

By: Bernal, VanDeaver, Price,  
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H.B. No. 367

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of a public school to donate food to a  
3 nonprofit organization to be served to students of the school.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

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

8 (1) "Donate" has the meaning assigned by Section  
9 76.001, Civil Practice and Remedies Code.

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

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

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

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

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

2                (1) packaged or unpackaged unserved food;

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

5                (3) whole, uncut produce;

6                (4) wrapped raw produce; and

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

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

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

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

17        SECTION 3. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2017.