

.....
(Original Signature of Member)

117TH CONGRESS
1ST SESSION

H. R. _____

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 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 Im-
5 provement Act of 2021”.

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

2 **ACT.**

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

5 (1) in subsection (b)—

6 (A) in paragraph (3), by inserting “or is
7 charged a good Samaritan reduced price” be-
8 fore the period at the end;

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

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

14 “(6) GOOD SAMARITAN REDUCED PRICE.—The
15 term ‘good Samaritan reduced price’ means, with re-
16 spect to the price of an apparently wholesome food
17 or apparently fit grocery product, a price that is an
18 amount not greater than the cost of handling, ad-
19 ministering, and distributing the apparently whole-
20 some food or apparently fit grocery product.”; and

21 (D) by adding at the end the following:

22 “(12) QUALIFIED DIRECT DONOR.—The term
23 ‘qualified direct donor’ means a retail grocer, whole-
24 saler, agricultural producer, restaurant, caterer,
25 school food authority, and institution of higher edu-

1 cation (as defined in section 102 of the Higher Edu-
2 cation Act of 1965 (20 U.S.C. 1002)).”; and

3 (2) in subsection (c)—

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

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

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

12 “(3) DIRECT DONATIONS TO NEEDY INDIVID-
13 UALS.—A qualified direct donor shall not be subject
14 to civil or criminal liability arising from the nature,
15 age, packaging, or condition of apparently whole-
16 some food or an apparently fit grocery product that
17 the qualified direct donor donates in good faith to a
18 needy individual.”; and

19 (D) in paragraph (4) (as so redesignated),
20 by striking “and (2)” and inserting “through
21 (3)”.

22 **SEC. 3. REGULATIONS.**

23 Not later than 180 days after the date of enactment
24 of this Act, the Secretary of Agriculture shall issue regula-
25 tions that clarify the quality and labeling standards that

1 food products donated under the Bill Emerson Good Sa-
2 maritan Food Donation Act (42 U.S.C. 1791) must meet
3 to be eligible for liability protection under that Act.