

1 ENGROSSED HOUSE
2 BILL NO. 1875

By: Dunnington, Proctor,
Montgomery, Osborn (Leslie)
and Inman of the House

3
4 and

5 Griffin of the Senate

6
7 An Act relating to schools; defining certain terms;
8 permitting schools to donate food to a nonprofit
9 organization through certain individuals; providing
10 examples of food that may be included; permitting
11 food donated to a nonprofit organization to be
12 redistributed on the school site; permitting certain
13 employees to assist in preparing and distributing
14 food; providing certain exemption from liability;
15 permitting State Board of Education to promulgate
16 certain rules; providing for codification; and
17 providing an effective date.

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19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 5-147.1 of Title 70, unless
22 there is created a duplication in numbering, reads as follows:

23 A. As used in this section only:

24 1. "Donate" means to give without requiring anything of
monetary value from the recipient; and

2. "Nonprofit organization" means an incorporated or
unincorporated organization that has been established and is
operating for religious, charitable or educational purposes and that

1 does not distribute any of its income to its members, directors or
2 officers.

3 B. A school district may allow a school site to elect to donate
4 food to a nonprofit organization through an official oncampus
5 nonprofit representative or designee who is directly affiliated with
6 the school site such as a teacher, counselor or Parent-Teacher
7 Association (PTA) member, and the donated food may be received,
8 stored and redistributed at the school site at any time. Food
9 donated by the school site may include surplus food from breakfast,
10 lunch, snack and dinner meals served at the campus cafeteria subject
11 to any applicable local, state and federal requirements. Examples
12 of eligible leftover food include packaged/unpackaged unserved food;
13 served/unserved food with packaging in good condition; whole, uncut
14 produce; wrapped raw produce; and/or fruit which will be peeled such
15 as bananas or oranges.

16 C. Food donated under this section to a nonprofit organization
17 may be redistributed on the school site. School employees may
18 assist in preparing and distributing the food as volunteers for the
19 nonprofit organization.

20 D. A school district that makes or a nonprofit organization
21 that receives a good-faith donation of food which is at the time of
22 donation fit for human consumption shall not be liable for damages
23 in any civil suit or subject to criminal prosecution for any injury
24 resulting from the nature, age, condition or packaging of the

1 donated food, unless the injury or death is a direct result of gross
2 negligence, recklessness or intentional misconduct of the school
3 district or nonprofit organization.

4 E. The State Board of Education may promulgate rules to
5 implement the provisions of this section.

6 SECTION 2. This act shall become effective November 1, 2017.

7 Passed the House of Representatives the 21st day of February,
8 2017.

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Presiding Officer of the House
of Representatives

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Passed the Senate the ___ day of _____, 2017.

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Presiding Officer of the Senate

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