

1                                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 57th Legislature (2019)

4     ENGROSSED SENATE  
5     BILL NO. 297

                                  By: Pugh of the Senate

  and

  Baker, **Vancuren** and **Dills**  
  of the House

6  
7  
8  
9  
10           An Act relating to schools; amending Section 1,  
11           Chapter 6, O.S.L. 2017 (70 O.S. Supp. 2018, Section  
12           5-147.1), which relates to school food donations;  
13           modifying type of food allowed for donation; allowing  
14           certain school district to adopt certain policy to  
15           provide food at no cost to certain students;  
16           providing an effective date; and declaring an  
17           emergency.

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

19           SECTION 1.         **AMENDATORY**           Section 1, Chapter 6, O.S.L. 2017  
20           (70 O.S. Supp. 2018, Section 5-147.1), is amended to read as  
21           follows:

22                 Section 5-147.1.   A.   As used in this section only:

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

                           2.   "Nonprofit organization" means an incorporated or  
                           unincorporated organization that has been established and is

1 operating for religious, charitable or educational purposes and that  
2 does not distribute any of its income to its members, directors or  
3 officers.

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

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

21 D. A school district that allows the donation of food pursuant  
22 to subsection B of this section may adopt a policy under which the  
23 district provides food at no cost to a student for breakfast, lunch  
24

1 or dinner meals or snacks if the student is unable to purchase  
2 breakfast, lunch or dinner meals or snacks.

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

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

13 SECTION 2. This act shall become effective July 1, 2019.

14 SECTION 3. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

18

19 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 04/11/2019 - DO PASS,  
20 As Coauthored.

21

22

23

24