

116TH CONGRESS  
1ST SESSION

# S. 3141

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

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## IN THE SENATE OF THE UNITED STATES

DECEMBER 19, 2019

Mr. TOOMEY (for himself and Mr. BLUMENTHAL) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

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## A BILL

To amend the Bill Emerson Good Samaritan Food Donation Act to clarify and expand food donation, 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 Im-  
5 provement Act of 2019”.

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

7 **ACT.**

8 The Bill Emerson Good Samaritan Food Donation  
9 Act (42 U.S.C. 1791) is amended—

1 (1) in subsection (b)—

2 (A) in paragraph (3), by inserting “or is  
3 charged a good Samaritan reduced price” be-  
4 fore the period at the end;

5 (B) by redesignating paragraphs (6)  
6 through (10) as paragraphs (7) through (11),  
7 respectively;

8 (C) by inserting after paragraph (5) the  
9 following:

10 “(6) GOOD SAMARITAN REDUCED PRICE.—The  
11 term ‘good Samaritan reduced price’ means, with re-  
12 spect to the price of an apparently wholesome food  
13 or apparently fit grocery product, a price that is an  
14 amount not greater than the cost of handling, ad-  
15 ministering, and distributing the apparently whole-  
16 some food or apparently fit grocery product.”; and

17 (D) by adding at the end the following:

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

24 (2) in subsection (c)—

1 (A) in paragraphs (1) and (2), by inserting  
2 “at zero cost or at a good Samaritan reduced  
3 price” after “needy individuals” each place it  
4 appears;

5 (B) by redesignating paragraph (3) as  
6 paragraph (4);

7 (C) by inserting after paragraph (2) the  
8 following:

9 “(3) DIRECT DONATIONS TO NEEDY INDIVID-  
10 UALS.—A qualified direct donor shall not be subject  
11 to civil or criminal liability arising from the nature,  
12 age, packaging, or condition of apparently whole-  
13 some food or an apparently fit grocery product that  
14 the qualified direct donor donates in good faith or  
15 sells at a good Samaritan reduced price to a needy  
16 individual.”; and

17 (D) in paragraph (4) (as so redesignated),  
18 by striking “and (2)” and inserting “through  
19 (3)”.

20 **SEC. 3. REGULATIONS.**

21 Not later than 180 days after the date of enactment  
22 of this Act, the Secretary of Agriculture shall issue regula-  
23 tions that clarify the quality and labeling standards that  
24 food products donated under the Bill Emerson Good Sa-

- 1 maritan Food Donation Act (42 U.S.C. 1791) must meet
- 2 to be eligible for liability protection under that Act.

