

115TH CONGRESS  
1ST SESSION

# H. R. 952

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 HOUSE OF REPRESENTATIVES

FEBRUARY 7, 2017

Ms. FUDGE (for herself, Mr. NEWHOUSE, Ms. PINGREE, and Mr. MCGOVERN) introduced the following bill; which was referred to the Committee on Education and the Workforce

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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 2017”.

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), (7),  
20 (8), (9), and (10) as paragraphs (7), (8), (9),  
21 (10), and (11), respectively; and

22 (E) by inserting after paragraph (5) the  
23 following new paragraph:

24 “(6) GOOD SAMARITAN REDUCED PRICE.—The  
25 term ‘good Samaritan reduced price’ means an ap-

1       parently wholesome food or an apparently fit grocery  
2       product that is priced at an amount not greater than  
3       the cost of handling, administering, and distributing  
4       such apparently wholesome food or apparently fit  
5       grocery product.”; and

6               (2) in subsection (c)—

7                       (A) in paragraph (1) by inserting “or sells  
8                       at a good Samaritan reduced price” after “do-  
9                       nates in good faith”;

10                      (B) in paragraph (2) by inserting “or sale  
11                      at a good Samaritan reduced price” after “ulti-  
12                      mate distribution”;

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

15                      (D) by inserting after paragraph (2) the  
16                      following new paragraph:

17                      “(3) DIRECT DONATIONS TO NEEDY INDIVID-  
18                      UALS.—

19                               “(A) IN GENERAL.—A qualified direct  
20                               donor shall not be subject to civil or criminal li-  
21                               ability arising from the nature, age, packaging,  
22                               or condition of apparently wholesome food or an  
23                               apparently fit grocery product that the qualified  
24                               direct donor donates in good faith or sells at a

1 good Samaritan reduced price to a needy indi-  
2 vidual.

3 “(B) QUALIFIED DIRECT DONORS DE-  
4 FINED.—In this paragraph, the term ‘qualified  
5 direct donor’ means a retail grocer, wholesaler,  
6 agricultural producer, restaurant, caterer,  
7 school food authority, or institution of higher  
8 education (as defined in section 102 of the  
9 Higher Education Act of 1965 (20 U.S.C.  
10 1002)).”; and

11 (E) in paragraph (4), as redesignated by  
12 subparagraph (C), by striking “Paragraphs (1)  
13 and (2)” and inserting “Paragraphs (1), (2),  
14 and (3)”.

15 **SEC. 3. REGULATIONS.**

16 Not later than 180 days after the date of the enact-  
17 ment of this Act, the Secretary of Agriculture shall—

18 (1) in consultation with the Secretary of Health  
19 and Human Services, issue regulations with respect  
20 to the safety and safety-related labeling standards of  
21 apparently wholesome food and an apparently fit  
22 grocery product under section 22 of the Child Nutri-  
23 tion Act of 1966 (42 U.S.C. 1791);

24 (2) promote awareness of food donation under  
25 such section; and

1           (3) issue guidance with respect to the amend-  
2           ments made by this Act.

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