

**HOUSE . . . . . No. 4399**

**The Commonwealth of Massachusetts**

PRESENTED BY:

**Paul McMurtry**

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to the donations of leftover food by restaurants and cafeterias.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Paul McMurtry	11th Norfolk
Demetrius J. Atsalis	Second Barnstable
Stephen R. Canessa	12th Bristol
James Dwyer	30th Middlesex
Lida E. Harkins	13th Norfolk
Kay Khan	11th Middlesex
Allen J. McCarthy	7th Plymouth
Richard J. Ross	9th Norfolk
Michael F. Rush	10th Suffolk
Jeffrey Sánchez	15th Suffolk
Rosemary Sandlin	3rd Hampden
Stephen Stat Smith	28th Middlesex
David B. Sullivan	6th Bristol
Cleon H. Turner	1st Barnstable
Martin J. Walsh	13th Suffolk
Alice K. Wolf	25th Middlesex
Thomas P. Kennedy	Second Plymouth and Bristol
Bruce E. Tarr	First Essex and Middlesex

# The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine

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AN ACT RELATIVE TO THE DONATIONS OF LEFTOVER FOOD BY RESTAURANTS AND CAFETERIAS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 **SECTION 1.** Notwithstanding any general or special law to the contrary, food service  
2 establishments, including restaurants and cafeterias may donate their edible leftover cooked food  
3 and nonperishable food to local food pantries and assistance shelters and shall be allowed to take  
4 a tax credit or deduction for same. The food service establishment shall not be held liable in the  
5 event of any harm resulting to a person from the ingestion of any item of donated food described  
6 in this section.