

BILL ANALYSIS

C.S.H.B. 367
By: Bernal
Public Education
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that, under certain federal law, surplus food from meals and snacks served to students as part of a free or reduced-price meal program may be donated to a nonprofit organization. However, the parties are concerned that food-insecure students at the school lose direct access to the food after it is donated and removed from the campus. C.S.H.B. 367 seeks to address these concerns and make more efficient use of excess food in public schools by creating a procedure for the distribution of donated food on the same campus at which it originated.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the commissioner of education in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 367 amends the Education Code to authorize a public school district to allow a campus to elect to donate food to a nonprofit organization through an official of the nonprofit organization who is directly affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. The bill establishes that food donated by the campus may include surplus food prepared for breakfast, lunch, or dinner meals or a snack to be served at the campus cafeteria, subject to any applicable local, state, and federal requirements, or food donated to the campus as the result of a food drive or similar event. The bill provides examples of the type of food that may be donated. The bill authorizes food donated to a nonprofit organization by a campus to be distributed at the campus at any time and authorizes campus employees to assist in preparing and distributing the food as volunteers for the nonprofit organization. The bill authorizes the commissioner of education to adopt rules as necessary to implement the bill's provisions, which apply beginning with the 2017-2018 school year.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 367 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.907 to read as follows:

Sec. 33.907. DONATION OF FOOD. (a) In this section:

(1) "Donate" has the meaning assigned by Section 76.001, Civil Practice and Remedies Code.

(2) "Nonprofit organization" has the meaning assigned by Section 76.001, Civil Practice and Remedies Code.

(b) A school district may allow a campus to elect to donate food to a nonprofit organization through an official on campus nonprofit organization representative or designee who is directly affiliated with the campus, such as a teacher, counselor, or PTA member and the donated food may be received, stored, and redistributed on campus at any time. Food donated by the campus may include:

(1) surplus food from breakfast, lunch, snack and dinner meals served at the campus cafeteria, subject to any applicable local, state and federal requirements; or

(2) food donated to the on-campus nonprofit representative as a result of a food drive or similar event.

(3) Examples of eligible left-over food include

packaged/unpackaged unserved food; served/unserved/food with packaging in good condition;

whole, uncut produce;

wrapped raw produce; and/or

fruit which will be peeled (bananas, oranges).

(c) Food donated under this section to a nonprofit organization may be redistributed on the campus. Campus employees may assist in preparing and distributing the food as volunteers for the nonprofit organization.

(d) The commissioner may adopt rules as necessary to implement this section.

SECTION 2. This Act applies beginning with the 2017-2018 school year.

SECTION 3. This Act takes effect immediately if it receives a vote of two-

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.907 to read as follows:

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(1) "Donate" has the meaning assigned by Section 76.001, Civil Practice and Remedies Code.

(2) "Nonprofit organization" has the meaning assigned by Section 76.001, Civil Practice and Remedies Code.

(b) A school district may allow a campus to elect to donate food to a nonprofit organization through an official of the nonprofit organization who is directly affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

(1) surplus food prepared for breakfast, lunch, or dinner meals or a snack to be served at the campus cafeteria, subject to any applicable local, state, and federal requirements; or

(2) food donated to the campus as the result of a food drive or similar event.

(c) The type of food donated under this section may include:

(1) packaged or unpackaged unserved food;

(2) packaged served food if the packaging is in good condition;

(3) whole, uncut produce;

(4) wrapped raw produce; and

(5) unpeeled fruit required to be peeled before consumption.

(d) Food donated under this section to a nonprofit organization may be distributed at the campus at any time. Campus employees may assist in preparing and distributing the food as volunteers for the nonprofit organization.

(e) The commissioner may adopt rules as necessary to implement this section.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.