

117TH CONGRESS  
2D SESSION

# S. 5329

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

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IN THE SENATE OF THE UNITED STATES

DECEMBER 20, 2022

Mr. BLUMENTHAL introduced the following bill; which was read twice, considered, read the third time, and passed

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## A BILL

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

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. BILL EMERSON GOOD SAMARITAN FOOD DONA-**  
4 **TION ACT.**

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

7 (1) in subsection (b)—

8 (A) in paragraph (3), by inserting “or is  
9 charged a good Samaritan reduced price” be-  
10 fore the period at the end;

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

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

6 “(6) GOOD SAMARITAN REDUCED PRICE.—The  
7 term ‘good Samaritan reduced price’ means, with re-  
8 spect to the price of an apparently wholesome food  
9 or apparently fit grocery product, a price that is an  
10 amount not greater than the cost of handling, ad-  
11 ministering, harvesting, processing, packaging,  
12 transporting, and distributing the apparently whole-  
13 some food or apparently fit grocery product.”; and

14 (D) by adding at the end the following:

15 “(12) QUALIFIED DIRECT DONOR.—The term  
16 ‘qualified direct donor’ means a retail grocer, whole-  
17 saler, agricultural producer, agricultural processor,  
18 agricultural distributor, restaurant, caterer, school  
19 food authority, or institution of higher education (as  
20 defined in section 102 of the Higher Education Act  
21 of 1965 (20 U.S.C. 1002)).”; and

22 (2) in subsection (c)—

23 (A) in paragraphs (1) and (2), by inserting  
24 “at zero cost or at a good Samaritan reduced

1 price” after “needy individuals” each place it  
2 appears;

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

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

7 “(3) DIRECT DONATIONS TO NEEDY INDIVID-  
8 UALS.—A qualified direct donor shall not be subject  
9 to civil or criminal liability arising from the nature,  
10 age, packaging, or condition of apparently whole-  
11 some food or an apparently fit grocery product that  
12 the qualified direct donor donates in good faith to a  
13 needy individual at zero cost.”; and

14 (D) in paragraph (4) (as so redesignated),  
15 by striking “and (2)” and inserting “, (2), and  
16 (3)”.

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