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(Original Signature of Member)

115TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

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

Ms. FUDGE (for herself and Ms. PINGREE) introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**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”.

1 **SEC. 2. BILL EMERSON GOOD SAMARITAN FOOD DONATION**

2 **ACT.**

3 Section 22 of the Child Nutrition Act of 1966 (42  
4 U.S.C. 1791) is amended—

5 (1) in subsection (b)—

6 (A) in paragraph (1)—

7 (i) by striking “quality and labeling”  
8 and inserting “safety and safety-related la-  
9 beling”; and

10 (ii) by inserting “being past date  
11 label,” after “surplus,”;

12 (B) in paragraph (2)—

13 (i) by striking “quality and labeling”  
14 and inserting “safety and safety-related la-  
15 beling”; and

16 (ii) by inserting “being past date  
17 label,” after “surplus,”;

18 (C) in paragraph (3), by striking “not re-  
19 quired to give anything of monetary value” and  
20 inserting “not required to give anything of  
21 monetary value or is charged a good Samaritan  
22 Reduced Price”;

23 (D) by redesignating paragraphs (6), (7),  
24 (8), (9), and (10) as paragraphs (7), (8), (9),  
25 (10), and (11), respectively; and

1 (E) by inserting after paragraph (5) the  
2 following new paragraph:

3 “(6) GOOD SAMARITAN REDUCED PRICE.—The  
4 term ‘good Samaritan reduced price’ means an ap-  
5 parently wholesome food or an apparently fit grocery  
6 product that is priced at an amount not greater than  
7 the cost of handling, administering, and distributing  
8 such apparently wholesome food or apparently fit  
9 grocery product.”; and

10 (2) in subsection (c)—

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

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

17 (C) by redesignating paragraph (3) as  
18 paragraph (4);

19 (D) by inserting after paragraph (2) the  
20 following new paragraph:

21 “(3) DIRECT DONATIONS TO NEEDY INDIVID-  
22 UALS.—

23 “(A) IN GENERAL.—A qualified direct  
24 donor shall not be subject to civil or criminal li-  
25 ability arising from the nature, age, packaging,

1 or condition of apparently wholesome food or an  
2 apparently fit grocery product that the qualified  
3 direct donor donates in good faith or sells at a  
4 good Samaritan reduced price to a needy indi-  
5 vidual.

6 “(B) QUALIFIED DIRECT DONORS DE-  
7 FINED.—In this paragraph, the term ‘qualified  
8 direct donor’ means a retail grocer, wholesaler,  
9 agricultural producer, restaurant, caterer,  
10 school food authority, or institution of higher  
11 education (as defined in section 102 of the  
12 Higher Education Act of 1965 (20 U.S.C.  
13 1002)).”; and

14 (E) in paragraph (4), as redesignated by  
15 subparagraph (C), by striking “Paragraphs (1)  
16 and (2)” and inserting “Paragraphs (1), (2),  
17 and (3)”; and

18 **SEC. 3. REGULATIONS.**

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

21 (1) in consultation with the Secretary of Health  
22 Human Services, issue regulations with respect to  
23 the safety and safety-related labeling standards of  
24 apparently wholesome food and an apparently fit

1 grocery product under section 22 of the Child Nutri-  
2 tion Act of 1966 (42 U.S.C. 1791);

3 (2) promote awareness of food donation under  
4 such section; and

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