

AN ACT

relating to the donation and distribution of food at public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter Z, Chapter 33, Education Code, is amended by adding Section 33.907 to read as follows:

Sec. 33.907. DONATION OF FOOD. (a) In this section:

(1) "Donate" has the meaning assigned by Section 76.001, Civil Practice and Remedies Code.

(2) "Nonprofit organization" has the meaning assigned by Section 76.001, Civil Practice and Remedies Code.

(b) A school district or open-enrollment charter school may allow a campus to elect to donate food to a nonprofit organization through an official of the nonprofit organization who is directly affiliated with the campus, including a teacher, counselor, or parent of a student enrolled at the campus. The donated food may be received, stored, and distributed on the campus. Food donated by the campus may include:

(1) surplus food prepared for breakfast, lunch, or dinner meals or a snack to be served at the campus cafeteria, subject to any applicable local, state, and federal requirements;

or

(2) food donated to the campus as the result of a food drive or similar event.

1 (c) The type of food donated under this section may include:

2 (1) packaged or unpackaged unserved food;

3 (2) packaged served food if the packaging is in good
4 condition;

5 (3) whole, uncut produce;

6 (4) wrapped raw produce; and

7 (5) unpeeled fruit required to be peeled before
8 consumption.

9 (d) Food donated under this section to a nonprofit
10 organization may be distributed at the campus at any time. Campus
11 employees may assist in preparing and distributing the food as
12 volunteers for the nonprofit organization.

13 (e) Under this program, a school district or
14 open-enrollment charter school may adopt a policy under which the
15 district or charter school provides food at no cost to a student for
16 breakfast, lunch, or dinner meals or a snack if the student is
17 unable to purchase breakfast, lunch, or dinner meals or a snack.

18 (f) The commissioner may adopt rules as necessary to
19 implement this section.

20 SECTION 2. This Act applies beginning with the 2017-2018
21 school year.

22 SECTION 3. This Act takes effect immediately if it receives
23 a vote of two-thirds of all the members elected to each house, as
24 provided by Section 39, Article III, Texas Constitution. If this
25 Act does not receive the vote necessary for immediate effect, this
26 Act takes effect September 1, 2017.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 725 passed the Senate on April 19, 2017, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 25, 2017, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 725 passed the House, with amendments, on May 20, 2017, by the following vote: Yeas 133, Nays 0, three present not voting.

Chief Clerk of the House

Approved:

Date

Governor