

1 **SENATE FLOOR VERSION**

2 March 27, 2017

3 ENGROSSED HOUSE  
4 BILL NO. 1875

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

7 and

8 Griffin of the Senate

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

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

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

21 A. As used in this section only:

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

1           2. "Nonprofit organization" means an incorporated or  
2 unincorporated organization that has been established and is  
3 operating for religious, charitable or educational purposes and that  
4 does not distribute any of its income to its members, directors or  
5 officers.

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

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

23           D. A school district that makes or a nonprofit organization  
24 that receives a good-faith donation of food which is at the time of

1 donation fit for human consumption shall not be liable for damages  
2 in any civil suit or subject to criminal prosecution for any injury  
3 resulting from the nature, age, condition or packaging of the  
4 donated food, unless the injury or death is a direct result of gross  
5 negligence, recklessness or intentional misconduct of the school  
6 district or nonprofit organization.

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION  
11 March 27, 2017 - DO PASS  
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