SENATE DOCKET, NO. 100 FILED ON: 1/10/2023

SENATE . . . . . No. 502

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:	
Anne M. Gobi	*Worcester and Hampshire*	
Jason M. Lewis	*Fifth Middlesex*	*2/1/2023*

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SENATE . . . . . No. 502

By Ms. Gobi, a petition (accompanied by bill, Senate, No. 502) of Anne M. Gobi and Jason M. Lewis for legislation relative to reducing food insecurity. Environment and Natural Resources.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *549* OF 2021-2022.]

The Commonwealth of Massachusetts

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

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:

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

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

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

"Director", the Director of the Division of Fisheries and Wildlife, or his or her agents.

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

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

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

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

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

(C) Within 24 hours after the killing of a salvageable animal, the person shall transport the carcass of the animal to an installation or field office of the Division of Fisheries and

Wildlife or of the Office of Law Enforcement, or, if so directed when undertaking the reporting specified in subsection (B) of this section, to an Environmental Police Officer at such place and time as the EPO shall specify. The EPO or official agent in charge of the installation or field office shall cause the animal to be tagged with an official seal and shall complete and issue to the eligible person a permit which shall be issued at no charge and which shall allow him to possess and transport the salvageable animal. The official seal shall remain attached to the animal carcass while the carcass is being transported and until the carcass is butchered or otherwise prepared for food purposes. The eligible person shall retain the permit until all edible parts of the animal shall have been consumed.

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

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

and shall, if applicable, also bear the name and address of a principal officer of the approved organization.

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

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

(H) The department shall annually submit a report detailing incidences and locations of animals killed by collision with vehicles, whether or not such animals were salvaged, and, if so, by whom, and which people and organizations received donations of such meat. The report shall be submitted to the Department of Transportation, the Department of Public Health, and the clerks of the House and Senate of the Massachusetts General Court. The report shall further, to

the extent practicable, be made available on the Department website, providing, however, that confidential information may be left out of such public reporting.