCATION PROVIDER" MEANS:

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(I) A SCHOOL DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF THIS TITLE 22;

(II) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF THIS TITLE 22;

(III) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF THIS TITLE 22;

(IV) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF THIS TITLE 22;

(V) AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1); OR

(VI) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND DESCRIBED IN SECTION 22-80-102.

(c) "ORGANIC MATERIALS" HAS THE SAME MEANING SET FORTH IN SECTION 25-17-901.

(d) "SHARE TABLE" MEANS A STATION WHERE A STUDENT MAY RETURN WHOLE FOOD OR BEVERAGE ITEMS THAT THE STUDENT CHOOSES NOT TO CONSUME. RETURNED FOOD AND BEVERAGE ITEMS ARE THEN AVAILABLE FOR REDISTRIBUTION TO OTHER STUDENTS AS NECESSARY TO PREVENT FOOD WASTE AND IN COMPLIANCE WITH FEDERAL, STATE, AND LOCAL HEALTH AND FOOD SAFETY REQUIREMENTS.

(2) A LOCAL EDUCATION PROVIDER IS ENCOURAGED TO ADOPT A POLICY TO REDUCE FOOD WASTE IN SCHOOL CAFETERIAS AND MEAL PREPARATION FACILITIES THAT INCLUDES:

(a) THE MANAGEMENT OF SHARE TABLES;

(b) THE DONATION OF EXCESS FOOD ITEMS TO LOCAL NONPROFIT ORGANIZATIONS PURSUANT TO SECTION 22-32-148;

(c) THE COMPOSTING OF RAW AND CERTAIN REUSED MATERIALS,

INCLUDING ORGANIC MATERIALS; OR

(d) OTHER FOOD WASTE DIVERSION OR AVERSION INITIATIVES.

(3) A FOOD WASTE REDUCTION POLICY MAY ADDRESS:

(a) ALLOWABLE FOOD AND BEVERAGE REDISTRIBUTION PRACTICES FOR SHARE TABLE ITEMS;

(b) SPECIFIC MEASURES TO ASSURE COMPLIANCE WITH ALL APPLICABLE FEDERAL, STATE, AND LOCAL SANITATION AND HEALTH REQUIREMENTS, APPLICABLE FEDERAL CHILD NUTRITION PROGRAM REQUIREMENTS REGARDING MEAL REIMBURSEMENTS AND PROHIBITIONS ON RETURNING SHARE TABLE ITEMS TO KITCHEN INVENTORIES, ANY STANDARD OPERATING PROCEDURES THE DEPARTMENT MAY ISSUE, AS WELL AS POLICIES AND PROCEDURES PERTAINING TO FOOD ALLERGIES, IN THE IDENTIFICATION, STORAGE, HANDLING, AND SERVICE OF REDISTRIBUTED FOOD AND BEVERAGES;

(c) PROHIBITIONS ON REDISTRIBUTION OF CERTAIN FOOD AND BEVERAGE ITEMS, INCLUDING ITEMS BROUGHT FROM HOME;

(d) COMMUNICATIONS WITH STUDENTS AND STUDENTS' PARENTS, CUSTODIANS, OR LEGAL GUARDIANS ABOUT SAFE AND EFFECTIVE PARTICIPATION IN FOOD WASTE REDUCTION EFFORTS; AND

(e) TRAINING AND COMPENSATION FOR DESIGNATED SCHOOL PERSONNEL SUPERVISING SHARE TABLES, COMPOSTING BINS, OR OTHER FOOD WASTE DIVERSION AND AVERSION INITIATIVES.

(4) IN THE DESIGN AND IMPLEMENTATION OF FOOD WASTE REDUCTION POLICIES, LOCAL EDUCATION PROVIDERS ARE ENCOURAGED TO LEVERAGE STUDENT LEADERSHIP, LOCAL PUBLIC HEALTH AGENCY EXPERTISE, OR OTHER AVAILABLE WASTE DIVERSION AND AVERSION RESOURCES, INCLUDING THE TECHNICAL ASSISTANCE AND GRANT FUNDING PROVIDED BY THE COLORADO CIRCULAR COMMUNITIES ENTERPRISE PURSUANT TO SECTION 25-16.5-109.

(5) IF A LOCAL EDUCATION PROVIDER ADOPTS AND IMPLEMENTS A FOOD WASTE REDUCTION POLICY PURSUANT TO THIS SECTION, THE LOCAL

EDUCATION PROVIDER SHALL COMPLY WITH ALL APPLICABLE SANITATION AND HEALTH REQUIREMENTS, INCLUDING LOCAL HEALTH DEPARTMENT GUIDELINES FOR FOOD REDISTRIBUTION, AND INCLUDING PROTOCOLS TO PREVENT STUDENT EXPOSURE TO ALLERGENS, AND SHALL REQUIRE SCHOOL PERSONNEL WHO SUPERVISE SHARE TABLES OR WHO ARE OTHERWISE ENGAGED IN THE IDENTIFICATION, STORAGE, HANDLING, OR SERVICE OF REDISTRIBUTED FOOD AND BEVERAGES TO SUCCESSFULLY COMPLETE RELATED SAFETY TRAINING.

(6) THIS SECTION DOES NOT ALTER OR NEGATE ANY RIGHTS, OBLIGATIONS, OR IMMUNITIES OF A LOCAL EDUCATION PROVIDER PURSUANT TO THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., AND SHALL OTHERWISE BE CONSTRUED IN A MANNER CONSISTENT WITH FEDERAL LAW.

SECTION 2. In Colorado Revised Statutes, 25-16.5-109, **amend** (5)(a)(VI) and (5)(a)(VII); and **add** (2)(i) and (5)(a)(VIII) as follows:

25-16.5-109. Colorado circular communities enterprise - fund - goals - grant program - personal property tax reimbursements - gifts, grants, or donations - legislative declaration - definitions - repeal.
(2) **Definitions.** As used in this section, unless the context otherwise requires:

(i) "SHARE TABLE" MEANS A STATION WHERE A STUDENT MAY RETURN WHOLE FOOD OR BEVERAGE ITEMS THAT THE STUDENT CHOOSES NOT TO CONSUME. RETURNED FOOD AND BEVERAGE ITEMS ARE THEN AVAILABLE FOR REDISTRIBUTION TO OTHER STUDENTS AS NECESSARY TO PREVENT FOOD WASTE AND IN COMPLIANCE WITH FEDERAL, STATE, AND LOCAL HEALTH AND FOOD SAFETY REQUIREMENTS.

(5) **Circular economy promotion.** (a) The enterprise shall promote a circular economy in the state, including waste diversion and aversion. In promoting a circular economy, the enterprise shall consider:

(VI) Extending the useful life of local landfills; ~~and~~

(VII) Supporting statewide municipal waste diversion and aversion and waste reduction goals; AND

(VIII) REDUCING FOOD WASTE BY INCENTIVIZING PUBLIC SCHOOLS TO DEVELOP AND IMPLEMENT EFFECTIVE COMPOSTING, EXCESS FOOD DONATION, OR SHARE TABLE PROGRAMS.

SECTION 3. In Colorado Revised Statutes, 13-21-113, **add** (1)(b)(II.5), (1)(b)(VI), and (5) as follows:

13-21-113. Donation of items of food - exemption from civil and criminal liability - definitions. (1) (b) As used in this section, unless the context otherwise requires:

(II.5) "LOCAL EDUCATION PROVIDER" MEANS:

(A) A SCHOOL DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF TITLE 22;

(B) A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF TITLE 22;

(C) A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22;

(D) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22;

(E) AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1); OR

(F) THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND DESCRIBED IN SECTION 22-80-102.

(VI) "SHARE TABLE" HAS THE MEANING SET FORTH IN SECTION 22-32-152.

(5) A DESIGNATED SCHOOL EMPLOYEE OR LOCAL EDUCATION PROVIDER THAT SUPERVISES THE REDISTRIBUTION OF FOOD AND BEVERAGE ITEMS RETURNED TO A SHARE TABLE PURSUANT TO SECTION 22-32-152 IS NOT LIABLE FOR DAMAGES IN ANY CIVIL ACTION OR SUBJECT TO PROSECUTION IN ANY CRIMINAL PROCEEDING RESULTING FROM THE NATURE,

AGE, CONDITION, OR PACKAGING OF THE REDISTRIBUTED FOOD OR BEVERAGE ITEMS; EXCEPT THAT THIS EXEMPTION DOES NOT APPLY TO WILLFUL, WANTON, OR RECKLESS ACTS OF SCHOOL PERSONNEL OR LOCAL EDUCATION PROVIDERS, INCLUDING DISREGARD FOR APPLICABLE SANITATION AND HEALTH REQUIREMENTS OR PROTOCOLS TO PREVENT EXPOSURE TO ALLERGENS, THAT RESULT IN INJURY TO RECIPIENTS OF REDISTRIBUTED ITEMS.

SECTION 4. 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; 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 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO