

Second Regular Session  
Sixty-sixth General Assembly  
STATE OF COLORADO

**REENGROSSED**

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

LLS NO. 08-0791.01 Richard Sweetman

**SENATE BILL 08-129**

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**SENATE SPONSORSHIP**

**Gibbs,**

**HOUSE SPONSORSHIP**

**Riesberg,**

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**Senate Committees**  
Education

**House Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING NUTRITION IN SCHOOLS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)*

Requires each school district board of education ("district board") and the state charter school institute ("institute") to adopt and implement a policy that prohibits the sale of beverages to students from any source. Creates exceptions to the policy for the sale of beverages that satisfy minimum nutritional requirements and beverages that are sold during specified school events. Includes in the policy maximum portion sizes for beverages sold at elementary, middle, and high schools.

Requires each district board and the institute to adopt policies concerning the provision of healthful food choices in schools.

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.*

SENATE  
3rd Reading Unanimous  
February 28, 2008

SENATE  
Amended 2nd Reading  
February 25, 2008

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

2           **SECTION 1. Legislative declaration.** (1) The general assembly  
3 hereby finds and determines that:

4               (a) It is in the best interest of Colorado residents to address the  
5 rising rates of childhood obesity by adopting a policy regarding the  
6 serving of beverages in schools; and

7               (b) The policy should address any concerns raised by beverage  
8 manufacturers.

9               (2) Now, therefore, the general assembly hereby declares that each  
10 public school shall adopt beverage policies that comply with the Alliance  
11 for a Healthier Generation guidelines that were set forth in a  
12 memorandum of understanding between various interested entities,  
13 including the American Heart Association, the William J. Clinton  
14 Foundation, the American Beverage Association, Cadbury Schweppes  
15 Americas Beverages, the Coca-Cola Company, and PepsiCo, Inc.

16           **SECTION 2. Repeal.** 22-32-134, Colorado Revised Statutes, is  
17 repealed.

18           **SECTION 3.** Article 32 of title 22, Colorado Revised Statutes, is  
19 amended BY THE ADDITION OF A NEW SECTION to read:

20           **22-32-134.5. Healthy beverages policy required.** (1) ON OR  
21 BEFORE SEPTEMBER 1, 2008, EACH SCHOOL DISTRICT BOARD OF  
22 EDUCATION SHALL ADOPT AND IMPLEMENT A POLICY THAT PROHIBITS,  
23 EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, THE SALE OF  
24 BEVERAGES TO STUDENTS FROM ANY SOURCE, INCLUDING BUT NOT  
25 LIMITED TO:

26               (a) SCHOOL CAFETERIAS;

- (b) VENDING MACHINES;
- (c) SCHOOL STORES; AND
- (d) FUND-RAISING ACTIVITIES CONDUCTED ON SCHOOL CAMPUSES.

13

14 (3) (a) THE POLICY ADOPTED BY A SCHOOL DISTRICT PURSUANT TO  
15 SUBSECTION (1) OF THIS SECTION SHALL APPLY TO ALL BEVERAGES SOLD  
16 ON SCHOOL CAMPUSES DURING REGULAR AND EXTENDED SCHOOL DAYS.

26 **SECTION 4. 22-32-136 (3) (a) (II), Colorado Revised Statutes,**  
27 is amended to read:

1                   **22-32-136. Children's nutrition - healthful alternatives -**  
2                   **information - facilities - local wellness policy - competitive foods.**

3                   (3) On or before July 1, 2006, each school district board of education is  
4                   encouraged to adopt policies ensuring that:

5                   (a) Every student has access to healthful food choices in  
6                   appropriate portion sizes throughout the school day. At a minimum, this  
7                   includes the provision of:

8                   (II) Healthful items in vending machines, pursuant to section  
9                   22-32-134 BEVERAGES SOLD TO STUDENTS ON SCHOOL CAMPUSES,  
10                   PURSUANT TO SECTION 22-32-134.5; and

11                   =====

12                   **SECTION 5.** 22-30.5-505, Colorado Revised Statutes, is  
13                   amended BY THE ADDITION OF A NEW SUBSECTION to read:

14                   **22-30.5-505. State charter school institute - institute board -**  
15                   **appointment - powers and duties - rules.** (12) PURSUANT TO SECTION  
16                   22-30.5-517, THE INSTITUTE SHALL ADOPT AND IMPLEMENT A POLICY  
17                   THAT REGULATES THE SALE OF BEVERAGES TO STUDENTS AT AN INSTITUTE  
18                   CHARTER SCHOOL.

19                   =====

20                   **SECTION 6.** Part 5 of article 30.5 of title 22, Colorado Revised  
21                   Statutes, is amended BY THE ADDITION OF A NEW SECTION to  
22                   read:

23                   **22-30.5-517. Institute charter school nutritional beverage**  
24                   **policy.** (1) ON OR BEFORE SEPTEMBER 1, 2008, THE STATE CHARTER  
25                   SCHOOL INSTITUTE SHALL ADOPT AND IMPLEMENT A POLICY THAT  
26                   PROHIBITS, EXCEPT AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION, AN  
27                   INSTITUTE CHARTER SCHOOL FROM PERMITTING THE SALE OF BEVERAGES

1 TO STUDENTS FROM ANY SOURCE, INCLUDING BUT NOT LIMITED TO:  
2 (a) SCHOOL CAFETERIAS;  
3 (b) VENDING MACHINES;  
4 (c) SCHOOL STORES; AND  
5 (d) FUND-RAISING ACTIVITIES CONDUCTED ON SCHOOL CAMPUSES.

6 (2) ON OR BEFORE SEPTEMBER 1, 2008, THE INSTITUTE BOARD  
7 SHALL PROMULGATE RULES DESCRIBING BEVERAGES THAT INSTITUTE  
8 CHARTER SCHOOLS MAY PERMIT TO BE SOLD TO STUDENTS. EACH  
9 BEVERAGE DESCRIBED BY THE RULES PROMULGATED BY THE INSTITUTE  
10 BOARD PURSUANT TO THIS SUBSECTION (2) SHALL SATISFY MINIMUM  
11 NUTRITIONAL STANDARDS FOR BEVERAGES, WHICH STANDARDS ARE  
12 SCIENCE-BASED AND ESTABLISHED BY A NATIONAL ORGANIZATION THAT  
13 HAS AS ITS PRIMARY MISSION THE ESTABLISHMENT AND PROMOTION OF  
14 MINIMUM NUTRITIONAL GUIDELINES FOR BEVERAGES SERVED TO  
15 STUDENTS IN SCHOOLS.

16        == ==  
17 (3) (a) THE POLICY ADOPTED BY THE STATE CHARTER SCHOOL  
18 INSTITUTE PURSUANT TO SUBSECTION (1) OF THIS SECTION SHALL APPLY  
19 TO ALL BEVERAGES SOLD ON INSTITUTE CHARTER SCHOOL CAMPUSES  
20 DURING REGULAR AND EXTENDED SCHOOL DAYS.

21 (b) FOR THE PURPOSES OF THIS SUBSECTION (3), "EXTENDED  
22 SCHOOL DAY" MEANS THE REGULAR HOURS OF OPERATION FOR AN  
23 INSTITUTE CHARTER SCHOOL PLUS ANY TIME SPENT BY STUDENTS AFTER  
24 SUCH REGULAR HOURS OF OPERATION FOR ANY PURPOSE, INCLUDING BUT  
25 NOT LIMITED TO PARTICIPATION IN EXTRACURRICULAR ACTIVITIES OR  
26 CHILDCARE PROGRAMS.

27 (4) THE PROVISIONS OF THIS SECTION SHALL APPLY TO CONTRACTS

1 ENTERED INTO OR RENEWED BY THE STATE CHARTER SCHOOL INSTITUTE  
2 OR AN INSTITUTE CHARTER SCHOOL ON OR AFTER SEPTEMBER 1, 2008.

3        ====

4           **SECTION 7. Effective date.** This act shall take effect at 12:01  
5 a.m. on the day following the expiration of the ninety-day period after  
6 final adjournment of the general assembly that is allowed for submitting  
7 a referendum petition pursuant to article V, section 1 (3) of the state  
8 constitution, (August 6, 2008, if adjournment sine die is on May 7, 2008);  
9 except that, if a referendum petition is filed against this act or an item,  
10 section, or part of this act within such period, then the act, item, section,  
11 or part, if approved by the people, shall take effect on the date of the  
12 official declaration of the vote thereon by proclamation of the governor.