

ASSEMBLY, No. 4701

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED OCTOBER 29, 2018

Sponsored by:

Assemblyman WILLIAM W. SPEARMAN

District 5 (Camden and Gloucester)

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District 31 (Hudson)

Assemblyman RAJ MUKHERJI

District 33 (Hudson)

Assemblywoman ANNETTE QUIJANO

District 20 (Union)

SYNOPSIS

Requires DHS to establish electronic portal to promote surplus food donation collaboration among nonprofit organizations, gleaners, and food retailers.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 12/4/2018)

1 AN ACT concerning certain surplus food donations and
2 supplementing P.L.1982, c.178 (C.24:4A-1 et seq.).
3

4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*
6

7 1. a. (1) The Department of Human Services, in consultation
8 with the Department of Agriculture and the Department of Health,
9 shall create, maintain, and update, as appropriate, an online portal,
10 in the form of an Internet website, and links to information, as
11 provided pursuant to subsection b. of this section, to facilitate
12 collaboration of surplus food donations among nonprofit
13 organizations, gleaners, and food retailers in the State. The online
14 portal shall be designed and function in a manner that maximizes
15 communication among all entities that wish to donate food and
16 receive surplus food within this State to minimize the amount of
17 surplus food that is wasted. The online portal shall provide real-
18 time information on surplus food resources as well as the logistical
19 resource needs of surplus food from donors, food banks, and
20 gleaners and non-profit organizations that transport donated food
21 and, in providing that information, shall serve as an online logistics
22 chain for the movement of surplus food throughout the State.

23 (2) The online portal may be hosted by a nonprofit organization
24 pursuant to an agreement entered into between the Department of
25 Human Services and a nonprofit organization. The nonprofit
26 organization hosting the online portal shall:

27 (a) demonstrate a proficiency in understanding the needs of the
28 diverse food donors and recipients of donated food;

29 (b) establish a system of collaboration of surplus food donation
30 that meets stringent food safety standards and maintains the
31 integrity of the logistics chain from food donor to recipient of
32 donated food;

33 (c) be able to inform, monitor, and maintain the necessary tools,
34 training, and resources to meet the requirements for both a food
35 donor to a recipient of donated food;

36 (d) adhere to all federal, State, and local laws including, but not
37 limited to, the federal "Food, Drug, and Cosmetic Act" 21 U.S.C.
38 s.301 et seq., the federal "Fair Packaging and Labeling Act" 15
39 U.S.C. s.1451 et seq., United States Food and Drug Administration
40 rules and regulations promulgated under Subchapter B of Chapter 1
41 of Title 21 of the Code of Federal Regulations, including the
42 "Current Good Manufacturing Practice in Manufacturing, Packing,
43 or Holding Human Food," 21 C.F.R. Part 110 et seq., and the "Food
44 Sorting Guidance and Model Consumer Commodity Salvage Code,"
45 published by the Association of Food & Drug Officials; and

46 (e) employ, onsite, a minimum of one certified safe food
47 handler, and pass a third-party food safety scored audit at least once
48 every two years.

b. The online portal, created pursuant to subsection a. of this section, shall include, but not be limited to:

(1) the name and contact information of a donor and a description of the surplus food available for donation or the food needing to be gleaned, as appropriate;

(2) the name and contact information of a nonprofit organization available to receive surplus food to be donated or gleaned;

(3) links to the laws and model code listed in subparagraph (c) of paragraph (2) of subsection a. of this section;

(4) a statement describing the provisions of the “Food Bank Good Samaritan Act,” P.L.1982, c.178 (C.24:4A-1 et seq.), and that act’s liability protections available for food donations, gleaning, and other related activities;

(5) a link to the Department of Agriculture's Internet website page established pursuant to section 4 of P.L.2017, c.311 (C.4:10-25.2d); and

(6) a link to Department of Agriculture's Internet website page established pursuant to section 1 of P.L.2015, c.214 (C.4:1-20.3).

2. This act shall take effect immediately.

STATEMENT

This bill requires the Department of Human Services, in consultation with the Department of Agriculture and the Department of Health, to create, maintain, and update, as appropriate, an online portal, in the form of an Internet website, and links to information, as provided in the bill, to facilitate collaboration of surplus food donations among nonprofit organizations, gleaners, and food retailers in the State. The online portal is to be designed and function in a manner that maximizes communication among all entities that wish to donate and receive surplus food within the State to minimize the amount of surplus food that is wasted. The online portal is to provide real-time information on surplus food resources as well as the logistical resource needs of surplus food from donors, food banks, and gleaners and non-profit organizations that transport donated food and, in providing that information, is to serve as an online logistics chain for the movement of surplus food throughout the State.

The bill allows the online portal to be hosted by a nonprofit organization pursuant to an agreement entered into between the Department of Human Services and a nonprofit organization. A nonprofit organization hosting the online portal is to understand the needs of the diverse food donors and recipients of donated food and adhere to certain food safety measures listed in the bill.

The online portal is to include, but not be limited to:

- 1 (1) the name and contact information of a donor and a
2 description of the surplus food available for donation or the food
3 needing to be gleaned, as appropriate;
- 4 (2) the name and contact information of a nonprofit organization
5 available to receive surplus food to be donated or gleaned;
- 6 (3) links to certain federal laws and the model code concerning
7 food safety listed in the bill;
- 8 (4) a statement describing the provisions of the "Food Bank
9 Good Samaritan Act" and that act's liability protections available
10 for food donations, gleaning, and other related activities;
- 11 (5) a link to the Department of Agriculture's guidance document
12 that provides information to farmers, food banks, surplus food
13 donors, nonprofit organizations, and other persons in the State and
14 information on the federal liability protections available for food
15 donations, gleaning, and other related activities; and
- 16 (6) a link to Department of Agriculture's web page for "New
17 Jersey Gleaning Week" and "Farmers Against Hunger Day," for the
18 purposes of educating the public on food insecurity and food waste,
19 recognizing the need of many New Jersey households for fresh,
20 healthy foods, and informing the public of any events offered
21 during "New Jersey Gleaning Week" and "Farmers Against Hunger
22 Day."