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

IN THE HOUSE OF REPRESENTATIVES

Mr. McGovern introduced the following bill; which was referred to the Committee on __________________________

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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

3 This Act may be cited as the “Food Donation Improvement Act of 2021”.

(Original Signature of Member)
SEC. 2. BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.

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

(1) in subsection (b)—

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

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

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

“(6) GOOD SAMARITAN REDUCED PRICE.—The term ‘good Samaritan reduced price’ means, with respect to the price of an apparently wholesome food or 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

(D) by adding at the end the following:

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

(2) in subsection (c)—

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

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

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

“(3) DIRECT DONATIONS TO NEEDY INDIVIDUALS.—A qualified direct donor shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the qualified direct donor donates in good faith to a needy individual.”; and

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

SEC. 3. REGULATIONS.

Not later than 180 days after the date of enactment of this Act, the Secretary of Agriculture shall issue regulations that clarify the quality and labeling standards that
food products donated under the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791) must meet to be eligible for liability protection under that Act.