

In every community of the Commonwealth, many people struggle to find enough food to eat each day. At the same time, many restaurants, grocery stores, and farmers have food that they could donate to mitigate this problem. While food rescue organizations do all within their power to collect unused food and distribute it to pantries and food banks, many unnecessary barriers stand in the way of food donation.

Currently, donations have to be routed through nonprofits to receive liability protections, a burdensome requirement that causes a large quantity of perishable food to go to waste. For example, employees closing down restaurant for the night may refrain from giving their surplus food to a homeless individual due to fear of liability.

S.962 extends liability protections to cover direct donations of food to persons in need, ensuring that people in need can receive donations of perishable food.

This legislation also makes clear that liability protections will cover donations to nonprofits and food establishments that distribute or serve food at no charge or at a charge sufficient only to cover the cost of handling such food. Nonprofit organizations throughout the Commonwealth sell donated food at the lowest possible price and only receive enough revenue to sustain their operations. They make healthy food more affordable in low-income areas that are underserved by grocery stores and donations to them deserve the same liability protections as donations from traditional food pantries.

Additionally, S.962 creates a tax deduction to incentivize farmers to donate excess crops to those organizations that work with those struggling with hunger. Farmers could deduct an amount equal to the fair market value of the crops they donate. At the moment, many farmers cannot afford to donate excess crops because doing so requires a fair amount of work. The proposed deduction will encourage farmers to harvest excess crops, coordinate with a food pantry or food rescue organization, and do the necessary accounting to benefit from the tax incentive.

Reducing the number of hungry people in Massachusetts must remain a priority every day and this legislation will both reduce food waste and provide food for a great number of food-insecure people in Massachusetts.