

BILL ANALYSIS

Senate Research Center
85R8530 CAE-F

S.B. 725
By: Miles
Agriculture, Water & Rural Affairs
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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, oftentimes 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 leftover/donated food directly.

This bill, however, 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. 725 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. Authorizes the donated food to be received, store, and distributed on campus. Authorizes the food donated by the campus to include certain items.

(c) Authorizes certain types of food to be donated under this section.

(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.