

By: Allen

H.B. No. 3963

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the donation and distribution of food at public  
3 schools.

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

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

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

11 (1) a parent of a student enrolled at the campus; or  
12 (2) a person [~~an official of the nonprofit~~  
13 ~~organization~~] who is directly and officially affiliated with the  
14 campus, including a teacher or [~~7~~] counselor [~~, or parent of a~~  
15 ~~student enrolled at the campus~~].

16 (b-1) The donated food may be received, stored, and  
17 distributed on the campus. Food donated by the campus may include:

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

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

24 (c) The type of food donated under Subsection (b-1)(1) [~~this~~

1 ~~section~~] may include:

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

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

8 (3) whole, uncut produce; and

9 (4) unserved wrapped raw produce the temperature of  
10 which has been maintained as required by law[~~;~~ and

11 ~~(5) unpeeled fruit required to be peeled before~~  
12 ~~consumption].~~

13 (d) Food donated under this section to a nonprofit  
14 organization may be distributed at the campus at any time. Campus  
15 employees may assist in preparing and distributing the food as  
16 volunteers for the nonprofit organization. A person who assists in  
17 preparing and distributing the food as a volunteer for the  
18 nonprofit organization must be trained under Subchapter D, Chapter  
19 438, Health and Safety Code or supervised by a person who has been  
20 trained under that law.

21 SECTION 2. This Act takes effect immediately if it receives  
22 a vote of two-thirds of all the members elected to each house, as  
23 provided by Section 39, Article III, Texas Constitution. If this  
24 Act does not receive the vote necessary for immediate effect, this  
25 Act takes effect September 1, 2019.