

BILL ANALYSIS

Senate Research Center

H.B. 2756
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Education
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under the federal Bill Emerson Good Samaritan Food Donation Act of 1996, a public school may donate its leftover food to a nonprofit organization, such as a food bank. Once food is donated, it is taken to the nonprofit organization's facility where it is sorted and prepared for distribution. The 85th Texas Legislature enacted legislation with a similar purpose and allowed school districts and open-enrollment charter school campuses to donate certain surplus food to designated individuals directly affiliated with the campus to serve as official representatives of a nonprofit organization and receive donated food items on campus.

There have been calls to expand that approach by making additional individuals eligible to receive and then redistribute the donated food to the nonprofit organization. H.B. 2756 seeks to address this issue by authorizing districts and charter schools to allow a campus to make additional individuals eligible to aid in these efforts, by revising certain food storage and handling requirements applicable to such donations, and by requiring a basic food safety education or training program for the applicable individuals.

H.B. 2756 amends current law relating to the donation of food by public school campuses.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 33.907, Education Code, by amending Subsections (b) and (c) and adding Subsection (c-1), as follows:

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

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

(2) makes no changes to this subdivision.

(c) Authorizes the type of food donated under Subsection (b)(1) to include:

(1) packaged unserved food, rather than packaged or unpackaged unserved food, that is packaged on the campus of a school district or open-enrollment charter school and has not been removed from the campus cafeteria;

(2) packaged served food if the packaging and food are in good condition;

(3) whole, uncut produce; and

(4) wrapped raw unserved produce, rather than wrapped raw produce.

Deletes existing text including unpeeled fruit required to be peeled before consumption in a list of acceptable foods to be donated under Subsection (b)(1).

(c-1) Prohibits food that by law is required to be maintained at a certain temperature for safety from being donated unless the campus has maintained the food at the required temperature.

SECTION 2. Effective date: September 1, 2021.