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.

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 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 Act of 2017”.
SEC. 2. BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.

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

(1) in subsection (b)—

(A) in paragraph (1)—

(i) by striking “quality and labeling” and inserting “safety and safety-related labeling”; and

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

(B) in paragraph (2)—

(i) by striking “quality and labeling” and inserting “safety and safety-related labeling”; and

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

(C) in paragraph (3), by striking “not required to give anything of monetary value” and inserting “not required to give anything of monetary value or is charged a good Samaritan Reduced Price”;

(D) by redesignating paragraphs (6), (7), (8), (9), and (10) as paragraphs (7), (8), (9), (10), and (11), respectively; and
(E) by inserting after paragraph (5) the following new paragraph:

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

(2) in subsection (c)—

(A) in paragraph (1) by inserting “or sells at a good Samaritan reduced price” after “donates in good faith”;

(B) in paragraph (2) by inserting “or sale at a good Samaritan reduced price” after “ultimate distribution”;

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

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

“(3) DIRECT DONATIONS TO NEEDY INDIVIDUALS.—

“(A) IN GENERAL.—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 or sells at a good Samaritan reduced price to a needy individual.

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

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

SEC. 3. REGULATIONS.

Not later than 180 days after the date of the enactment of this Act, the Secretary of Agriculture shall—

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

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

(3) issue guidance with respect to the amendments made by this Act.