

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1418

By: Morrissette

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6 AS INTRODUCED

7 An Act relating to poor persons; creating the  
8 Josephine Meade Anti-Hunger Act; making legislative  
9 findings; directing the Department of Human Services  
10 to promulgate certain rules regarding certain  
11 leftover food; amending 76 O.S. 2011, Section 5.6,  
which relates to good faith donations of food;  
12 requiring donor to provide certain information  
13 concerning food; providing for codification; and  
14 providing an effective date.

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

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

19 This section and sections 2 through 4 shall be named and may be  
20 cited as the Josephine Meade Anti-Hunger Act.

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

24 Based upon reports from the United States Department of  
Agriculture, the Legislature finds that approximately five hundred

1 thirty thousand Oklahomans struggle with food insecurity, which  
2 means that one in seven Oklahomans lack access at all times to  
3 enough food for an active, healthy life. The Legislature further  
4 finds that approximately seventy-five thousand eight hundred  
5 Oklahomans went through one or more time periods of severe food  
6 disruption and that much of this number represents children and  
7 senior citizens.

8 SECTION 3. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 163.4 of Title 56, unless there  
10 is created a duplication in numbering, reads as follows:

11 The Department of Human Services shall promulgate rules  
12 authorizing the patrons of senior nutrition project sites to take  
13 home leftover food.

14 SECTION 4. AMENDATORY 76 O.S. 2011, Section 5.6, is  
15 amended to read as follows:

16 Section 5.6 A. Any donor who makes a good\_faith donation of  
17 food which is at the time of donation fit for human consumption to a  
18 charitable organization or nonprofit corporation shall not be liable  
19 for damages in any civil suit or subject to criminal prosecution for  
20 any injury resulting from the nature, age, condition or packaging of  
21 the donated food, unless the injury or death is a direct result of  
22 the gross negligence, recklessness or intentional misconduct of the  
23 donor.

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1       B. Any donor who makes a good-faith donation to a charitable  
2 organization or nonprofit corporation shall be required to provide  
3 the food source name of all ingredients that could contain major  
4 food allergens pursuant to the Food Allergen Labeling and Consumer  
5 Protection Act of 2004.

6       C. This section shall apply to all good faith donations of  
7 perishable or nonperishable food which is not readily marketable due  
8 to appearance, freshness, grade or other conditions.

9       ~~E.~~ D. This section shall not restrict the authority of any  
10 appropriate agency to regulate or ban the use of such food for human  
11 consumption.

12       ~~D.~~ E. For purposes of this section:

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

16       2. "Good faith donation" means a gift conferred without  
17 condition or consideration;

18       3. "Charitable organization" means any benevolent,  
19 philanthropic, patriotic, eleemosynary, educational, social, civic,  
20 recreational, religious group or association or any other person  
21 performing or purporting to perform acts beneficial to the public;

22       4. "Nonprofit corporation" means a corporation formed for a  
23 purpose not involving pecuniary gain to its shareholders or members,  
24 paying no dividends or other pecuniary remuneration, directly or

1 indirectly, to its shareholders or members as such, and having no  
2 capital stock; and

3 5. "Food" includes any packaged, prepared, perishable or  
4 nonperishable food item.

5 SECTION 5. This act shall become effective November 1, 2013.

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