
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1286 Session of
2023

INTRODUCED BY MERSKI, BULLOCK, SCHLOSSBERG, PIELLI, HILL-EVANS,
MADDEN, HARKINS, STEELE, SANCHEZ, KHAN, CERRATO, KEEFER,
WARREN, INNAMORATO, N. NELSON, SHUSTERMAN, DELLOSO, WAXMAN
AND CEPEDA-FREYTIZ, JUNE 1, 2023

REFERRED TO COMMITTEE ON EDUCATION, JUNE 1, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," in pupils and attendance, providing
6 for shared table school nutrition initiative.

7 The General Assembly finds and declares as follows:

8 (1) One in five children suffer from food insecurity in
9 this Commonwealth, despite schools maintaining a large
10 percentage of uneaten and eventually discarded food that
11 could otherwise be reused.

12 (2) A new initiative called the "Shared Table"
13 encourages a school to collect unused food that is
14 appropriate for redistribution and discretely supply that
15 food throughout the day to students that suffer from food
16 insecurity or to nonprofit organizations that provide food to
17 individuals with food insecurity.

18 (3) The Shared Table initiative has grown nationally and
19 has become an effective method to distribute excess school

1 food while supplying food to individuals suffering from food
2 insecurity.

3 (4) The Shared Table initiative can be as simple as
4 designating a location in a school for food to be taken by
5 students throughout the school day and can provide a system
6 that discretely allows for a student suffering from food
7 insecurity to take home excess school food.

8 (5) Additional food is not required to be produced by a
9 school cafeteria in order to effectively promote the Shared
10 Table initiative. Similar initiatives have been implemented
11 throughout the United States and have been successful in
12 safely distributing food consistent with United States Food
13 and Drug Administration, State and local health agency
14 requirements.

15 The General Assembly of the Commonwealth of Pennsylvania
16 hereby enacts as follows:

17 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
18 as the Public School Code of 1949, is amended by adding a
19 section to read:

20 Section 1335.1. Shared Table School Nutrition Initiative.--

21 (a) The State Board of Education shall promulgate the rules and
22 regulations necessary for school districts in this Commonwealth
23 to manage and distribute excess school food consistent with
24 requirements and guidelines of the United States Food and Drug
25 Administration relating to the distribution of excess food.

26 (b) The policy under subsection (a) shall provide a list of
27 food products and methodologies for distribution that includes:

28 (1) The types of food that may be distributed.

29 (2) Methods of food distribution that provide access to
30 excess food before, during and after the school day for students

1 to consume at school activities or to take home, which may
2 include selection of an area where food service staff, students
3 or faculty may return appropriate food items.

4 (3) Methods in which excess food may be donated by the
5 school district to individuals or nonprofit charitable
6 organizations.

7 (c) The preparation, safety and donation of food under this
8 section to a nonprofit charitable organization shall be subject
9 to 42 Pa.C.S. § 8338 (relating to liability for damages from
10 donated food and grocery products).

11 (d) Each school district in this Commonwealth shall
12 establish, consistent with rules and regulations promulgated by
13 the State Board of Education, a program to participate in the
14 initiative under this section.

15 (e) A person authorized to dispense food under this section
16 shall not be criminally liable if the person performs the
17 activities in good faith and shall not be civilly liable for the
18 activities when the person acted in a reasonable manner
19 according to the approved practices.

20 Section 2. This act shall take effect in 60 days.