

ASSEMBLY, No. 2141

STATE OF NEW JERSEY 221st LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2024 SESSION

Sponsored by:

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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.

3

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

6

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 ofwhich at least 90 percent is occupied by food and related
2 products.

3 (cf: P.L.2017, c.311, s.1)

4

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.