

By: Bernal

H.B. No. 367

A BILL TO BE ENTITLED

AN ACT

relating to feeding hungry children through efficient use of excess food in public schools.

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 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 non-profit representative as a result of a food drive or similar event.

(3) Examples of eligible left-over food include

1 packaged/unpackaged unserved food; served/unserved/food with
2 packaging in good condition; whole, uncut produce; wrapped raw
3 produce; and/or fruit which will be peeled (bananas, oranges).

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

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

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

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