

An Act

ENROLLED HOUSE
BILL NO. 1875

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

and

Griffin of the Senate

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

SUBJECT: Donation of food by schools

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

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

A. As used in this section only:

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

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

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

D. A school district that makes or a nonprofit organization that receives a good-faith donation of food which is at the time of donation fit for human consumption shall not be liable for damages in any civil suit or subject to criminal prosecution for any injury resulting from the nature, age, condition or packaging of the donated food, unless the injury or death is a direct result of gross negligence, recklessness or intentional misconduct of the school district or nonprofit organization.

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

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

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

Presiding Officer of the House
of Representatives

Passed the Senate the 30th day of March, 2017.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____