By:  Allen H.B. No. 3963

A BILL TO BE ENTITLED

AN ACT

relating to the donation and distribution of food at public schools.

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

SECTION 1.  Section 33.907, Education Code, is amended by amending Subsections (b), (c) and (d)  and adding Subsection (b-1) to read as follows:

(b)  A school district or open-enrollment charter school may allow a campus to elect to donate food to a nonprofit organization through:

(1)  a parent of a student enrolled at the campus; or

(2)  a person [~~an official of the nonprofit organization~~] who is directly and officially affiliated with the campus, including a teacher or [~~,~~] counselor[~~, or parent of a student enrolled at the campus~~].

(b-1)  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, snacks, or dinner meals [~~or a snack to be~~] served from [~~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 Subsection (b-1)(1) [~~this section~~] may include:

(1)  [~~packaged or unpackaged~~] unserved food that was packaged by a person on campus and that was never removed from the campus food serving area before the food is donated;

(2)  packaged served food if the packaging and food are [~~is~~] in good condition and the temperature of the food has been maintained as required by law;

(3)  whole, uncut produce; and

(4)  unserved wrapped raw produce the temperature of which has been maintained as required by law[~~; 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. A person who assists in preparing and distributing the food as a volunteer for the nonprofit organization must be trained under Subchapter D, Chapter 438, Health and Safety Code or supervised by a person who has been trained under that law.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-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, 2019.