

118TH CONGRESS  
1ST SESSION

# H. R. 4750

To amend the Bill Emerson Good Samaritan Food Donation Act to provide protection for the good faith donation of pet products, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 19, 2023

Mr. RASKIN (for himself, Mrs. KIM of California, Mrs. MCBATH, Mr. JOYCE of Ohio, Ms. MACE, Mr. FITZPATRICK, Ms. ESCOBAR, Mr. HUFFMAN, Mr. POCAN, Ms. DAVIDS of Kansas, Mr. CARSON, Mr. COHEN, Ms. SÁNCHEZ, Ms. MALLIOTAKIS, Mrs. DINGELL, Mr. ALLRED, Mr. SCHIFF, Ms. TITUS, and Mr. MOSKOWITZ) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Bill Emerson Good Samaritan Food Donation Act to provide protection for the good faith donation of pet products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bring Animals Relief  
5 and Kibble Act of 2023” or as the “BARK Act of 2023”.

6 **SEC. 2. AMENDMENTS TO DEFINITIONS.**

7 Section 22(b) of the Child Nutrition Act of 1966 (42  
8 U.S.C. 1791(b)) is amended—

1 (1) in paragraph (4), by striking “for human  
2 consumption” and inserting the following: “for—

3 “(A) human consumption; or

4 “(B) pet, emotional support animal, or  
5 service animal consumption.”;

6 (2) in paragraph (7), by inserting “pet supply,”  
7 after “household cleaning product,”;

8 (3) in paragraph (11), by inserting “pet food  
9 supplier,” after “farmer,”; and

10 (4) by adding at the end the following:

11 “(13) EMOTIONAL SUPPORT ANIMAL.—The  
12 term ‘emotional support animal’ means an animal  
13 that is—

14 “(A) covered by the exclusion specified in  
15 section 5.303 of title 24, Code of Federal Regu-  
16 lations (or a successor regulation); and

17 “(B) not a service animal.

18 “(14) PET.—The term ‘pet’ means a domes-  
19 ticated animal, such as a dog, cat, bird, rodent, fish,  
20 turtle, or other animal that is kept for pleasure rath-  
21 er than for commercial purposes.

22 “(15) PET SUPPLY.—The term ‘pet supply’  
23 means tangible personal property used for a pet, in-  
24 cluding a pet carrier, crate, kennel, house, cage, arti-

1 cle of clothing, bedding, toy, collar, leash, lead, tie-  
2 out, feeder, bowl, dish, pet gate, or pet door.

3 “(16) SERVICE ANIMAL.—The term ‘service  
4 animal’ has the meaning given the term in section  
5 36.104 of title 28, Code of Federal Regulations (or  
6 a successor regulation).”.

7 **SEC. 3. LIABILITY WITH RESPECT TO PET PRODUCT DONA-**  
8 **TIONS.**

9 Section 22(c) of the Child Nutrition Act of 1966 (42  
10 U.S.C. 1791(c)) is amended—

11 (1) by redesignating paragraph (4) as para-  
12 graph (5);

13 (2) in paragraph (5) (as so redesignated)—

14 (A) by striking “and (3)” and inserting  
15 “(3), and (4)”; and

16 (B) by inserting “State or local govern-  
17 ment,” after “gleaner,”; and

18 (3) by inserting after paragraph (3) the fol-  
19 lowing:

20 “(4) LIABILITY WITH RESPECT TO PETS, SERV-  
21 ICE ANIMALS, OR EMOTIONAL SUPPORT ANIMALS.—

22 “(A) DONATIONS MADE.—A person or  
23 gleaner shall not be subject to civil or criminal  
24 liability arising from the nature, age, pack-  
25 aging, or condition of food described in sub-

1 section (b)(4)(B) or pet supplies that the per-  
2 son or gleaner donates in good faith to a non-  
3 profit organization or State or unit of local gov-  
4 ernment for direct distribution to pets, service  
5 animals, or emotional support animals.

6 “(B) DONATIONS RECEIVED.—A nonprofit  
7 organization or State or unit of local govern-  
8 ment shall not be subject to civil or criminal li-  
9 ability arising from the nature, age, packaging,  
10 or condition of food described in subsection  
11 (b)(4)(B) or pet supplies that the nonprofit or-  
12 ganization or State or unit of local government  
13 received as a donation in good faith from a per-  
14 son or gleaner for direct distribution to pets,  
15 service animals, or emotional support animals.”.

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