

SENATE No. 2760

The Commonwealth of Massachusetts

—
**In the One Hundred and Ninety-Third General Court
(2023-2024)**
—

SENATE, May 9, 2024.

The committee on Agriculture, to whom was referred the petitions (accompanied by bill, Senate, No. 44) of Adam Gomez for legislation to establish community fridges to address food insecurity, report the accompanying bill (Senate, No. 2760).

For the committee,
Joanne M. Comerford

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An Act establishing community fridges to address 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 SECTION 1. Section 1 of chapter 94 of the General Laws, as appearing in the 2022
2 Official Edition, is hereby amended by inserting after the definition of commissioner the
3 following definition:-

4 “Community fridge”, a working refrigerator in a publicly accessible location in which
5 any person or organization can donate food into or remove food from for the purpose of
6 alleviating food insecurity.

7 SECTION 2. Section 328 of chapter 94 of the General Laws, as appearing in the 2022
8 Official Edition, is hereby amended by inserting after the word “corporation” in line 19, the
9 following words:- or food establishment.

10 SECTION 3. Said section 328 of said chapter 94, as so appearing, is hereby further
11 amended by inserting after the word “corporation” in line 29, the following words:- or food
12 establishment.

13 SECTION 4. Said section 328 of said chapter 94, as so appearing, is hereby further
14 amended by adding the following new paragraph:-

15 No community fridge manager shall be liable for civil damages for any injury arising out
16 of the condition of such food; provided, however, that at the time of distribution such food is not
17 misbranded or adulterated or has not been manufactured, processed, prepared, handled or stored
18 in violation of applicable regulations of the department of public health, and provided, further,
19 that such injury is not the result of gross negligence, recklessness or intentional misconduct of
20 the community fridge manager.

21 SECTION 5. Chapter 94 of the General Laws is hereby amended by inserting after
22 section 328A the following new section:-

23 Section 328B. Each community fridge shall have a designated manager whose position
24 may include but shall not be limited to community resident, staff or volunteer at a nonprofit
25 organization, or government official. The local board of health shall designate a community
26 fridge manager, in coordination with the person or entity that owns the fridge, who shall report to
27 the department of public health. This manager shall be responsible for maintaining the
28 cleanliness and sanitary condition of the fridge according to the guidelines set by the department
29 of public health. The department of public health shall provide advisory guidelines for the safe
30 and sanitary storage and removal of food in community fridges. These guidelines shall be posted
31 on the outside of each community fridge by the fridge's manager.

32 SECTION 5. Said section 328 of said chapter 94, as so appearing, is hereby further
33 amended by adding the following new paragraph:-

34 No community fridge manager shall be liable for civil damages for any injury arising out
35 of the condition of such food; provided, however, that at the time of distribution such food is not
36 misbranded or adulterated or has not been manufactured, processed, prepared, handled or stored
37 in violation of applicable regulations of the department of public health, and provided, further,
38 that such injury is not the result of gross negligence, recklessness or intentional misconduct of
39 the community fridge manager.