

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.

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## 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

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## 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-

spect to the price of an apparently wholesome food or an apparently fit grocery product, a price that is an amount not greater than the cost of handling, administering, and distributing the apparently wholesome food or apparently fit grocery product.”; and

(F) by inserting after paragraph (11) (as redesignated by subparagraph (D)) the following:

“(12) QUALIFIED DIRECT DONOR.—The term ‘qualified direct donor’ means a retail grocer, wholesaler, agricultural producer, restaurant, caterer, school food authority, or institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002))”; and

(2) in subsection (c)—

(A) in paragraph (1) by inserting “or sells at a good Samaritan reduced price” after “donates in good faith”;

(B) in paragraph (2) by inserting “or sale at a good Samaritan reduced price” after “ultimate distribution”;

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

(D) by inserting after paragraph (2) the 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.

