Food Donation Laws and Policies in Connecticut
About Us

1. **Provide legal and policy advice** to nonprofits, government agencies, entrepreneurs, and other organizations on a range of food policy questions

2. **Educate students** about the role of law and policy in the food system
Which policies are we looking at?

- Liability Protection
- Date Labels
- Animal Feed
Liability Protection (Federal)

- Federal Law: *Bill Emerson Good Samaritan Act (42 U.S.C. 1791)* protects donors, nonprofits, volunteers, gleaners from civil and criminal liability *unless* they act with gross negligence or intentional misconduct
  - Food must be donated to a **nonprofit** in **good faith**
  - Food must meet all federal/state/local **quality and labeling requirements** (or be reconditioned to meet them)
  - Donated food must be distributed by the nonprofit to **needy individuals**
  - Needy individuals receiving the food **must not pay for it**

- States also have protections; some go above federal
Liability Protection (Connecticut)

- CT provides civil and criminal liability protection to:
  - Individual and organizational donors
  - Nonprofit or “political subdivision of the state” that receives donated food
- Goes *beyond* federal protections by extending protection to *nonprofit distribution of food “for a nominal fee”*
- Donors and donees are NOT protected if:
  - They knew or had “reasonable grounds to believe” food was adulterated or otherwise unfit for human consumption
Date Labels (Federal)

- Date labels are generally suggestions of peak quality
- Most consumers (~90%) think dates are safety-related
- No federal definition or requirement for expiration dates
  - FDA
    - Only requires date labels on infant formula
    - As of May 2019, recommends “Best if used by” for quality label
  - USDA
    - As of December 2016 recommends “best if used by” for quality label
- Many U.S. states regulate date labels and past-date sales
- In the U.S., GMA-FMI adopted voluntary standard
Date Labels (Connecticut)

• Last sale date required for:
  – Dairy

• Sale or donation after date not restricted

• CT has adopted a voluntary version of the Uniform Open Dating Regulation
  – “Sell by” OR “Best if used by”
Animal Feed (Federal)

- The Federal Swine Health Protection Act (SHPA)
- Transmissible Spongiform Encephalopathy (TSE)/Ruminant Feed Ban Rule
- The Preventive Controls Rule for Animal Food in the Food Safety Modernization Act (FSMA)
- The Food, Drug, & Cosmetic Act (FDCA)
Animal Feed (Connecticut)

- CT regulations only pertain to swine
- Mirrors SHPA; animal-derived food waste must be:
  - Heat-treated
  - Fed by licensed facility
  - Certain exceptions apply
- **Liability concerns:** CT and federal law do not provide liability protection for donating food scraps for animal feed