## SENATE, No. 81

# STATE OF NEW JERSEY

## 218th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2018 SESSION

**Sponsored by:** 

**Senator ANTHONY R. BUCCO District 25 (Morris and Somerset)** 

**Co-Sponsored by: Senator Bateman** 

#### **SYNOPSIS**

Requires retail food establishments to donate surplus unused baked goods and surplus canned and packaged goods close to retail sale date to local nonprofits and charities.

#### **CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



**AN ACT** concerning food donations by retail food establishments 2 and supplementing Title 24 of the Revised Statutes.

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

- 1. a. An owner or manager of a retail food establishment in this State, defined pursuant to N.J.A.C.8:24-1.5, that does not participate in a food donation program shall donate to a local nonprofit organization that requests a donation any surplus, unused bakery products and canned and packaged goods that may be close to the retail sale date and appear to be fit for human consumption at the time the products are donated.
- b. The provisions of P.L.1982, c.178, c.3 (C.24:4A-3) shall apply to a retail food establishment that donates food pursuant to this section.

2. This act shall take effect 30 days following the date of enactment.

#### **STATEMENT**

This bill requires that retail food establishments donate surplus unused baked goods and surplus canned and packaged goods close to the retail sale date to local nonprofits and charities if the retail food establishments do not already make such donations. This bill would apply to any operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption, and includes restaurants, catering operations that provide food directly to consumers, markets, vending locations, and institutions. Such donors would have immunity from liability under State law, the "Food Bank Good Samaritan Act," P.L.1982, c.178 (C.24:4A-1 et seq.), and under the federal "Bill Emerson Good Samaritan Food Donation Act" (Pub. L. 104-210).

Some retail food establishments in the State currently donate their surplus food, but many do not do so, despite the availability of coordination assistance from food recovery organizations, and in many cases, the availability of tax benefits. According to the Hunger Prevention Advisory Committee established in 2001 pursuant to State law, many emergency food providers in the State have shut their doors because their shelves were bare and others have had to limit the food they distribute in order to stretch their resources. The committee recommended in its 2009 report to the Legislature that the State's existing food donation laws be evaluated in order to maximize food resources and ensure that good food is not being wasted while people go hungry. This bill is intended to

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- 1 reduce the amount of wasted food and increase the amount of food
- 2 that can be distributed to those in need.