

**First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

PREAMENDED

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

LLS NO. 25-0212.01 Anna Petrini x5497

HOUSE BILL 25-1059

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A BILL FOR AN ACT

101 **CONCERNING REDUCING FOOD WASTE IN SCHOOLS.**

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://leg.colorado.gov/>.)

Representative Hugh McKean Colorado Youth Advisory Council Review Committee. The bill encourages each local education provider to adopt a policy to reduce food waste in school cafeterias and food preparation facilities (policy). The policy may address food waste diversion and aversion initiatives, including composting and share tables that permit students to return whole food or beverage items for redistribution to other students or donation to local nonprofits. The policy may address permissible food and beverage redistribution practices, food

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

HOUSE
3rd Reading Unamended
February 19, 2025

HOUSE
Amended 2nd Reading
February 18, 2025

safety measures, communications with students and parents about food waste reduction efforts, and training and compensation for school personnel supervising the local education provider's implementation of the policy.

Current law establishes the Colorado circular communities enterprise (enterprise) to award grants and other funding and to provide technical assistance to certain entities throughout the state, including local governments, nonprofit and for-profit businesses, public and private schools, and institutions of higher education, that pursue a circular economy for waste management, including waste diversion and aversion. The bill requires the enterprise to consider reducing food waste by incentivizing public schools to develop and implement effective composting or share table programs.

The bill extends limited immunity from civil and criminal liability to school personnel and local education providers that supervise food and beverage redistribution pursuant to policies that include share tables.

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

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

4 **22-32-152. Food waste reduction encouraged - definitions.**

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

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

9 (b) "LOCAL EDUCATION PROVIDER" MEANS:

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

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

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

16 (IV) AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE

1 CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF
2 THIS TITLE 22;

3 (V) AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION
4 22-2-402 (1); OR

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

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

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

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

18 (a) THE MANAGEMENT OF SHARE TABLES;

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

21 (c) THE COMPOSTING OF RAW AND CERTAIN REUSED MATERIALS,
22 INCLUDING ORGANIC MATERIALS; OR

23 (d) OTHER FOOD WASTE DIVERSION OR AVERSION INITIATIVES.

24 (3) A FOOD WASTE REDUCTION POLICY MAY ADDRESS:

25 (a) ALLOWABLE FOOD AND BEVERAGE REDISTRIBUTION PRACTICES
26 FOR SHARE TABLE ITEMS.

27 (b) SPECIFIC MEASURES TO ASSURE COMPLIANCE WITH ALL

1 APPLICABLE FEDERAL, STATE, AND LOCAL SANITATION AND HEALTH
2 REQUIREMENTS, APPLICABLE FEDERAL CHILD NUTRITION PROGRAM
3 REQUIREMENTS REGARDING MEAL REIMBURSEMENTS AND PROHIBITIONS
4 ON RETURNING SHARE TABLE ITEMS TO KITCHEN INVENTORIES, ANY
5 STANDARD OPERATING PROCEDURES THE DEPARTMENT MAY ISSUE, AS
6 WELL AS POLICIES AND PROCEDURES PERTAINING TO FOOD ALLERGIES, IN
7 THE IDENTIFICATION, STORAGE, HANDLING, AND SERVICE OF
8 REDISTRIBUTED FOOD AND BEVERAGES;

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

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

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

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

24 (5) IF A LOCAL EDUCATION PROVIDER ADOPTS AND IMPLEMENTS A
25 FOOD WASTE REDUCTION POLICY PURSUANT TO THIS SECTION, THE LOCAL
26 EDUCATION PROVIDER SHALL COMPLY WITH ALL APPLICABLE SANITATION
27 AND HEALTH REQUIREMENTS, INCLUDING LOCAL HEALTH DEPARTMENT

1 GUIDELINES FOR FOOD REDISTRIBUTION, AND INCLUDING PROTOCOLS TO
2 PREVENT STUDENT EXPOSURE TO ALLERGENS, AND SHALL REQUIRE
3 SCHOOL PERSONNEL WHO SUPERVISE SHARE TABLES OR WHO ARE
4 OTHERWISE ENGAGED IN THE IDENTIFICATION, STORAGE, HANDLING, OR
5 SERVICE OF REDISTRIBUTED FOOD AND BEVERAGES TO SUCCESSFULLY
6 COMPLETE RELATED SAFETY TRAINING.

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

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

14 **25-16.5-109. Colorado circular communities enterprise - fund**
15 **- goals - grant program - personal property tax reimbursements -**
16 **gifts, grants, or donations - legislative declaration - definitions -**
17 **repeal. (2) Definitions.** As used in this section, unless the context
18 otherwise requires:

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

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

1 (VI) Extending the useful life of local landfills; ~~and~~
2 (VII) Supporting statewide municipal waste diversion and
3 aversion and waste reduction goals; AND
4 (VIII) REDUCING FOOD WASTE BY INCENTIVIZING PUBLIC SCHOOLS
5 TO DEVELOP AND IMPLEMENT EFFECTIVE COMPOSTING, EXCESS FOOD
6 DONATION, OR SHARE TABLE PROGRAMS.

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

9 **13-21-113. Donation of items of food - exemption from civil**
10 **and criminal liability - definitions.** (1) (b) As used in this section,
11 unless the context otherwise requires:

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

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

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

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

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

22 (E) AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION
23 22-2-402 (1); OR

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

26 (VI) "SHARE TABLE" HAS THE MEANING SET FORTH IN SECTION
27 22-32-152.

1 (5) A DESIGNATED SCHOOL EMPLOYEE OR LOCAL EDUCATION
2 PROVIDER THAT SUPERVISES THE REDISTRIBUTION OF FOOD AND BEVERAGE
3 ITEMS RETURNED TO A SHARE TABLE PURSUANT TO SECTION 22-32-152 IS
4 NOT LIABLE FOR DAMAGES IN ANY CIVIL ACTION OR SUBJECT TO
5 PROSECUTION IN ANY CRIMINAL PROCEEDING RESULTING FROM THE
6 NATURE, AGE, CONDITION, OR PACKAGING OF THE REDISTRIBUTED FOOD OR
7 BEVERAGE ITEMS; EXCEPT THAT THIS EXEMPTION DOES NOT APPLY TO
8 WILLFUL, WANTON, OR RECKLESS ACTS OF SCHOOL PERSONNEL OR LOCAL
9 EDUCATION PROVIDERS, INCLUDING DISREGARD FOR APPLICABLE
10 SANITATION AND HEALTH REQUIREMENTS OR PROTOCOLS TO PREVENT
11 EXPOSURE TO ALLERGENS, THAT RESULT IN INJURY TO RECIPIENTS OF
12 REDISTRIBUTED ITEMS.

13 **SECTION 4. Act subject to petition - effective date.** This act
14 takes effect at 12:01 a.m. on the day following the expiration of the
15 ninety-day period after final adjournment of the general assembly; except
16 that, if a referendum petition is filed pursuant to section 1 (3) of article V
17 of the state constitution against this act or an item, section, or part of this
18 act within such period, then the act, item, section, or part will not take
19 effect unless approved by the people at the general election to be held in
20 November 2026 and, in such case, will take effect on the date of the
21 official declaration of the vote thereon by the governor.