

1 HB566
2 199963-2
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

2
3
4
5
6
7
8 SYNOPSIS: Existing federal law allows schools and
9 local educational agencies participating in the
10 federal school nutrition programs to donate any
11 food not consumed under the programs to eligible
12 local food banks or charitable organizations.

13 This bill would provide that a public school
14 district may allow its schools to donate surplus,
15 non-expired food to a charitable organization for
16 the purpose of redistributing the food to needy
17 students participating in the federal school
18 nutrition programs for consumption at the school or
19 off school grounds.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT

24
25 Relating to public K-12 school nutrition; to provide
26 that a public school district may allow its schools to donate
27 surplus, non-expired food to a charitable organization for the

1 purpose of redistributing the food to needy students
2 participating in the federal school nutrition programs for
3 consumption at the school or off school grounds.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

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

10 (2) DEPARTMENT. The State Department of Education.

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

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

16 (b) A local board of education may allow any school
17 under its jurisdiction to donate surplus, non-expired food to
18 a charitable organization through an official of the
19 charitable organization who is directly affiliated with the
20 school, including a teacher, counselor, support staff, or any
21 employee of the school, or a parent of a student enrolled at
22 the school. The donated food may be received, stored, and
23 distributed at the school. All applicable federal and state
24 food safety requirements shall be followed during handling,
25 storage, and distribution of the food.

26 (c) Food donated to a charitable organization
27 pursuant to this section may be distributed at the school at

1 any time. School employees may assist in preparing and
2 distributing the food as volunteers for the charitable
3 organization.

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

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

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

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

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

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

2
3 HOUSE EDUCATION POLICY COMMITTEE AMENDMENT TO HB566
4
5
6
7

8 On page 3, line 14, after "(e)(1)" delete "No" and
9 insert in lieu thereof the following:

10 Pursuant to Section 36-1-12, Code of Alabama 1975,
11 no

12
13 On page 3, line 19, after "(2)", delete "A
14 charitable organization" and insert in lieu thereof the
15 following:

16 Pursuant to Section 6-5-336, Code of Alabama 1975,
17 a person performing services for a nonprofit organization, a
18 nonprofit corporation, a hospital, or a governmental entity
19 without compensation