HB566

199963-2

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RFD: Education Policy

First Read: 02-MAY-19
SYNOPSIS: Existing federal law allows schools and local educational agencies participating in the federal school nutrition programs to donate any food not consumed under the programs to eligible local food banks or charitable organizations.

This bill would 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.

A BILL TO BE ENTITLED
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 employee of the school, or a parent of a student enrolled at the school. The donated food may be received, stored, and distributed at the school. All applicable federal and state food safety requirements shall be followed during handling, storage, and distribution of the food.

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

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

(e)(1) No school employee or school shall be subject
to civil or criminal liability arising from the nature, age,
packaging, or condition of food that the employee or school
donates in good faith to a charitable organization for
ultimate distribution to students pursuant to this section.

(2) A charitable organization may not be subject to
civil or criminal liability arising from the nature, age,
packaging, or condition of food that the person or school
donates in good faith to a charitable organization for
ultimate distribution to students pursuant to this section.

(3) Subdivisions (1) and (2) do not apply to an
injury to or death of an ultimate user or recipient of the
food that results from an act or omission of the donor
constituting gross negligence or intentional misconduct.
(f) The State Board of Education shall adopt rules as necessary to implement this section.

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