

BILL ANALYSIS

Senate Research Center
87R8542 JES-F

S.B. 1351
By: Miles
Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Texas, roughly one in four children experience hunger. In 2017, that meant approximately 1,658,680 children were food insecure in Texas—most from minority communities. The 85th Texas Legislature passed S.B. 725 which allowed for a campus to donate food to a nonprofit organization through a person who is directly and officially affiliated with the campus, including a teacher, counselor, or a parent of a student enrolled at the campus. These individuals would then store and redistribute the donated food on the same campus.

S.B. 1351 will further help clarify who can facilitate food donation distribution and the health and safety standards of the donated food. S.B. 1351 authorizes school districts or open-enrollment charter schools to allow a campus to donate food to a nonprofit organization through a parent of a student enrolled at a campus, or a person who is directly and officially affiliated with the campus. S.B. 1351 allows food donated by the campus to include surplus food prepared for snacks or dinner meals served from the campus cafeteria. The bill also changes the types of food that may be included as part of food donations. For example, allowing "snacks" to be considered as surplus food when it has been "prepared" not just "served."

S.B. 1351 requires that a person who assists in preparing and distributing the food as a volunteer for the nonprofit organization be supervised by a person who has basic food and safety education or training, or otherwise requires the volunteer(s) to be certified food handlers themselves.

As proposed, S.B. 1351 amends current law relating to the donation of food by public school campuses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

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

(b) Authorizes a school district or open-enrollment charter school to allow a campus to elect to donate food to a nonprofit organization through a person, rather than an official of the nonprofit organization, who is directly and officially affiliated with the campus, including a teacher or counselor, or through a parent of a student enrolled at the campus. Authorizes the donated food to be received, stored, and distributed on the campus. Provides that food donated by the campus may include:

- (1) surplus food prepared for breakfast, lunch, or dinner meals or snacks served from the campus cafeteria, rather than 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.

Makes nonsubstantive changes.

(c) Provides that the type of food donated under Subsection (b)(1), rather than this section, may include:

- (1) packaged unserved food that is packaged on the campus of a school district or open-enrollment charter school and has not been removed from the campus cafeteria, rather than packaged or unpackaged unserved food;
- (2) packaged served food if the packaging and food are in good condition;
- (3) whole, uncut produce; and
- (4) wrapped raw unserved produce.

Deletes existing text relating to the inclusion of unpeeled fruit required to be peeled before consumption in the list of authorized donated foods.

(c-1) Provides that food that by law must be maintained at a certain temperature for safety is prohibited from being donated unless the campus has maintained the food at the required temperature.

(d) Requires each person who assists in the preparation and distribution of food at the campus as a volunteer to have completed, or be supervised by a person who has completed, a basic food safety education or training program for food handlers accredited under Subchapter D (Food Service Programs), Chapter 438 (Public Health Measures Relating to Food), Health and Safety Code.

SECTION 2. Effective date: September 1, 2021.