

1 HB566
2 199963-4
3 By Representatives Kitchens, Rowe, Faulkner, Sullivan,
4 Stadthagen, Estes, Moore (P), Lawrence, Fincher, Gray, Shiver,
5 Coleman, Drummond, Wilcox, Faust, Collins, Allen, Ledbetter,
6 Standridge, Rich, Brown (K), Robertson, Wood (D), Shaver,
7 Kiel, Marques, Isbell, Whitt, Crawford, Reynolds, Morris and
8 Easterbrook
9 RFD: Education Policy
10 First Read: 02-MAY-19

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ENROLLED, An Act,

Relating to public K-12 school nutrition; to provide that a public school district may allow its schools to donate surplus, non-expired food to a charitable organization for the purpose of redistributing the food to needy students participating in the federal school nutrition programs for consumption at the school or off school grounds.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) For purposes of this section, the following terms have the following meanings:

(1) CHARITABLE ORGANIZATION. Any food bank or charitable organization as defined in the federal Richard B. Russell National School Lunch Act.

(2) DEPARTMENT. The State Department of Education.

(3) FOOD. Any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption.

(4) SCHOOL. A public elementary school, middle school, or high school.

(b) A local board of education may allow any school under its jurisdiction to donate surplus, non-expired food to a charitable organization through an official of the charitable organization who is directly affiliated with the school, including a teacher, counselor, support staff, or any

1 employee of the school, or a parent of a student enrolled at
2 the school. The donated food may be received, stored, and
3 distributed at the school. All applicable federal and state
4 food safety requirements shall be followed during handling,
5 storage, and distribution of the food.

6 (c) Food donated to a charitable organization
7 pursuant to this section may be distributed at the school at
8 any time. School employees may assist in preparing and
9 distributing the food as volunteers for the charitable
10 organization.

11 (d) A local board of education may adopt a policy
12 under which schools provide donated food pursuant to this
13 section at no cost to a student who receives free or reduced
14 cost school meals under the National School Breakfast and
15 Lunch Programs for breakfast, lunch, or dinner meals or for a
16 snack if the student is unable to purchase breakfast, lunch,
17 or dinner meals or a snack. A policy adopted pursuant to this
18 section may not require that food provided pursuant to the
19 policy be consumed at the school or prohibit the food from
20 being transported away from school grounds by the student.

21 (e) (1) ~~No~~ Pursuant to Section 36-1-12, Code of
22 Alabama 1975, no school employee or school shall be subject to
23 civil or criminal liability arising from the nature, age,
24 packaging, or condition of food that the employee or school

1 donates in good faith to a charitable organization for
2 ultimate distribution to students pursuant to this section.

3 (2) ~~A charitable organization~~ Pursuant to Section
4 6-5-336, Code of Alabama 1975, a person performing services
5 for a nonprofit organization, a nonprofit corporation, a
6 hospital, or a governmental entity without compensation may
7 not be subject to civil or criminal liability arising from the
8 nature, age, packaging, or condition of food that the person
9 or school donates in good faith to a charitable organization
10 for ultimate distribution to students pursuant to this
11 section.

12 (3) Subdivisions (1) and (2) do not apply to an
13 injury to or death of an ultimate user or recipient of the
14 food that results from an act or omission of the donor
15 constituting gross negligence or intentional misconduct.

16 (f) The State Board of Education shall adopt rules
17 as necessary to implement this section.

18 Section 2. This act shall become effective on the
19 first day of the third month following its passage and
20 approval by the Governor, or its otherwise becoming law.

