

HOUSE BILL NO. 47

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (27).

0184H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To amend chapter 196, RSMo, by adding thereto one new section relating to food waste, with penalty provisions.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Chapter 196, RSMo, is amended by adding thereto one new section, to be known as section 196.294, to read as follows:

196.294. 1. This section shall be known and may be cited as the "Missouri Food Waste Law".

2. For purposes of this section, the following terms mean:

(1) "Department", the department of health and senior services;

(2) "Distributor", a person who supplies food to stores and to other businesses that sell food to a person;

(3) "Excess food", food that is still fit for human consumption but that would otherwise be discarded or destroyed. The term "excess food" includes food that has passed its "best if used by" date but does not include food that has passed its "do not use after" date;

(4) "Food", any raw, cooked, processed, or prepared edible substance, beverage, or ingredient used or intended for use for human consumption, but not including pharmaceuticals;

(5) "Person", an individual, corporation, partnership, organization, association, or governmental entity including, but not limited to, a producer, distributor, retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor;

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 **(6) "Producer", a person who generates or processes food for sale to a person,**
19 **including wholesalers and retailers.**

20 **3. All persons including, but not limited to, producers, distributors, wholesalers,**
21 **grocery store owners and other retailers, and restaurant owners, owning an establishment**
22 **having annual food sale revenues exceeding five million dollars shall donate ten percent of**
23 **their excess food, fit for human consumption, to needy individuals or to nonprofit**
24 **organizations that provide food to needy individuals.**

25 **4. It shall be unlawful for a person to intentionally render food inedible in order**
26 **to evade compliance with this section.**

27 **5. (1) Any person who violates this section is guilty of a misdemeanor and shall be**
28 **assessed a fine of up to twenty-five thousand dollars.**

29 **(2) If the attorney general has probable cause to believe that a person has engaged,**
30 **is engaged, or is about to engage, in an act that is unlawful under this section, the attorney**
31 **general may bring an action in accordance with principles of equity to restrain such person**
32 **by temporary or permanent injunction from engaging in the act. The action may be**
33 **brought in the circuit court of the county where the defendant is established or conducts**
34 **business or, if the defendant is not established in this state, in the circuit court of Cole**
35 **County.**

36 **6. The department shall monitor compliance with this section and may conduct**
37 **audits, as necessary.**

38 **7. All persons subject to this section shall maintain records to verify compliance**
39 **with this section and shall certify compliance with this section on a form developed and**
40 **promulgated by the department. The department shall make the form available to all**
41 **persons subject to this section. Each person subject to this section shall submit the form**
42 **to the department on an annual basis.**

43 **8. Compliance with this section in good faith shall be a defense to any claim against**
44 **the establishment or owner based on defects in the food. A person shall not be subject to**
45 **civil or criminal liability arising from the nature, age, packaging, or condition of**
46 **apparently wholesome food or an apparently fit grocery product that the person donates**
47 **in good faith to a nonprofit organization for ultimate distribution to needy individuals.**
48 **This section shall not preempt, but shall be complementary to, the Bill Emerson Good**
49 **Samaritan Food Donation Act, 42 U.S.C. Section 1791.**

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