

By: Bernal, VanDeaver, Price,
Thompson of Harris, Minjarez, et al.

H.B. No. 367

Substitute the following for H.B. No. 367:

By: Bernal

C.S.H.B. No. 367

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a school district to donate food to a nonprofit organization to be served to students of the district.

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

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 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 (1) packaged or unpackaged unserved food;

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

4 (3) whole, uncut produce;

5 (4) wrapped raw produce; and

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

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

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

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

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