

**NOTE: This bill has been prepared for the signature of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.**

# An Act

SENATE BILL 04-103

BY SENATOR(S) Sandoval, Gordon, Phillips, Arnold, Entz, Fitz-Gerald, Groff, Grossman, Hagedorn, Hanna, Isgar, Johnson S., Jones, Keller, Kester, Reeves, Takis, Tapia, Tupa, Veiga, and Windels;  
also REPRESENTATIVE(S) Cloer, Boyd, Cadman, Cerbo, Frangas, Madden, Marshall, McFadyen, McGihon, Merrifield, Romanoff, Vigil, Williams S., Coleman, Johnson R., Paccione, Plant, Salazar, Spradley, and Stafford.

CONCERNING POLICIES TO INCREASE THE INCLUSION OF NUTRITIOUS CHOICES  
IN SCHOOL VENDING MACHINES.

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

**SECTION 1.** Article 32 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

**22-32-134. Healthful alternatives - school vending machines - requirements - cash fund created - rule-making.** (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT SCHOOL DISTRICTS WORK WITH CONTRACTORS TO INCREASE OVER TIME THE NUTRITIONAL VALUE OF FOODS OFFERED TO STUDENTS IN SCHOOL VENDING MACHINES AND TO PHASE IN

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*Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.*

HIGHER NUTRITIONAL STANDARDS AS VENDOR CONTRACTS ARE RENEWED. IT IS ALSO THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT OF EDUCATION PROVIDE, WITHIN EXISTING APPROPRIATIONS, GUIDANCE AND ASSISTANCE TO SCHOOL DISTRICTS REGARDING HEALTHFUL ALTERNATIVES AND NUTRITIONAL DIETS.

(2) ON OR BEFORE JULY 1, 2004, EACH SCHOOL DISTRICT BOARD OF EDUCATION IS ENCOURAGED TO ADOPT A POLICY BY RESOLUTION PROVIDING THAT, BY THE 2006-07 SCHOOL YEAR, AT LEAST FIFTY PERCENT OF ALL ITEMS OFFERED IN EACH VENDING MACHINE OR ADJOINING SET OF VENDING MACHINES LOCATED IN EACH SCHOOL OF THE SCHOOL DISTRICT SHALL MEET THE CRITERIA SET FORTH IN SUBSECTION (3) OF THIS SECTION.

(3) (a) FOODS AND BEVERAGES SOLD THROUGH SCHOOL VENDING MACHINES THAT MEET ACCEPTABLE NUTRITIONAL STANDARDS SHALL CONSIST OF THE FOLLOWING:

(I) PLAIN, UNFLAVORED, NONCARBONATED WATER;

(II) MILK, AS THAT TERM IS DEFINED IN SECTION 25-5.5-101, C.R.S., AND SHALL INCLUDE BUT NOT NECESSARILY BE LIMITED TO CHOCOLATE MILK, SOY BEVERAGE, RICE BEVERAGE, AND OTHER SIMILAR DAIRY OR NONDAIRY BEVERAGE;

(III) ONE HUNDRED PERCENT FRUIT JUICES OR FRUIT-BASED DRINKS COMPOSED OF NO LESS THAN FIFTY PERCENT JUICE, WITHOUT ADDITIONAL SWEETENERS;

(IV) AN ELECTROLYTE REPLACEMENT BEVERAGE THAT CONTAINS FORTY-TWO GRAMS OR FEWER OF ADDITIONAL SWEETENER PER TWENTY-OUNCE SERVING;

(V) NUTS, SEEDS, DAIRY PRODUCTS, FRESH FRUITS OR VEGETABLES, DRIED FRUITS OR VEGETABLES, AND PACKAGED FRUITS IN THEIR OWN JUICE; AND

(VI) ANY OTHER FOOD ITEM CONTAINING:

(A) NOT MORE THAN THIRTY-FIVE PERCENT OF TOTAL CALORIES FROM FAT AND NOT MORE THAN TEN PERCENT OF THOSE CALORIES FROM SATURATED FAT; AND

(B) NOT MORE THAN THIRTY-FIVE PERCENT OF ITS TOTAL WEIGHT IN SUGAR.

(b) FOR PURPOSES OF THIS SECTION, "ADDITIONAL SWEETENER" MEANS AN ADDITIVE THAT ENHANCES THE SWEETNESS OF A FOOD OR BEVERAGE, INCLUDING BUT NOT LIMITED TO SUGAR. "ADDITIONAL SWEETENER" DOES NOT INCLUDE THE NATURAL SUGAR OR SUGARS THAT ARE CONTAINED IN ANY FRUIT JUICE THAT IS A COMPONENT OF THE FOOD OR BEVERAGE.

**SECTION 2. Safety clause.** The general assembly hereby finds,

determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

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John Andrews  
PRESIDENT OF  
THE SENATE

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Lola Spradley  
SPEAKER OF THE HOUSE  
OF REPRESENTATIVES

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Mona Heustis  
SECRETARY OF  
THE SENATE

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Judith Rodrigue  
CHIEF CLERK OF THE HOUSE  
OF REPRESENTATIVES

APPROVED \_\_\_\_\_

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Bill Owens  
GOVERNOR OF THE STATE OF COLORADO