

05/15/2013 02:05:13 PM

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB1418

By: Morrissette of the House and McAffrey of the Senate

Title: Poor persons; creating the Josephine Meade Anti-Hunger Act; emergency.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendment; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

HOUSE CONFEREES

Hulbert, Arthur

Kern, Sally

McDaniel, Jeannie



McNiel, Skye



Nelson, Jason

Nollan, Jadine

Ownbey, Pat



Pittman, Anastasia



Sherrer, Ben



SENATE CONFEREES

McAffrey

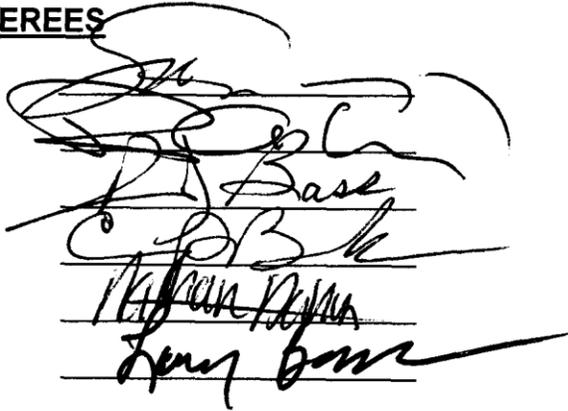
Crain

Bass

Brooks

Dahm

Boggs



Handwritten signatures of Senate conferees, including names like Bass, Brooks, Dahm, and Boggs, written over horizontal lines.

AUTHOR(s)/COAUTHOR(s)CURRENTLY IN THE QUEUE for HB1418

As of 5/15/2013 2:06:46 PM

Add as coauthor Senator Allen

Add as coauthor Senator Stanislawski

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 1418

By: Morrissette, Lockhart,
Bennett, Nollan, Pittman,
Hoskin, Sherrer, Proctor,
Dorman and Cooksey of the
House

7 and

8
9 McAffrey and Johnson
(Constance) of the Senate

10
11
12 CONFERENCE COMMITTEE SUBSTITUTE

13 An Act relating to poor persons; creating the
14 Josephine Meade Anti-Hunger Act; directing the
15 Department of Human Services to promulgate certain
16 rules regarding certain leftover food; directing the
17 State Department of Education to promulgate rules to
18 prevent food waste and to distribute nonperishable
19 food to students in need; amending 76 O.S. 2011,
20 Section 5.6, which relates to good-faith donations of
21 food; requiring State Department of Health to post
22 certain information on website; providing specific
23 information to be included on website; providing for
24 codification; and declaring an emergency.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 163.2 of Title 56, unless there
3 is created a duplication in numbering, reads as follows:

4 This section and Sections 2 and 3 of this act shall be known and
5 may be cited as the "Josephine Meade Anti-Hunger Act".

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 163.3 of Title 56, unless there
8 is created a duplication in numbering, reads as follows:

9 The Department of Human Services shall promulgate rules
10 authorizing the patrons of senior nutrition project sites to take
11 home leftover food. The Department may also seek ways to receive
12 for distribution to patrons donated packaged or nonperishable food
13 as well as natural fresh foods such as fruits and vegetables with no
14 requirements for sites to provide overnight storage.

15 The State Department of Education shall promulgate rules to
16 prevent food waste in public school cafeterias and shall develop
17 policies for redistributing leftover foods to students in need. The
18 Department may seek ways to receive for distribution to needy
19 students packaged or nonperishable food as well as natural fresh
20 foods such as fruits and vegetables with no requirements for school
21 cafeterias to provide overnight storage.

22 SECTION 3. AMENDATORY 76 O.S. 2011, Section 5.6, is
23 amended to read as follows:

24

1 Section 5.6 A. Any donor who makes a good_faith donation of
2 food which is at the time of donation fit for human consumption to a
3 charitable organization or nonprofit corporation shall not be liable
4 for damages in any civil suit or subject to criminal prosecution for
5 any injury resulting from the nature, age, condition or packaging of
6 the donated food, unless the injury or death is a direct result of
7 the gross negligence, recklessness or intentional misconduct of the
8 donor.

9 B. Information shall be posted with the State Department of
10 Health on its website under the existing heading "Protective Health"
11 within a new section labeled "Options for Safe Food Donation" with
12 hyperlinks to Section 5.6 of Title 76 of the Oklahoma Statutes,
13 Oklahoma Administration Code Title 310: Chapter 257, 42 USC Section
14 1791, and to the website of Oklahoma State University's Robert S.
15 Kerr Food and Agriculture Products Center.

16 C. This section shall apply to all good_faith donations of
17 perishable or nonperishable food which is not readily marketable due
18 to appearance, freshness, grade or other conditions.

19 ~~D.~~ D. This section shall not restrict the authority of any
20 appropriate agency to regulate or ban the use of such food for human
21 consumption.

22 ~~D.~~ E. For purposes of this section:
23
24

1 1. "Donor" means any person, profit or nonprofit food
2 distributor, or person who harvests perishable foods who makes a
3 good-faith donation of food;

4 2. "Good-faith donation" means a gift conferred without
5 condition or consideration;

6 3. "Charitable organization" means any benevolent,
7 philanthropic, patriotic, eleemosynary, educational, social, civic,
8 recreational, or religious group or association or any other person
9 performing or purporting to perform acts beneficial to the public;

10 4. "Nonprofit corporation" means a corporation formed for a
11 purpose not involving pecuniary gain to its shareholders or members,
12 paying no dividends or other pecuniary remuneration, directly or
13 indirectly, to its shareholders or members as such, and having no
14 capital stock; and

15 5. "Food" includes any packaged, prepared, perishable or
16 nonperishable food item.

17 SECTION 4. It being immediately necessary for the preservation
18 of the public peace, health and safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

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22 54-1-8010 AM 05/08/13

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