

Public Law 117–362  
117th Congress

An Act

To amend the Bill Emerson Good Samaritan Food Donation Act to improve the program, and for other purposes.

Jan. 5, 2023

[S. 5329]

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. BILL EMERSON GOOD SAMARITAN FOOD DONATION ACT.**

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

(1) in subsection (b)—

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

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

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

“(6) GOOD SAMARITAN REDUCED PRICE.—The term ‘good Samaritan reduced price’ means, with respect to the price of an apparently wholesome food or apparently fit grocery product, a price that is an amount not greater than the cost of handling, administering, harvesting, processing, packaging, transporting, and distributing the apparently wholesome food or apparently fit grocery product.”; and

(D) by adding at the end the following:

“(12) QUALIFIED DIRECT DONOR.—The term ‘qualified direct donor’ means a retail grocer, wholesaler, agricultural producer, agricultural processor, agricultural distributor, 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

(2) in subsection (c)—

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

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

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

Definitions.

“(3) DIRECT DONATIONS TO NEEDY INDIVIDUALS.—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 to a needy individual at zero cost.”; and

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

Approved January 5, 2023.

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LEGISLATIVE HISTORY—S. 5329:

CONGRESSIONAL RECORD, Vol. 168 (2022):

Dec. 20, considered and passed Senate.

Dec. 21, considered and passed House.

