An Act

ENROLLED HOUSE
BILL NO. 1418

By: Morrissette, Lockhart, Bennett, Nollan, Pittman, Hoskin, Sherrer, Proctor, Dorman, Cooksey, Inman, McDaniel (Jeannie), Condit, Shelton and Cannaday of the House

and

McAffrey, Johnson (Constance), Allen and Stanislawski of the Senate

An Act relating to poor persons; creating the Josephine Meade Anti-Hunger Act; directing the Department of Human Services to promulgate certain rules regarding certain leftover food; directing the State Department of Education to promulgate rules to prevent food waste and to distribute nonperishable food to students in need; amending 76 O.S. 2011, Section 5.6, which relates to good-faith donations of food; requiring State Department of Health to post certain information on website; providing specific information to be included on website; providing for codification; and declaring an emergency.

SUBJECT: Josephine Meade Anti-Hunger Act

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 163.2 of Title 56, unless there is created a duplication in numbering, reads as follows:

This section and Sections 2 and 3 of this act shall be known and may be cited as the "Josephine Meade Anti-Hunger Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 163.3 of Title 56, unless there is created a duplication in numbering, reads as follows:

The Department of Human Services shall promulgate rules authorizing the patrons of senior nutrition project sites to take home leftover food. The Department may also seek ways to receive for distribution to patrons donated packaged or nonperishable food as well as natural fresh foods such as fruits and vegetables with no requirements for sites to provide overnight storage.

The State Department of Education shall promulgate rules to prevent food waste in public school cafeterias and shall develop policies for redistributing leftover foods to students in need. The Department may seek ways to receive for distribution to needy students packaged or nonperishable food as well as natural fresh foods such as fruits and vegetables with no requirements for school cafeterias to provide overnight storage.

SECTION 3. AMENDATORY 76 O.S. 2011, Section 5.6, is amended to read as follows:

Section 5.6 A. Any donor who makes a good-faith donation of food which is at the time of donation fit for human consumption to a charitable organization or nonprofit corporation shall not be liable for damages in any civil suit or subject to criminal prosecution for any injury resulting from the nature, age, condition or packaging of the donated food, unless the injury or death is a direct result of the gross negligence, recklessness or intentional misconduct of the donor.

B. Information shall be posted with the State Department of Health on its website under the existing heading "Protective Health" within a new section labeled "Options for Safe Food Donation" with hyperlinks to Section 5.6 of Title 76 of the Oklahoma Statutes, Oklahoma Administration Code Title 310: Chapter 257, 42 U.S.C., Section 1791, and to the website of Oklahoma State University's Robert S. Kerr Food and Agriculture Products Center.

C. This section shall apply to all good-faith donations of perishable or nonperishable food which is not readily marketable due to appearance, freshness, grade or other conditions.

~~C.~~ D. This section shall not restrict the authority of any appropriate agency to regulate or ban the use of such food for human consumption.

~~D.~~ E. For purposes of this section:

1. "Donor" means any person, profit or nonprofit food distributor, or person who harvests perishable foods who makes a good-faith donation of food;

2. "Good-faith donation" means a gift conferred without condition or consideration;

3. "Charitable organization" means any benevolent, philanthropic, patriotic, eleemosynary, educational, social, civic, recreational~~,~~ or religious group or association or any other person performing or purporting to perform acts beneficial to the public;

4. "Nonprofit corporation" means a corporation formed for a purpose not involving pecuniary gain to its shareholders or members, paying no dividends or other pecuniary remuneration, directly or indirectly, to its shareholders or members as such, and having no capital stock; and

5. "Food" includes any packaged, prepared, perishable or nonperishable food item.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 16th day of May, 2013.

Presiding Officer of the House
of Representatives

Passed the Senate the 23rd day of May, 2013.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 24th

day of May, 20 13, at 11:12 o'clock A M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 29th

day of May, 20 13, at 3:31 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 29th

day of May, 20 13, at 5:25 o'clock P. M.

By: Chris Morris