

2021 -- H 5328 SUBSTITUTE A

LC000195/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO EDUCATION -- SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

Introduced By: Representatives Carson, Cortvriend, Speakman, Fogarty, Ruggiero,
Caldwell, Donovan, Alzate, and Barros

Date Introduced: February 03, 2021

Referred To: House Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 110

4 SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

5 **16-110-1. Legislative findings.**

6 The general assembly recognizes and declares that:

- 7 (1) The people of the state desire to promote a clean and wholesome school environment
8 for our students, teachers, support staff, and school district administrators;
9 (2) A significant percentage of school waste is recyclable;
10 (3) A significant percentage of Rhode Island households are suffering from food insecurity;
11 (4) Surplus food donations help feed roughly thirteen percent (13%) of Rhode Islanders
12 comprising about fifty-six thousand (56,000) households;
13 (5) Food donations are provided for under Rhode Island and federal good samaritan laws
14 so that businesses are protected from liability when donations are made in good faith;
15 (6) The Rhode Island department of education, Rhode Island department of health, and the
16 United States Department Of Agriculture (USDA) support the recovery for donation of unopened
17 commercially packaged food and whole fruits from school meals in Rhode Island;
18 (7) Any environmentally and economically sound solid waste management system must
19 incorporate recycling and all solid waste capable of being recycled should be recycled;

1 (8) A significant amount of plastics, paper, and electronic equipment is generated as waste
2 in Rhode Island Schools;

3 (9) A sound recycling program for all covered educational entities will best be achieved by
4 cooperation of the Rhode Island resource recovery corporation, the department of environmental
5 management, the Rhode Island department of education, and the cities and towns of the state; and

6 (10) Upon implementation, the program shall reduce food waste and paper waste at meal
7 times and throughout the school day and should be encouraged statewide.

8 **16-110-2. Definitions.**

9 As used in this chapter.

10 (1) "Educational entity" means the entire Rhode Island school district including all public
11 and charter schools.

12 (2) "Waste audit" means an analysis of a facility's waste stream. The audit can identify
13 what types of recyclable materials and waste a facility generates, how much of each category is
14 recovered for recycling or discarded, and what materials can be composted.

15 **16-110-3. Waste audit/report.**

16 (a) On or after January 1, 2022, and every three (3) years thereafter, every educational
17 institution, including, but not limited to, all public and private schools grades kindergarten through
18 twelve (K-12), any charter public school, or any career and technical high school shall coordinate
19 and cooperate with the Rhode Island resource recovery corporation (RIRRC) for the purpose of
20 conducting school waste audits. These audits shall produce waste management reports which shall
21 be collected, maintained, and delivered to all school district school boards, school district
22 principals, school district facility managers, and school district superintendents. Such waste audits
23 shall be performed at every kindergarten through grade twelve (K-12) public, private, charter and
24 vocational school in Rhode Island.

25 (b) Waste audits and any reports required herein shall include guidelines and strategies on
26 reducing waste for each school district to incorporate into their food waste reduction and recycling
27 programs in an effort to eliminate food waste, promote recycling, and provide food to local
28 communities.

29 (c) Educational institutions, using the guidelines and strategies pursuant to subsection (b)
30 of this section, shall design and implement a waste collection system in accordance with applicable
31 state law for the diversion of items including, but not limited to, paper, books, furniture, computers,
32 office supplies, plastic, glass, cardboard and surplus foods.

33 (d) Notwithstanding any other provision of law, any waste audit conducted pursuant to this
34 section shall be provided free of charge by the RIRRC.

1 **16-110-4. Food service and refuse disposal.**

2 It shall be the policy of the state, the department of education, and any school district
3 thereunder to require that any request for proposal (RFP) to select a food service company (vendor)
4 to provide food services to a single school district, regional school district, multiple school districts,
5 including any public or private school grades kindergarten through twelve (K-12), any charter
6 public school, or any career and technical high school, shall include, as part of its proposal,
7 assurances that the vendor is in compliance with all laws relative to recycling and composting
8 pursuant to chapter 18.9 of title 23; provided that, food waste is separated for diversion within that
9 school district.

10 **16-110-5. Food service – Local sources preferred.**

11 It shall be the policy of the state, the department of education and any school district
12 thereunder to encourage that any request for proposal (RFP) to a food service company (vendor) to
13 provide food services to a single school district, regional school district or multiple school districts
14 including any public or private schools grades kindergarten through twelve (K-12), any charter
15 public school, any career and technical high school to encourage the use of a vendor that purchases
16 ten percent (10%) of the required food service product from a Rhode Island-based food service
17 company. In addition, it shall also be the policy of the state, the department of education, and any
18 school district thereunder, to encourage the use of vendors who recycle organic-waste materials at
19 an authorized composting facility, an anaerobic digestion facility, or by another authorized
20 recycling method, regardless of whether the entity purchasing the services is or is not a covered
21 entity or a covered educational institution pursuant to the provisions of § 23-18.9-7.

22 **16-110-6. Food donations by food service companies.**

23 (a) It shall be the policy of the state, the department of education and any school district
24 thereunder to require that any request for proposal (RFP) to select a food service company (vendor)
25 to provide food services to a single school district, regional school district or multiple school
26 districts including any public or private schools grades kindergarten through twelve (K-12), any
27 charter public school, or any career and technical high school shall require the vendor to donate
28 any unserved nonperishable or unspoiled perishable food to local food banks or the Rhode Island
29 Food Bank in accordance with the recommendations from the Rhode Island department of health
30 "The Road to End Hunger" initiative.

31 (b) Vendors required to donate nonperishable and unspoiled perishable food to local food
32 banks or the Rhode Island Food Bank shall initially make arrangements for the provision
33 accommodations necessary to carry out the provisions of this section.

34 (c) Except for injury resulting from gross negligence or intentional misconduct in the

1 preparation or handling of donated food, no educational entity, person or vendor that donates food
2 that is fit for human consumption at the time it was donated, as required by subsection (a) of this
3 section, shall be liable for any damage or injury resulting from the consumption of the donated
4 food.

5 (d) The immunity from civil liability provided by this section applies regardless of
6 compliance with any laws, regulations, or ordinances regulating the packaging or labeling of food,
7 and regardless of compliance with any laws, regulations, or ordinances regulating the storage or
8 handling of the food by the donee after the donation of the food. The donation of nonperishable
9 food that is fit for human consumption but that has exceeded the labeled shelf life date
10 recommended by the manufacturer is protected pursuant to this section. The donation of perishable
11 food that is fit for human consumption but that has exceeded the labeled shelf life date
12 recommended by the manufacturer is protected pursuant to this section if the person that distributes
13 the food to the end recipient makes a good faith evaluation that the food to be donated is
14 wholesome.

15 (e) The local food bank or Rhode Island Food Bank that, in good faith, receives and
16 distributes food without charge, pursuant to subsection (a) of this section, that is fit for human
17 consumption at the time it was distributed is not liable for any injury or death due to the food unless
18 the injury or death is a direct result of the gross negligence or intentional misconduct of the
19 organization.

20 **16-110-7. Expiration dates.**

21 An educational entity, person, or vendor that donates food as permitted by law shall not be
22 subject to civil or criminal liability or penalty for any violation of any laws, regulations, or
23 ordinances regulating the labeling or packaging of the donated product or, with respect to any other
24 laws, regulations, or ordinances, for a violation occurring after the time of donation. The donation
25 of nonperishable food that is fit for human consumption but that has exceeded the labeled shelf life
26 date recommended by the manufacturer is protected, pursuant to this section, if the entity, person
27 or vendor that distributes the food to the end recipient makes a good faith evaluation that the food
28 to be donated is wholesome.

29 **16-110-8. Rules and regulations.**

30 The commissioner is hereby authorized to promulgate whatever rules and regulations may
31 be required to implement this chapter and shall annually provide notice to all school districts of the
32 department's school waste disposal and refuse disposal policies.

33 SECTION 2. Section 23-18.9-17 of the General Laws in Chapter 23-18.9 entitled "Refuse
34 Disposal" is hereby amended to read as follows:

1 **23-18.9-17. Food waste ban.**

2 (a) On and after January 1, 2016, each covered entity and each covered educational
3 institution shall ensure that the organic-waste materials that are generated by the covered entity or
4 at the covered educational facility are recycled at an authorized, composting facility or anaerobic
5 digestion facility or by another authorized recycling method if:

6 (1) The covered entity or covered educational facility generates not less than one hundred
7 four (104) tons per year of organic-waste material; and

8 (2) The covered entity or covered educational facility is located not more than fifteen (15)
9 miles from an authorized composting facility or anaerobic digestion facility with available capacity
10 to accept such material.

11 (b) On and after January 1, 2018, each covered educational institution shall ensure that the
12 organic-waste materials that are generated at the covered educational facility are recycled at an
13 authorized, composting facility or anaerobic digestion facility or by another authorized recycling
14 method if:

15 (1) The covered educational facility generates not less than fifty-two (52) tons per year of
16 organic-waste material; and

17 (2) The covered entity or covered educational facility is located not more than fifteen (15)
18 miles from an authorized, composting facility or anaerobic digestion facility with available capacity
19 to accept such material.

20 (c) The director shall grant a waiver of the requirements of subsections (a) and (b) upon a
21 showing that the tipping fee charged by the Rhode Island resource recovery corporation for non-
22 contract commercial sector waste is less than the fee charged for organic-waste material by each
23 composting facility or anaerobic digestion facility located within fifteen (15) miles of the covered
24 entity's location.

25 (d) On and after January 1, 2023, each covered entity and each covered educational
26 institution, including, but not limited to, any public or private school shall ensure that the organic-
27 waste materials that are generated by the covered entity or at the covered educational facility are
28 recycled at an authorized, composting facility or anaerobic digestion facility or by another
29 authorized recycling method if:

30 (1) The covered educational facility generates not less than thirty (30) tons per year of
31 organic-waste material; and

32 (2) The covered entity or covered educational facility is located not more than fifteen (15)
33 miles from an authorized, composting facility or anaerobic digestion facility with available capacity
34 to accept such material.

1 SECTION 3. This act shall take effect on September 1, 2021.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO EDUCATION -- SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

1 This act would require schools to comply with composting and recycling laws, would
2 promote the donation of unspoiled nonperishable food by schools, would promote the selection of
3 local food service companies for school food service contracts and the selection of vendors who
4 recycle organic-waste at appropriate facilities.

5 This act would take effect on September 1, 2021.

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