

119TH CONGRESS  
1ST SESSION

# S. 1939

To provide protections for good faith donations of pet food and supplies.

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IN THE SENATE OF THE UNITED STATES

JUNE 4, 2025

Mr. WARNOCK (for himself and Mr. TILLIS) introduced the following bill;  
which was read twice and referred to the Committee on the Judiciary

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## A BILL

To provide protections for good faith donations of pet food  
and supplies.

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 2025” or the “BARK Act of 2025”.

6 **SEC. 2. PROTECTIONS FOR GOOD FAITH DONATIONS OF**  
7 **PET FOOD AND SUPPLIES.**

8 (a) DEFINITIONS.—In this section:

9 (1) APPARENTLY FIT PET-RELATED PROD-  
10 UCT.—The term “apparently fit pet-related product”  
11 means any pet food or pet supply that meets all

1 quality and labeling standards imposed by Federal,  
 2 State, and local laws and regulations even though  
 3 the product may not be readily marketable due to  
 4 appearance, age, freshness, grade, size, surplus, or  
 5 other condition.

6 (2) BILL EMERSON GOOD SAMARITAN FOOD DO-  
 7 NATION ACT TERMS.—The terms “donate”, “gross  
 8 negligence”, “intentional misconduct”, “nonprofit  
 9 organization”, and “person” have the meanings  
 10 given those terms in subsection (b) of the Bill Emer-  
 11 son Good Samaritan Food Donation Act (42 U.S.C.  
 12 1791(b)).

13 (3) EMOTIONAL SUPPORT ANIMAL.—The term  
 14 “emotional support animal” means an animal that—

15 (A) is covered by the exclusions in section  
 16 5.303 of title 24, Code of Federal Regulations  
 17 (or successor regulation); and

18 (B) is not a service animal.

19 (4) PET.—The term “pet” means a domes-  
 20 ticated animal, such as a dog, cat, bird, rodent, fish,  
 21 turtle, or other animal, that is kept for pleasure  
 22 rather than for commercial purposes.

23 (5) PET FOOD.—The term “pet food” means  
 24 any raw, cooked, processed, or prepared edible sub-  
 25 stance, ice, beverage, or ingredient used or intended

1 for use in whole or in part for consumption by a  
 2 qualified animal.

3 (6) PET SUPPLY.—The term “pet supply”  
 4 means tangible personal property used for a quali-  
 5 fied animal, including pet carriers, crates, kennels,  
 6 houses, cages, clothing, bedding, toys, collars,  
 7 leashes, leads, tie-outs, feeders, bowls, dishes, pet  
 8 gates, or pet doors.

9 (7) QUALIFIED ANIMAL.—The term “qualified  
 10 animal” means—

11 (A) a pet;

12 (B) an emotional support animal; and

13 (C) a service animal.

14 (8) SERVICE ANIMAL.—The term “service ani-  
 15 mal” has the meaning given the term in section  
 16 36.104 of title 28, Code of Federal Regulations (or  
 17 successor regulation).

18 (b) LIABILITY.—

19 (1) PERSONS.—A person shall not be subject to  
 20 civil or criminal liability arising from the nature,  
 21 age, packaging, or condition of an apparently fit pet-  
 22 related product that the person donates in good  
 23 faith to a State or unit of local government or a  
 24 nonprofit organization for ultimate distribution to  
 25 qualified animals.

1           (2) NONPROFIT ORGANIZATIONS.—A nonprofit  
 2           organization shall not be subject to civil or criminal  
 3           liability arising from the nature, age, packaging, or  
 4           condition of an apparently fit pet-related product  
 5           that the nonprofit organization received as a dona-  
 6           tion from a person in good faith for ultimate dis-  
 7           tribution to qualified animals.

8           (3) STATE AND LOCAL GOVERNMENTS.—A  
 9           State or unit of local government shall not be sub-  
 10          ject to liability arising from the nature, age, pack-  
 11          aging, or condition of an apparently fit pet-related  
 12          product that the State or unit of local government  
 13          received as a donation from a person in good faith  
 14          for ultimate distribution to qualified animals.

15          (4) WAIVER NOT APPLICABLE TO GROSS NEG-  
 16          LIGENCE OR INTENTIONAL MISCONDUCT.—Para-  
 17          graphs (1), (2), and (3) shall not apply to an injury  
 18          to, or the death of, an ultimate user or recipient of  
 19          an apparently fit pet-related product that results  
 20          from an act or omission of the person, nonprofit or-  
 21          ganization, or State or unit of local government, as  
 22          applicable, constituting gross negligence or inten-  
 23          tional misconduct.

24          (c) PARTIAL COMPLIANCE.—If a person donates, in  
 25          good faith, pet food or pet supplies that do not meet all

1 quality and labeling standards imposed by Federal, State,  
 2 and local laws and regulations, that person shall not be  
 3 subject to civil or criminal liability in accordance with this  
 4 section if the State or unit of local government or non-  
 5 profit organization to which the food or supplies are do-  
 6 nated—

7 (1) is informed by that person of the distressed  
 8 or defective condition of the pet food or pet supplies;

9 (2) agrees to recondition the pet food or pet  
 10 supplies to comply with applicable quality and label-  
 11 ing standards prior to distribution; and

12 (3) is knowledgeable of the applicable quality  
 13 and labeling standards to properly recondition the  
 14 pet food or pet supplies.

15 (d) RULE OF CONSTRUCTION.—Nothing in this sec-  
 16 tion shall—

17 (1) create any liability; or

18 (2) supercede any State or local health regula-  
 19 tions.

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