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ENGROSSED HOUSE
BILL NO. 1875

and

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

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:

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 oncampus
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 that makes or a nonprofit organization
24 that 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.

10 COMMITTEE REPORT BY: COMMITTEE ON EDUCATION
11 March 27, 2017 - DO PASS
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