

117TH CONGRESS
1ST SESSION

S. 3281

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

IN THE SENATE OF THE UNITED STATES

NOVEMBER 30, 2021

Mr. BLUMENTHAL (for himself and Mr. TOOMEY) introduced the following
bill; which was read twice and referred to the Committee on Agriculture,
Nutrition, and Forestry

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”.

6 **SEC. 2. BILL EMERSON GOOD SAMARITAN FOOD DONATION**
7 **ACT.**

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

1 (1) in subsection (b)—

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

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

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

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

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

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

24 (2) in subsection (c)—

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

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

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

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

16 (D) in paragraph (4) (as so redesignated),
 17 by striking “and (2)” and inserting “through
 18 (3)”.

19 **SEC. 3. REGULATIONS.**

20 Not later than 180 days after the date of enactment
 21 of this Act, the Secretary of Agriculture shall issue regula-
 22 tions that clarify the quality and labeling standards that
 23 food products donated under the Bill Emerson Good Sa-

- 1 maritan Food Donation Act (42 U.S.C. 1791) must meet
- 2 to be eligible for liability protection under that Act.

