

SENATE No. 44

The Commonwealth of Massachusetts

PRESENTED BY:

Adam Gomez

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 establishing community fridges to address food insecurity.

PETITION OF:

NAME:

Adam Gomez

DISTRICT/ADDRESS:

Hampden

SENATE No. 44

By Mr. Gomez, a petition (accompanied by bill, Senate, No. 44) of Adam Gomez for legislation to establish community fridges to address food insecurity. Agriculture.

The Commonwealth of Massachusetts

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

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 328 of chapter 94 of the General Laws, as appearing in the 2020
2 Official Edition, is hereby amended by inserting after the fourth paragraph the following new
3 paragraph:-

4 “Community fridge,” is defined as a working refrigerator in a publicly accessible location
5 in which any person or organization can donate food into or remove food from for the purposes
6 of alleviating food insecurity. Each community fridge shall have a designated manager or
7 managing organization which may include a volunteer, a nonprofit, or a government official
8 designee. This manager is responsible for managing the cleanliness and sanitary condition of the
9 fridge according to the department of public health. The department of public health shall
10 provide advisory guidelines and interpretations for the safe and sanitary storage of such food.
11 The placement of community fridges will be prioritized in areas of high food insecurity,
12 including disproportionately impacted areas and food deserts. If data on food insecurity is

13 unavailable, then placement will be prioritized in low-income areas. Further, community fridges
14 shall be equitably distributed throughout each geographic region of the Commonwealth.

15 SECTION 2. Section 328 of chapter 94 of the General Laws, as appearing in the 2020
16 Official Edition, is hereby further amended by inserting after the third paragraph the following
17 paragraph:-

18 No food establishment, as defined in 105 CMR 590 et seq., which distributes or serves
19 food without charge or at a charge sufficient only to cover the cost of handling such food,
20 including open-dated food whose date has passed, shall be liable for civil damages for any injury
21 arising out of the condition of such food; provided, however, that at the time of distribution or
22 serving such food is not misbranded or adulterated or has not been manufactured, processed,
23 prepared, handled or stored in violation of applicable regulations of the department of public
24 health, and provided, further, that such injury is not the result of gross negligence, recklessness
25 or intentional misconduct of the food establishment or any person employed by or under the
26 control of the food establishment.