

CHAPTER 90

HEALTH AND ENVIRONMENT

HOUSE BILL 25-1166

BY REPRESENTATIVE(S) Feret and Weinberg, Rydin, Stewart R., Bacon, Boesenecker, Brown, Camacho, Clifford, Duran, English, Garcia, Hamrick, Lindsay, Mauro, McCormick, Rutinel, Sirota, Smith, Titone, Valdez, Willford, Woodrow; also SENATOR(S) Kipp and Cutter, Ball, Daugherty, Exum, Jodeh, Liston, Michaelson Jenet, Mullica, Roberts, Winter F., Coleman.

AN ACT**CONCERNING REDUCING FOOD WASTE.**

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

SECTION 1. In Colorado Revised Statutes, 25-16.5-106, **amend** (2)(g) and (2)(h); and **add** (2)(i) as follows:

25-16.5-106. Statewide voluntary sustainability program. (2) In implementing the statewide voluntary program, the department may:

(g) Provide services and funding to assist small businesses; ~~and~~

(h) ~~At the discretion of the department, deliver additional sustainability services to meet business needs~~ TO THE EXTENT FUNDING IS AVAILABLE, PROVIDE ANNUAL TRAINING THAT INCLUDES FOOD WASTE PREVENTION AND REDUCTION STRATEGIES, DEVELOP A FOOD WASTE REDUCTION GUIDANCE DOCUMENT, PLACE THE DOCUMENT ON THE DEPARTMENT'S PUBLIC WEBSITE, AND UPDATE THE DOCUMENT AT LEAST ANNUALLY; AND

(i) AT THE DISCRETION OF THE DEPARTMENT, DELIVER ADDITIONAL SUSTAINABILITY SERVICES TO MEET BUSINESS NEEDS.

SECTION 2. In Colorado Revised Statutes, **amend** 25-4-1616 as follows:

25-4-1616. Donation and resale of safe food encouraged. (1) ~~Each~~ Retail food establishment ~~is~~ ESTABLISHMENTS ARE encouraged to donate ~~apparently wholesome~~ OR RESELL SAFE food to ~~one or more~~ INDIVIDUALS, TO FAMILIES, OR TO local

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.

nonprofit organizations ~~for distribution~~ THAT DISTRIBUTE FOOD to ~~needy or poor~~ individuals OR FAMILIES, INCLUDING BY:

(a) CHILLING OR FREEZING SAFE FOOD TO ALLOW INDIVIDUALS RECEIVING ASSISTANCE FROM THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ESTABLISHED IN PART 3 OF ARTICLE 2 OF TITLE 26 TO PURCHASE PREPARED MEALS AT DISCOUNTED PRICES; AND

(b) ATTEMPTING TO SELL OR DONATE SAFE FOOD THROUGH ONLINE APPLICATIONS THAT ARE DEDICATED TO SUCH PURPOSE.

SECTION 3. In Colorado Revised Statutes, **add** 25-4-1618 as follows:

25-4-1618. Grocery store labeling practices encouraged. (1) ON AND AFTER JANUARY 1, 2026, GROCERY STORES ARE ENCOURAGED TO:

(a) CLEARLY DISPLAY THE INGREDIENTS OF ITEMS OF PREPARED FOOD; AND

(b) USE "BEST IF USED OR FROZEN BY" DATES RATHER THAN "SELL BY" DATES UPON PREPARED ITEMS OF FOOD.

SECTION 4. In Colorado Revised Statutes, 13-21-113, **amend** (1)(a), (2), and (3.5) as follows:

13-21-113. Donation of items of food - exemption from civil and criminal liability - definitions. (1) (a) (I) EXCEPT AS DESCRIBED IN SUBSECTION (1)(a)(II) OF THIS SECTION, THE FOLLOWING PERSONS ARE 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 DONATED FOODS, REGARDLESS OF WHETHER THE DONATED FOOD IS ALLEGED TO HAVE CAUSED ILLNESS OR DEATH:

(A) ~~No~~ A farmer, a retail food establishment, a correctional facility, a school district, a hospital, a FAITH-BASED ORGANIZATION, or a processor, distributor, wholesaler, or retailer of food that donates items of food to a nonprofit organization OR A FAITH-BASED ORGANIZATION OR AN INDIVIDUAL for use or distribution in providing assistance to ~~needy or poor persons~~ ~~nor any~~ INDIVIDUALS; AND

(B) A nonprofit organization in receipt of ~~such gleaned or~~ donated food ~~who~~ THAT transfers the food to another nonprofit organization for use or distribution in providing assistance to ~~needy or poor persons~~ is 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 donated foods; ~~except that this exemption~~ INDIVIDUALS.

(II) THE IMMUNITY FROM LIABILITY DESCRIBED IN SUBSECTION (1)(a)(I) OF THIS SECTION does not apply to willful, wanton, or reckless acts of donors that result in injury OR DEATH to recipients of donated foods.

(2) Nothing in this section relieves ~~any~~ a nonprofit organization that serves or provides food to ~~needy persons~~ INDIVIDUALS for ~~their~~ consumption from any

liability for any injury OR DEATH, including ~~but not limited to~~, injury OR DEATH resulting from ingesting donated foods, as a result of receiving, accepting, gathering, or removing any foods donated under this section; except that a nonprofit organization is not liable for any injury OR DEATH caused by donated food produced pursuant to the "Colorado Cottage Foods Act", section 25-4-1614, C.R.S., unless the nonprofit organization acted unreasonably.

(3.5) A farmer who allows one or more individuals to make entry on the farmer's property for the purpose of gleaning produce for donation to a nonprofit organization for use or distribution in providing assistance to ~~needy or poor persons~~ INDIVIDUALS, as described in subsection (1)(a) of this section, is not liable for damages in any civil action or subject to prosecution in any criminal proceeding resulting from an injury OR DEATH to ~~any~~ such individuals unless the injury OR DEATH results from a willful or wanton act or omission of the farmer.

SECTION 5. 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.

Approved: April 18, 2025