

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 23-0788.01 Shelby Ross x4510

HOUSE BILL 23-1158

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House Committees

Public & Behavioral Health & Human Services
Appropriations

Senate Committees

Health & Human Services
Appropriations

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COLORADO COMMODITY**
102 **SUPPLEMENTAL FOOD GRANT PROGRAM, AND, IN CONNECTION**
103 **THEREWITH, MAKING AN APPROPRIATION.**

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>.)

The bill creates the Colorado commodity supplemental food grant program to provide grants of money to aid county departments of human or social services, food banks, and food pantries in purchasing and distributing food packages to qualifying low-income older Colorado adults.

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.

SENATE
3rd Reading Unamended
May 3, 2023

SENATE
Amended 2nd Reading
May 2, 2023

HOUSE
3rd Reading Unamended
April 15, 2023

HOUSE
Amended 2nd Reading
April 14, 2023

For the 2023-24 state fiscal year and each state fiscal year thereafter, the bill annually appropriates \$1 million from the general fund to the department of human services for the grant program.

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

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

4 (a) The commodity supplemental food program (CSFP) is a
5 federal food support program that is administered by the Colorado
6 department of human services that provides low-income older Colorado
7 adults with a monthly food package containing a \$50 value in nutritional
8 food staples such as cereals, grains, canned goods, and peanut butter;

9 (b) In Colorado, food packages are distributed by trusted
10 community partners, such as food banks and county departments of
11 human or social services (county department), that often include
12 additional food in the packages including fresh produce, meat, and dairy;

13 (c) Currently, Colorado's caseload for CSFP is around 14,000
14 adults who are 60 years of age or older, but the need is much higher.
15 According to the federal census, there are roughly five times that many
16 older Coloradans living in poverty who may be eligible for CSFP.

17 (d) CSFP is a critical program that helps Colorado's older adults
18 but the program can be difficult and costly for food banks and county
19 departments to operate due to a lack of funding to distribute the food and
20 promote the program to eligible Coloradans;

21 (e) Food banks and county departments receive about \$6 in federal
22 reimbursement per food package but it costs about \$9 to distribute each
23 package, meaning food banks and county departments operate the
24 program at a net loss; and

1 (f) Feeding Colorado reports that the annual program deficit is
2 over \$360,000 for the five Feeding American food banks that serve every
3 county in Colorado and distribute approximately 84% of the CSFP
4 caseload for the state.


5 (2) Therefore, the general assembly declares it is necessary to
6 create a state-funded commodity supplemental food program to provide
7 state money in addition to the federal money received for the distribution
8 of food packages for low-income older Coloradans.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 26-2-143 as
10 follows:

11 **26-2-143. Colorado commodity supplemental food grant**
12 **program - creation - appropriation - rules - definitions.** (1) AS USED
13 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

14 (a) "ELIGIBLE ENTITY" MEANS A COUNTY PUBLIC HEALTH AGENCY,
15 A DISTRICT PUBLIC HEALTH AGENCY, A COUNTY DEPARTMENT OF HUMAN
16 OR SOCIAL SERVICES OR A FOOD BANK THAT HAS A CONTRACT WITH THE
17 STATE DEPARTMENT, BUT DOES NOT INCLUDE A HUNGER-RELIEF
18 CHARITABLE ORGANIZATION, AS DEFINED IN SECTION 39-22-536 (1).

19 (b) "FOOD BANK" MEANS A CHARITABLE ORGANIZATION, EXEMPT
20 FROM FEDERAL INCOME TAXATION UNDER THE FEDERAL "INTERNAL
21 REVENUE CODE OF 1986", AS AMENDED, THAT ACQUIRES AND
22 DISTRIBUTES FOOD AND NONFOOD ESSENTIALS TO OTHER HUNGER-RELIEF
23 PROGRAMS.

24 
25 (c) "GRANT PROGRAM" MEANS THE COLORADO COMMODITY
26 SUPPLEMENTAL FOOD GRANT PROGRAM CREATED IN SUBSECTION (2) OF
27 THIS SECTION.

1 (d) "QUALIFYING LOW-INCOME OLDER COLORADO ADULT" MEANS
2 AN ADULT WHO IS SIXTY YEARS OF AGE OR OLDER AND WHOSE HOUSEHOLD
3 INCOME IS NOT MORE THAN ONE HUNDRED THIRTY PERCENT OF THE
4 FEDERAL POVERTY LEVEL.

5 (2) THERE IS CREATED IN THE STATE DEPARTMENT THE COLORADO
6 COMMODITY SUPPLEMENTAL FOOD GRANT PROGRAM. THE PURPOSE OF THE
7 GRANT PROGRAM IS TO PROVIDE MONEY TO ELIGIBLE ENTITIES FOR THE
8 COST OF ADDING ADDITIONAL FOOD TO THE FOOD PACKAGES AND THE
9 COST OF STORING, TRANSPORTING, AND DISTRIBUTING FOOD PACKAGES TO
10 QUALIFYING LOW-INCOME OLDER COLORADO ADULTS.

11 (3) THE STATE DEPARTMENT SHALL ADMINISTER THE GRANT
12 PROGRAM. SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
13 DEPARTMENT SHALL PAY GRANTS OUT OF MONEY ANNUALLY
14 APPROPRIATED TO THE STATE DEPARTMENT FOR THE GRANT PROGRAM
15 PURSUANT TO SUBSECTION (4) OF THIS SECTION. THE STATE BOARD SHALL
16 ADOPT RULES AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM,
17 INCLUDING:

18 (a) TIMELINES FOR APPLICATION FOR, CONSIDERATION OF, AND
19 AWARDING GRANTS;

20 (b) CRITERIA FOR AWARDING GRANTS; AND

21 (c) ANY OTHER MATTERS NECESSARY FOR SUCCESSFUL OPERATION
22 OF THE GRANT PROGRAM.

23 (4) FOR THE 2023-24 STATE FISCAL YEAR, THE GENERAL
24 ASSEMBLY SHALL APPROPRIATE ONE MILLION DOLLARS FROM THE
25 GENERAL FUND TO THE STATE DEPARTMENT FOR THE GRANT PROGRAM.
26 ANY UNEXPENDED OR UNENCUMBERED MONEY APPROPRIATED PURSUANT
27 TO THIS SUBSECTION (4) REMAINS AVAILABLE FOR EXPENDITURE FOR THE

1 SAME PURPOSE IN THE 2024-25 STATE FISCAL YEAR WITHOUT FURTHER
2 APPROPRIATION.

3 **SECTION 3.** In Colorado Revised Statutes, **add 26-2-144 as**
4 **follows:**

5 **26-2-144. Food bank assistance grant program - creation -**
6 **rules - definition.** (1) **AS USED IN THIS SECTION, UNLESS THE CONTEXT**
7 **OTHERWISE REQUIRES:**

8 (a) **"FOOD BANK" MEANS A NONPROFIT CHARITABLE**
9 **ORGANIZATION, EXEMPT FROM FEDERAL INCOME TAXATION UNDER THE**
10 **PROVISIONS OF THE INTERNAL REVENUE CODE, WHOSE PRIMARY PURPOSE**
11 **IS TO PROCURE FOOD FROM RETAILERS, MANUFACTURERS, FARMERS AND**
12 **AGRICULTURAL PRODUCERS, INDIVIDUAL DONORS, GROCERY STORES,**
13 **RESTAURANTS, AND GOVERNMENT CHANNELS; AND STORE, TRANSPORT,**
14 **AND DISTRIBUTE THE FOOD TO OTHER NONPROFIT CHARITABLE HUNGER**
15 **RELIEF ORGANIZATIONS, INCLUDING FOOD PANTRIES AND HUNGER RELIEF**
16 **PARTNER AGENCIES IN A DEFINED GEOGRAPHIC SERVICE AREA.**

17 (b) **"FOOD PANTRY" MEANS A NONPROFIT CHARITABLE**
18 **ORGANIZATION, EXEMPT FROM FEDERAL INCOME TAXATION UNDER THE**
19 **PROVISIONS OF THE INTERNAL REVENUE CODE, WHOSE PRIMARY PURPOSE**
20 **IS TO DISTRIBUTE FOOD AT NO COST DIRECTLY TO INDIVIDUALS IN NEED IN**
21 **THE FOOD PANTRY'S LOCAL COMMUNITY AND TYPICALLY RECEIVES MOST**
22 **OR ALL OF ITS FOOD FROM A PARTNER FOOD BANK, INCLUDING NONPROFIT**
23 **PARTNER AGENCIES SUCH AS SOUP KITCHENS AND HOMELESS SHELTERS.**

24 (c) **"GRANT PROGRAM" MEANS THE FOOD BANK ASSISTANCE**
25 **GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.**

26 (2) **THERE IS CREATED IN THE STATE DEPARTMENT THE FOOD BANK**
27 **ASSISTANCE GRANT PROGRAM. THE PURPOSE OF THE GRANT PROGRAM IS**

1 TO INCREASE THE AMOUNT OF NUTRITIOUS FOOD THAT FOOD BANKS ARE
2 ABLE TO PROVIDE TO THE FOOD BANK'S HUNGER RELIEF PARTNERS.

3 (3) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
4 DEPARTMENT MAY PROVIDE GRANTS OF MONEY TO FOOD BANKS TO
5 ENHANCE THE FOOD BANK'S CAPACITY TO DISTRIBUTE QUALITY FOODS TO
6 HUNGER RELIEF PARTNERS. A FOOD BANK SHALL USE THE GRANT MONEY
7 TO:

8 (a) INCREASE THE VOLUME OF FOOD THAT IS DISTRIBUTED TO THE
9 FOOD BANK'S HUNGER RELIEF PARTNERS, INCLUDING COLORADO
10 AGRICULTURAL PRODUCTS; AND

11 (b) EXPAND CAPACITY TO DELIVER FOOD PRODUCTS TO HUNGER
12 RELIEF PARTNERS, INCLUDING COLORADO AGRICULTURAL PRODUCTS.

13 (4) THE STATE DEPARTMENT MAY AWARD GRANTS TO ONE OR
14 MORE FOOD BANKS OR FOOD BANK ASSOCIATIONS. IN DETERMINING
15 AWARD AMOUNTS, THE STATE DEPARTMENT SHALL:

16 (a) CONSIDER THE FOOD BANK'S OR FOOD BANK ASSOCIATIONS'
17 ABILITY TO DISTRIBUTE QUALITY FOOD IN OPTIMAL CONDITION; AND

18 (b) ENSURE THAT THE FOOD BANK OR FOOD BANK ASSOCIATION IS
19 SERVING ALL REGIONS OF COLORADO, EITHER THROUGH THE FOOD BANK'S
20 OR FOOD BANK ASSOCIATIONS' DISTRIBUTION NETWORK OR THROUGH
21 SUB-AGREEMENTS WITH ENTITIES WHO SERVE OR WILL SERVE
22 UNDER-RESOURCED COMMUNITIES.

23 (5) (a) THE STATE DEPARTMENT SHALL MONITOR THE GRANTS
24 AWARDED. THE STATE DEPARTMENT MAY USE UP TO FIVE PERCENT OF THE
25 TOTAL FUNDS APPROPRIATED FOR THE GRANT PROGRAM FOR DIRECT AND
26 INDIRECT COSTS OF ADMINISTERING AND MONITORING THE GRANT
27 PROGRAM.

1 (b) A FOOD BANK OR FOOD BANK ASSOCIATION MAY USE UP TO TEN
2 PERCENT OF THE GRANT AWARD TO COVER THE FOOD BANK'S DIRECT
3 COSTS IN DISTRIBUTING FOOD.

4 (6) A FOOD BANK OR FOOD BANK ASSOCIATION THAT RECEIVES A
5 GRANT SHALL NOT RESELL OR APPLY OTHER ASSOCIATED FEES TO THE
6 DISTRIBUTION OF FOOD PURCHASED WITH THE MONEY RECEIVED FROM THE
7 GRANT.

8 **SECTION 4. Appropriation.** For the 2023-24 state fiscal year,
9 \$1,000,000 is appropriated to the department of human services for use
10 by the office of economic security. This appropriation is from the general
11 fund. To implement this act, the office may use this appropriation for the
12 Colorado commodity supplemental food grant program related to food
13 and energy assistance. Any money appropriated in this section not
14 expended prior to July 1, 2024, is further appropriated to the office for the
15 2024-25 state fiscal year for the same purpose.

16 **SECTION 5. Safety clause.** The general assembly hereby finds,
17 determines, and declares that this act is necessary for the immediate
18 preservation of the public peace, health, or safety.