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ASSEMBLY, No. 3056

STATE OF NEW JERSEY
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SYNOPSIS

Requires DEP to establish voluntary guidelines for K-12 schools and institutions of higher education to reduce, recover, and recycle food waste; extends "Food Bank Good Samaritan Act" immunity protections to public and nonpublic schools.

CURRENT VERSION OF TEXT

As reported by the Senate Environment and Energy Committee on March 13, 2017, with amendments.

(Sponsorship Updated As Of: 6/30/2017)

1 AN ACT concerning ²**[the donation of excess food by school**
 2 **districts]** food waste in K-12 schools² and institutions of higher
 3 education, supplementing Title ²**[4]** 13² of the Revised Statutes,
 4 and amending P.L.1982, c.178.

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

8
 9 ²**[1. a.** The Department of Agriculture, in consultation with the
 10 Department of Education, the Department of Health, and the Office of
 11 the Secretary of Higher Education, shall establish, or work with
 12 appropriate nonprofit organizations to establish, voluntary guidelines
 13 to encourage and facilitate the ability of school districts and
 14 institutions of higher education to donate excess, unused, edible food
 15 from meals served at schools to local voluntary food assistance
 16 programs including, but not limited to, food banks, food pantries, soup
 17 kitchens, and other nonprofit organizations that distribute food to the
 18 poor and the disadvantaged.

19 b. The guidelines shall include, but need not be limited to:

20 (1) information on food waste and the need of local voluntary food
 21 assistance programs for excess, unused, edible food;

22 (2) recommendations on how schools may incorporate this
 23 information into their curricula, and create programs and activities for
 24 the donation of excess, unused, edible food;

25 (3) information on the types of food that schools may donate to
 26 local voluntary food assistance programs;

27 (4) a cost-effective, safe, and sanitary means by which schools
 28 may donate excess, unused, edible food to local voluntary food
 29 assistance programs; and

30 (5) a means by which schools and local voluntary food assistance
 31 programs may connect with each other for the donation of excess,
 32 unused, edible food.

33 c. The Department of Education and the Office of the Secretary
 34 of Higher Education shall ¹**[distribute these guidelines to each school**
 35 **district and institution of higher education, respectively, and]**¹ publish
 36 the guidelines on their respective Internet websites.

37 d. The Department of Agriculture and the Department of
 38 Education shall coordinate the implementation of these guidelines with
 39 Jersey Fresh Farm to School Week and the New Jersey Farm to School
 40 Program, established pursuant to P.L.2011, c.10 (C.4:10-25.1
 41 et seq.). **]**²

42
 43 ²1. (New section) a. Within 90 days after the effective date of
 44 this act, the Department of Environmental Protection, in

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.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AAN committee amendments adopted May 19, 2016.

²Senate SEN committee amendments adopted March 13, 2017.

1 consultation with the Department of Agriculture, the Department of
 2 Education, the Department of Health, and the Office of the
 3 Secretary of Higher Education, shall establish, or work with
 4 appropriate nonprofit organizations to establish, voluntary
 5 guidelines to encourage and facilitate the ability of K-12 schools
 6 and institutions of higher education to reduce, recover, and recycle
 7 food waste.

8 b. The guidelines shall include, but need not be limited to:

9 (1) information on food waste generally, and the benefits of
 10 reducing, recovering, and recycling food waste;

11 (2) recommendations for how schools can incorporate this
 12 information in their curricula, and create programs and activities for
 13 the reduction, recovery, and recycling of food waste;

14 (3) recommendations for how schools can reduce the volume of
 15 surplus food they generate, including, but not necessarily limited to,
 16 conducting food audits, eliminating trays in cafeterias, enacting
 17 longer lunch periods, scheduling lunch periods after recess,
 18 establishing "offer versus serve" policies, and allowing students to
 19 keep uneaten food;

20 (4) guidance on how schools can create share tables in their
 21 cafeterias where students may return uneaten food that is still in its
 22 original packaging or peel for consumption by other students,
 23 resale, or donation;

24 (5) information on cost-effective, safe, and sanitary means by
 25 which schools may donate excess, unused, and edible food to food
 26 banks, food pantries, soup kitchens, and other nonprofit
 27 organizations that distribute food to needy individuals; and

28 (6) information on how schools can recycle their food waste,
 29 including the creation of on-site composting programs.

30 c. The Department of Environmental Protection, the
 31 Department of Education, and the Office of the Secretary of Higher
 32 Education shall post the guidelines on their respective Internet
 33 websites.²

34
 35 2. Section 2 of P.L.1982, c.178 (C.24:4A-2) is amended to
 36 read as follows:

37 2. As used in this act:

38 ²**[a.]** "Donate" means to provide food free of charge or for a fee
 39 sufficient only to cover the cost of storing, transporting, or
 40 otherwise handling the food.²

41 "Donor" includes, but is not limited to, any farmer, processor,
 42 distributor, ²or² wholesaler ²**[.]² or retailer of perishable or
 43 prepared food, ²a public or nonpublic school,² or **[an]** ²**[any school**
 44 **district or]** ²an² institution of higher education in this State ²**[;]** ².**

45 ²**[b.]² "Food" means articles used for food or drink for humans
 46 and articles used for components of any such article ²**[;]** ².**

47 "Food bank" means a nonprofit food clearinghouse that solicits,
 48 stores, and distributes donations of edible but unmarketable surplus

1 food. The food is distributed to nonprofit organizations that feed the
2 needy.²

3 ²**[c.]**² "Gleaner" means a person who harvests for distribution
4 an agricultural food that has been donated by the owner ²**[;]** ²

5 ²**[d.]**² "Nonprofit organization" means an organization
6 incorporated under the provisions of Title 15 or Title 16 of the
7 Revised Statutes of New Jersey, an organization exempt from
8 taxation under section 501(c)(3) of the Internal Revenue Code or an
9 entity to which a charitable contribution as defined under
10 subsection (c) of section 170 of the Internal Revenue Code is
11 deductible under section 170 ²**[;]** ²

12 ²**[e.]**² "Perishable food" means any food that may spoil or
13 otherwise become unfit for human consumption because of its
14 nature, type or physical condition. Perishable food includes, but is
15 not limited to, fresh or processed meats, poultry, seafood, dairy
16 products, bakery products, eggs in the shell, fresh fruits or
17 vegetables and foods that have been canned or otherwise processed
18 and packaged and which may or may not require refrigeration or
19 freezing ²**[;]** ²

20 ²**[f.]**² "Prepared food" means food commercially processed and
21 prepared for human consumption ²**[;]** ²

22 ²**[g.]** "Food bank" means a nonprofit food clearinghouse that
23 solicits, stores, and distributes donations of edible but unmarketable
24 surplus food. The food is distributed to nonprofit organizations that
25 feed the needy. ²

26 (cf: P.L.2012, c.68, s.1)

27

28 3. This act shall take effect immediately.