

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1875

By: Dunnington, Proctor and
Montgomery of the House

and

Griffin of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

26 A. As used in this section only:

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

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

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

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

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

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

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

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13 COMMITTEE REPORT BY: COMMITTEE ON COMMON EDUCATION, dated 02/14/2017
14 - DO PASS, As Amended and Coauthored.