

BILL ANALYSIS

S.B. 1351
By: Miles
Public Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under the federal Bill Emerson Good Samaritan Food Donation Act of 1996, a public school may donate its leftover food to a nonprofit organization, such as a food bank. Once food is donated, it is taken to the nonprofit organization's facility where it is sorted and prepared for distribution. The 85th Texas Legislature enacted legislation with a similar purpose and allowed school districts and open-enrollment charter school campuses to donate certain surplus food to designated individuals directly affiliated with the campus to serve as official representatives of a nonprofit organization and receive donated food items on campus.

There have been calls to expand that approach by making additional individuals eligible to receive and then redistribute the donated food to the nonprofit organization. S.B. 1351 seeks to address this issue by authorizing districts and charter schools to allow a campus to make additional individuals eligible to aid in these efforts, by revising certain food storage and handling requirements applicable to such donations, and by requiring a basic food safety education or training program for the applicable individuals.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1351 amends the Education Code to change the provision authorizing a public school district or open-enrollment charter school to allow a campus to elect to donate food to a nonprofit organization through an official of the organization who is directly affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. Instead of authorizing such donations only through that official, the district or charter school may allow a campus to elect to donate through either of the following persons, regardless of whether that person is an official of the nonprofit organization:

- any person who is directly and officially affiliated with the campus, including a teacher or counselor; or
- a parent of a student enrolled at the campus.

S.B. 1351 revises the types of food that may be donated; requires donated food that, by law, must be maintained at a certain temperature, to be so maintained by the campus; and requires each person who assists in the preparation and distribution of food as a volunteer to have

completed, or be supervised by a person who has completed, a basic food safety education or training program for accredited food handlers.

EFFECTIVE DATE

September 1, 2021.