

2019 Alabama House Bill No. 566, Alabama 2019 Regular Session

ALABAMA BILL TEXT

**TITLE: Schools, public K-12, nutrition, allowing schools to donate surplus, non-expired food to charitable organizations, purpose of redistributing food to needy students**

VERSION: Adopted

June 10, 2019

Kitchens



[Image 1 within document in PDF format.](#)

SUMMARY: 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

**TEXT:**

ACT #2019-526

HB566

199963-4

By Representatives Kitchens, Rowe, Faulkner, Sullivan, Stadthagen, Estes, Moore (P), Lawrence, Fincher, Gray, Shiver, Coleman, Drummond, Wilcox, Faust, Collins, Allen, Ledbetter, Standridge, Rich, Brown (K), Robertson, Wood (D), Shaver, Kiel, Marques, Isbell, Whitt, Crawford, Reynolds, Morris and Easterbrook

RFD: Education Policy

First Read: 02-MAY-19

**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 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~~ **Pursuant to Section 36-1-12, Code of Alabama 1975, 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~~ **Pursuant to Section 6-5-336, Code of Alabama 1975, a person performing services for a nonprofit organization, a nonprofit corporation, a hospital, or a governmental entity without compensation** 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.

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Speaker of the House of Representatives

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President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 23-MAY-19, as amended.

Jeff Woodard

Clerk

\_\_\_\_\_ Senate 30-MAY-19 Passed

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