

# SENATE, No. 3106

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED NOVEMBER 5, 2020

**Sponsored by:**

**Senator STEVEN V. OROHO**

**District 24 (Morris, Sussex and Warren)**

**Senator NILSA I. CRUZ-PEREZ**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

**Senators T.Kean and O'Scanlon**

**SYNOPSIS**

Authorizes voluntary donation of expired food or food waste to farmers; authorizes donations if farmer waives liability.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 11/12/2020)**

1 AN ACT concerning the donation of expired food and food waste to  
2 farmers and supplementing Title 24 of the Revised Statutes.

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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. a. Notwithstanding the provisions of any other law, or rule  
8 or regulation adopted pursuant thereto, to the contrary, any retail  
9 seller or distributor may donate expired food or food waste to a  
10 farmer for use as animal feed, provided the farmer signs and  
11 submits to the retail seller or distributor a liability waiver stating  
12 that the person signing the waiver:

13 (1) understands and accepts the potential dangers and negative  
14 impacts for people or animals consuming expired food or food  
15 waste;

16 (2) releases the retail seller or distributor from any liability with  
17 regard to the donated expired food or food waste; and

18 (3) waives any right to legal action as a result of accepting the  
19 donated expired food or food waste.

20 b. The Department of Agriculture may, through the Farm  
21 Liaison established pursuant to section 1 of P.L.2019, c.94 (C.4:1-  
22 48):

23 (1) collaborate with farmers and retail sellers and distributors to  
24 develop contacts and networks to request, process, and receive  
25 expired food or food waste donations; and

26 (2) coordinate communications about expired food or food  
27 waste available for donation and distribution.

28 c. As used in this section:

29 “Expired food or food waste” means any produce, meat, fish,  
30 seafood, poultry, eggs, dairy products, or any other food that has  
31 passed its best-by or sell-by date, or has spoiled, or leftover food  
32 from preparation of food for patrons of a restaurant, or that  
33 otherwise has become unsuitable for sale and the grocery store,  
34 restaurant, supermarket, or other retail seller or distributor of the  
35 food otherwise would be required by law, rule, or regulation to  
36 dispose of the food.

37 “Retail seller or distributor” means a grocery store, restaurant,  
38 supermarket, or other business that sells, distributes, or offers for  
39 retail sale or distribution any produce, meat, fish, seafood, poultry,  
40 eggs, dairy products, or any other food for human consumption.

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42 2. This act shall take effect immediately.

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STATEMENT

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47 This bill authorizes any retail seller or distributor to donate  
48 expired food or food waste to a farmer for use as animal feed,

**S3106 OROHO, CRUZ-PEREZ**

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1 provided the farmer signs and submits to the retail seller or  
2 distributor a liability waiver.

3 The bill also directs the Farm Liaison, established pursuant to  
4 P.L.2019, c.94 (C.4:1-48), to:

5 1) collaborate with farmers and retail sellers and distributors to  
6 develop contacts and networks to request, process, and receive  
7 expired food or food waste donations; and

8 2) coordinate communications about expired food or food waste  
9 available for donation and distribution.

10 The bill specifies the liability waiver provide that the person  
11 signing the waiver:

12 1) understands and accepts the potential dangers and negative  
13 impacts for people or animals consuming expired food or food  
14 waste;

15 2) releases the retail seller or distributor from any liability with  
16 regard to the donated expired food or food waste; and

17 3) waives any right to legal action as a result of accepting the  
18 donated expired food or food waste.