

SENATE No. 549

The Commonwealth of Massachusetts

PRESENTED BY:

Anne M. Gobi

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 adoption of the accompanying bill:

An Act relative to reducing food insecurity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	<i>3/1/2021</i>

SENATE No. 549

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 549) of Anne M. Gobi and Susan L. Moran for legislation relative to reducing food insecurity. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to reducing food insecurity.

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

1 The General Laws are hereby amended by adding, in chapter 131, the following new
2 section:-

3 SECTION XX: (A) In this chapter, unless the context otherwise requires, the following
4 words shall have the following definitions:

5 “Approved Organization”, any non-profit Massachusetts Sportsman’s club; civic
6 organization, including, but not limited to, food pantries, soup kitchens, and other organizations
7 that provide free or reduced cost ingredients or meals; church, synagogue, or other religious
8 entity; museum, natural history association, or similar non-profit organization.

9 “Director”, the Director of the Division of Fisheries and Wildlife, or his or her agents.

10 “Eligible person”, the driver of a motor vehicle which collided with a salvageable animal,
11 or any passenger in such vehicle, provided that such person be domiciled in Massachusetts.

12 “Environmental Police Officer or EPO”, The Director of the Office of Law Enforcement,
13 deputy directors of enforcement, chiefs of enforcement, deputy chiefs of enforcement,
14 environmental police officers, and other such enforcement officers of the Office of Law
15 Enforcement, as may be appointed pursuant to Chapter 21 Section 6 of the Massachusetts
16 General Laws.

17 “Salvage”, The lawful rendering into possession of a salvageable animal by an eligible
18 person in accordance with regulations promulgated by the Director.

19 “Salvageable animal”, Animal killed by accidental collision with motor vehicle on a
20 Massachusetts way, or by being seriously injured by such accidental collision and subsequently
21 killed at the scene of the collision by a law enforcement officer.

22 (B) Upon the killing of a salvageable animal, an eligible person who intends to salvage
23 such animal shall immediately, upon taking the carcass of the animal into his possession, notify
24 the Office of Law Enforcement of such intent and shall report to such Office his name, address,
25 and the date, place, and time of the killing of the animal. In the event that the Office of Law
26 Enforcement cannot be so contacted, the eligible person shall immediately notify the municipal
27 police in which the animal was killed, or the nearest State Police Barracks, and shall request that
28 such police log the incident, including the name and address of the eligible person and the date,
29 place, and time of the killing of the animal.

30 (C) Within 24 hours after the killing of a salvageable animal, the person shall transport
31 the carcass of the animal to an installation or field office of the Division of Fisheries and
32 Wildlife or of the Office of Law Enforcement, or, if so directed when undertaking the reporting
33 specified in subsection (B) of this section, to an Environmental Police Officer at such place and

34 time as the EPO shall specify. The EPO or official agent in charge of the installation or field
35 office shall cause the animal to be tagged with an official seal and shall complete and issue to the
36 eligible person a permit which shall be issued at no charge and which shall allow him to possess
37 and transport the salvageable animal. The official seal shall remain attached to the animal carcass
38 while the carcass is being transported and until the carcass is butchered or otherwise prepared for
39 food purposes. The eligible person shall retain the permit until all edible parts of the animal shall
40 have been consumed.

41 (D) Animals or parts thereof salvaged under the provisions of this section shall not be
42 sold, bartered, or exchanged for consideration, provided that nothing in this section shall be
43 deemed to preclude the retention for personal use by an eligible person of the head, hide, hooves,
44 and shinbones of such salvageable animal as he shall have been permitted to possess. In the
45 event that the salvageable animal shall be disposed of in accordance to subsection (A) of this
46 section to an approved organization for distribution as food, it shall be understood that any
47 charge or fee requested by such approved organization shall be considered a donation to the
48 organization and not a charge or fee.

49 (E) In the event that an eligible person does not desire to salvage a salvageable animal, or
50 if the animal is killed by a motor vehicle of which the driver and any passenger is not an eligible
51 person, an Environmental Police Officer may dispose of such animal to any approved
52 organization in subsection (A) or to any person domiciled in Massachusetts, provided that any
53 animal so disposed of shall be tagged and a permit issued as specified in subsection (C). The
54 permit shall be issued in the name of the approved organization or person receiving the animal
55 and shall, if applicable, also bear the name and address of a principal officer of the approved
56 organization.

57 (F) Animals which shall be deemed inedible or otherwise unsuited for salvage shall be
58 disposed of by lawful burial or incineration or as otherwise ordered by the Director of the Office
59 of Law Enforcement, or by employees of a city or town or of the Department of Transportation,
60 by burial or incineration in accordance with such permit or authorization as shall be issued by the
61 Director, or by disposition to such person or approved organization as shall be approved by the
62 Director or an Environmental Police officer.

63 (G) No organization that serves or distributes meals or packaged raw meat acquired under
64 the provisions of this section, when acting in good faith that the food is wholesome and fit for
65 human consumption, shall not be subject to criminal penalty for violation of unfair trade practice
66 laws or civil damages arising from the condition or consumption of such food, unless an injury is
67 caused by gross negligence, recklessness, or intentional misconduct. The good-faith donor of any
68 apparently wholesome meat, fit for human consumption, to such organizations shall not be
69 subject to criminal penalty for violation of unfair trade practice laws or civil damages arising
70 from the condition or consumption of such food, unless an injury is caused by gross negligence,
71 recklessness, or intentional misconduct.

72 (H) The department shall annually submit a report detailing incidences and locations of
73 animals killed by collision with vehicles, whether or not such animals were salvaged, and, if so,
74 by whom, and which people and organizations received donations of such meat. The report shall
75 be submitted to the Department of Transportation, the Department of Public Health, and the
76 clerks of the House and Senate of the Massachusetts General Court. The report shall further, to
77 the extent practicable, be made available on the Department website, providing, however, that
78 confidential information may be left out of such public reporting.