

## CHAPTER 210

**AN ACT** concerning food waste in K-12 schools and institutions of higher education, supplementing Title 13 of the Revised Statutes, and amending P.L.1982, c.178.

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

C.13:1E-99.115 Guidelines for handling food waste for certain institutions.

1. a. Within 90 days after the effective date of this act, the Department of Environmental Protection, in consultation with the Department of Agriculture, the Department of Education, the Department of Health, and the Office of the Secretary of Higher Education, shall establish, or work with appropriate nonprofit organizations to establish, voluntary guidelines to encourage and facilitate the ability of K-12 schools and institutions of higher education to reduce, recover, and recycle food waste.

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

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

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

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

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

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

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

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

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

C.24:4A-2 Definitions.

2. As used in this act:

"Donate" means to provide food free of charge or for a fee sufficient only to cover the cost of storing, transporting, or otherwise handling the food.

"Donor" includes, but is not limited to, any farmer, processor, distributor, or wholesaler or retailer of perishable or prepared food, a public or nonpublic school, or an institution of higher education in this State.

"Food" means articles used for food or drink for humans and articles used for components of any such article.

"Food bank" means a nonprofit food clearinghouse that solicits, stores, and distributes donations of edible but unmarketable surplus food. The food is distributed to nonprofit organizations that feed the needy.

"Gleaner" means a person who harvests for distribution an agricultural food that has been donated by the owner.

"Nonprofit organization" means an organization incorporated under the provisions of Title 15 or Title 16 of the Revised Statutes of New Jersey, an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code or an entity to which a charitable contribution as defined under subsection (c) of section 170 of the Internal Revenue Code is deductible under section 170.

"Perishable food" means any food that may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition. Perishable food includes, but is not limited to, fresh or processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits or vegetables and foods that have been canned or otherwise processed and packaged and which may or may not require refrigeration or freezing.

"Prepared food" means food commercially processed and prepared for human consumption.

3. This act shall take effect immediately.

Approved August 7, 2017.