

By: Allen, Bernal

H.B. No. 2756

A BILL TO BE ENTITLED

AN ACT

relating to the donation of food by public school campuses.

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 (c-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 a person [~~an official of the nonprofit organization~~] who is directly and officially affiliated with the campus, including a teacher or [~~r~~] counselor, or through a parent of a student enrolled at the campus. 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, or dinner meals or snacks [~~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) [~~this section~~] may include:

(1) packaged [~~or unpackaged~~] 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;

- 1 (2) packaged served food if the packaging and food are
2 ~~[is]~~ in good condition;
- 3 (3) whole, uncut produce; and
- 4 (4) wrapped raw unserved produce [~~and~~
5 ~~(5) unpeeled fruit required to be peeled before~~
6 ~~consumption~~].

7 (c-1) Food that by law must be maintained at a certain
8 temperature for safety may not be donated unless the campus has
9 maintained the food at the required temperature.

10 (d) Food donated under this section to a nonprofit
11 organization may be distributed at the campus at any time. Campus
12 employees may assist in preparing and distributing the food as
13 volunteers for the nonprofit organization. Each person who assists
14 in the preparation and distribution of food as a volunteer must have
15 completed, or be supervised by a person who has completed, a basic
16 food safety education or training program for food handlers
17 accredited under Subchapter D, Chapter 438, Health and Safety Code.

18 SECTION 2. This Act takes effect September 1, 2021.