

## **BILL ANALYSIS**

Senate Research Center  
85R8530 CAE-F

S.B. 755  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Texas ranks second in the nation for food insecurity and 1.9 million children in Texas are food insecure. Many of these children do not have access to food at home or over the weekend. In order to help children access meals on a consistent basis, schools are able to provide food to students on campus through the federal free and reduced breakfast, lunch, snack and dinner programs. However, not all free and reduced meal options are offered on all campuses. In addition, often times unopened and uneaten food that has been served to students as part of these meal programs is thrown away. Examples of this unopened, uneaten food include: packaged/unpackaged unserved food; served/unserved food with packaging in good condition; whole, uncut produce; wrapped raw produce, and/or fruit which will be peeled (bananas, oranges).

Under the federal Bill Emerson Good Samaritan Act, the left-over food that has been served and is uneaten is permitted to be donated by the school to a non-profit organization, like a food bank. Once the food is donated, it leaves the campus to the non-profit organization's facility where it is sorted and prepared for distribution to those in need. Currently, this model does not allow for students who attend the school and are food insecure to access this left over food/donated food directly.

S.B. 755 allows for schools to designate individuals who are directly affiliated with the campus (teacher, counselor, PTA member) to serve as official representatives of a non-profit organization in order to receive donated food items on campus. These individuals can then store and redistribute that donated food on that same campus.

As proposed, S.B. 755 amends current law relating to the authority of a school district to donate food to a nonprofit organization to be served to students of the district.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioner of education in SECTION 1 (Section 33.907, Education Code) of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter Z, Chapter 33, Education Code, by adding Section 33.907, as follows:

Sec. 33.907. DONATION OF FOOD. (a) Defines "donate" and "nonprofit organization."

(b) Authorizes a school district to 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 certain individuals. Provides that the donated food may be received, stored, and distributed on the campus. Authorizes food donated by the campus to include 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 food donated to the campus as the result of a food drive or similar event.

(c) Provides that the type of food donated may include packaged or unpackaged unserved food, packaged served food if the packaging is in good condition, whole, uncut produce, wrapped raw produce, and unpeeled fruit required to be peeled before consumption.

(d) Authorizes food donated under this section to a nonprofit organization to be distributed at the campus at any time. Authorizes campus employees to assist in preparing and distributing the food as volunteers for the nonprofit organization.

(e) Authorizes the commissioner of education to adopt rules as necessary to implement this section.

SECTION 2. Provides that this Act applies beginning with the 2017-2018 school year.

SECTION 3. Effective date: upon passage or September 1, 2017.