

# **ASSEMBLY, No. 2141**

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# **STATE OF NEW JERSEY**

## **221st LEGISLATURE**

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PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

**Sponsored by:**

**Assemblyman WILLIAM F. MOEN, JR.**  
**District 5 (Camden and Gloucester)**  
**Assemblywoman SHAMA A. HAIDER**  
**District 37 (Bergen)**

**SYNOPSIS**

Requires certain supermarkets, grocery stores, and food suppliers to donate food under certain circumstances.

**CURRENT VERSION OF TEXT**

Introduced Pending Technical Review by Legislative Counsel.



1   AN ACT concerning food donations and amending and  
2   supplementing P.L.1982, c.178.

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4   **BE IT ENACTED by the Senate and General Assembly of the State**  
5   **of New Jersey:**

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7       1. Section 2 of P.L.1982, c.178 (C.24:4A-2) is amended to read  
8   as follows:

9       2. As used in this act:

10      "Donate" means to provide food free of charge or for a fee  
11   sufficient only to cover the cost of storing, transporting, or  
12   otherwise handling the food.

13      "Donor" includes, but is not limited to, any farmer, processor,  
14   distributor, or wholesaler or retailer of perishable or prepared food,  
15   a public or nonpublic school, **[or]** an institution of higher education  
16   in this State, a food supplier, or a supermarket or grocery store in  
17   this State.

18      "Food" means articles used for food or drink for humans and  
19   articles used for components of any such article.

20      "Food bank" means a nonprofit food clearinghouse that solicits,  
21   stores, and distributes donations of edible but unmarketable surplus  
22   food. The food is distributed to nonprofit organizations that feed the  
23   needy.

24      "Food supplier" means an entity located in this State that  
25   distributes or sells food to a supermarket or grocery store.

26      "Gleaner" means a person who harvests for distribution an  
27   agricultural food that has been donated by the owner.

28      "Nonprofit organization" means an organization incorporated  
29   under the provisions of Title 15 or Title 16 of the Revised Statutes  
30   of New Jersey, an organization exempt from taxation under section  
31   501(c) (3) of the Internal Revenue Code or an entity to which a  
32   charitable contribution as defined under subsection (c) of section  
33   170 of the Internal Revenue Code is deductible under section 170.

34      "Perishable food" means any food that may spoil or otherwise  
35   become unfit for human consumption because of its nature, type or  
36   physical condition. Perishable food includes, but is not limited to,  
37   fresh or processed meats, poultry, seafood, dairy products, bakery  
38   products, eggs in the shell, fresh fruits or vegetables and foods that  
39   have been canned or otherwise processed and packaged and which  
40   may or may not require refrigeration or freezing.

41      "Prepared food" means food commercially processed and  
42   prepared for human consumption.

43      "Supermarket or grocery store" means a retail outlet operating in  
44   a closed structure with an area greater than 16,000 square feet,

**EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.**

Matter underlined thus is new matter.

1     of which at least 90 percent is occupied by food and related  
2     products.

3     (cf: P.L.2017, c.311, s.1)

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5       2. A supermarket, grocery store, or food supplier shall make a  
6     reasonable effort to donate all food that is fit for human  
7     consumption, but that would otherwise be discarded in the normal  
8     course of business by the supermarket, grocery store, or food  
9     supplier, to a food bank, a nonprofit organization, or to any person.

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11       3. This act shall take effect 180 days after the date of enactment.

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#### STATEMENT

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16       This bill requires certain supermarkets, grocery stores, and food  
17     suppliers to donate food under certain circumstances.

18       Under the bill, a supermarket, grocery store, or food supplier is  
19     to make a reasonable effort to donate all food that is fit for human  
20     consumption, but which would otherwise be discarded in the normal  
21     course of business by the supermarket, grocery store, or food  
22     supplier, to a food bank, a nonprofit organization, or to any person.

23       The bill defines "supermarket or grocery store" to mean a retail  
24     outlet operating in a closed structure with an area greater than  
25     16,000 square feet, of which at least 90 percent is occupied by food  
26     and related products.