

1 ENGROSSED SENATE
2 BILL NO. 297

By: Pugh of the Senate

3 and

4 Baker of the House

5
6 An Act relating to schools; amending Section 1,
7 Chapter 6, O.S.L. 2017 (70 O.S. Supp. 2018, Section
8 5-147.1), which relates to school food donations;
9 modifying type of food allowed for donation; allowing
10 certain school district to adopt certain policy to
11 provide food at no cost to certain students;
12 providing an effective date; and declaring an
13 emergency.

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

15 SECTION 1. AMENDATORY Section 1, Chapter 6, O.S.L. 2017
16 (70 O.S. Supp. 2018, Section 5-147.1), is amended to read as
17 follows:

18 Section 5-147.1. A. As used in this section only:

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

21 2. "Nonprofit organization" means an incorporated or
22 unincorporated organization that has been established and is
23 operating for religious, charitable or educational purposes and that
24 does not distribute any of its income to its members, directors or
officers.

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

14 C. Food donated under this section to a nonprofit organization
15 may be redistributed on the school site. School employees may
16 assist in preparing and distributing the food as volunteers for the
17 nonprofit organization.

18 D. A school district that allows the donation of food pursuant
19 to subsection B of this section may adopt a policy under which the
20 district provides food at no cost to a student for breakfast, lunch
21 or dinner meals or snacks if the student is unable to purchase
22 breakfast, lunch or dinner meals or snacks.

23 E. 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.~~ F. The State Board of Education may promulgate rules to
8 implement the provisions of this section.

9 SECTION 2. This act shall become effective July 1, 2019.

10 SECTION 3. It being immediately necessary for the preservation
11 of the public peace, health or safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the Senate the 12th day of March, 2019.

15

16

Presiding Officer of the Senate

17

18 Passed the House of Representatives the ____ day of _____,
19 2019.

20

21

Presiding Officer of the House
of Representatives

22

23

24