

115TH CONGRESS
2D SESSION

S. 2787

To amend the Child Nutrition Act of 1966 to clarify and expand food donation under the Bill Emerson Good Samaritan Food Donation Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

APRIL 26, 2018

Mr. HATCH introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Child Nutrition Act of 1966 to clarify and expand food donation under the Bill Emerson Good Samaritan Food Donation Act, 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 “Food Donation Act
5 of 2018”.

6 **SEC. 2. BILL EMERSON GOOD SAMARITAN FOOD DONATION**

7 **ACT.**

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

1 (1) in subsection (b)—

2 (A) in paragraph (1)—

3 (i) by striking “quality and labeling”
4 and inserting “safety and safety-related la-
5 beling”; and

6 (ii) by inserting “being past date
7 label,” after “surplus,”;

8 (B) in paragraph (2)—

9 (i) by striking “quality and labeling”
10 and inserting “safety and safety-related la-
11 beling”; and

12 (ii) by inserting “being past date
13 label,” after “surplus,”;

14 (C) in paragraph (3), by striking “not re-
15 quired to give anything of monetary value” and
16 inserting “not required to give anything of
17 monetary value or is charged a good Samaritan
18 reduced price”;

19 (D) by redesignating paragraphs (6)
20 through (10) as paragraphs (7) through (11),
21 respectively;

22 (E) by inserting after paragraph (5) the
23 following:

24 “(6) GOOD SAMARITAN REDUCED PRICE.—The
25 term ‘good Samaritan reduced price’ means, with re-

1 spect to the price of an apparently wholesome food
2 or an apparently fit grocery product, a price that is
3 an amount not greater than the cost of handling, ad-
4 ministering, and distributing the apparently whole-
5 some food or apparently fit grocery product.”; and

6 (F) by inserting after paragraph (11) (as
7 redesignated by subparagraph (D)) the fol-
8 lowing:

9 “(12) QUALIFIED DIRECT DONOR.—The term
10 ‘qualified direct donor’ means a retail grocer, whole-
11 saler, agricultural producer, restaurant, caterer,
12 school food authority, or institution of higher edu-
13 cation (as defined in section 102 of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1002))”; and

15 (2) in subsection (c)—

16 (A) in paragraph (1) by inserting “or sells
17 at a good Samaritan reduced price” after “do-
18 nates in good faith”;

19 (B) in paragraph (2) by inserting “or sale
20 at a good Samaritan reduced price” after “ulti-
21 mate distribution”;

22 (C) by redesignating paragraph (3) as
23 paragraph (4);

24 (D) by inserting after paragraph (2) the
25 following:

1 “(3) DIRECT DONATIONS TO NEEDY INDIVID-
2 UALS.—A qualified direct donor shall not be subject
3 to civil or criminal liability arising from the nature,
4 age, packaging, or condition of apparently whole-
5 some food or an apparently fit grocery product that
6 the qualified direct donor donates in good faith or
7 sells at a good Samaritan reduced price to a needy
8 individual.”; and

9 (E) in paragraph (4) (as redesignated by
10 subparagraph (C)) by striking “Paragraphs (1)
11 and (2)” and inserting “Paragraphs (1)
12 through (3)”.

13 **SEC. 3. REGULATIONS.**

14 Not later than 180 days after the date of enactment
15 of this Act, the Secretary of Agriculture shall—

16 (1) in consultation with the Secretary of Health
17 and Human Services, issue regulations with respect
18 to the safety and safety-related labeling standards of
19 an apparently wholesome food and an apparently fit
20 grocery product under section 22 of the Child Nutri-
21 tion Act of 1966 (42 U.S.C. 1791) (as amended by
22 section 2);

23 (2) promote awareness of food donation under
24 that section; and

1 (3) issue guidance with respect to the amend-
2 ments made by this Act.

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