

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1875 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Jason Dunnington

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 1875

By: Dunnington and Proctor

PROPOSED COMMITTEE SUBSTITUTE

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 rule; providing for codification; and providing an effective date.

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

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 on-campus  
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 who makes or a nonprofit organization who  
24       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.

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11 56-1-6768 AM 02/06/17

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