

SENATE No. 1091

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

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 direct food donations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Ryan C. Fattman</i>	<i>Worcester and Hampden</i>	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/27/2025</i>

SENATE No. 1091

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1091) of Ryan C. Fattman and Bruce E. Tarr for legislation relative to direct food donations. The Judiciary.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 963 OF 2023-2024.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act relative to direct food donations.

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 328 of chapter 94 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by inserting after the first paragraph the following:-

3 No food service entity or retail store who donates food, including open-dated food whose
4 date has passed, directly to an individual without charge or at a charge sufficient only to cover
5 the cost of handling such food, shall be liable for civil damages for any injury arising out of the
6 condition of such food; provided, however, that at the time of donation such food is not
7 misbranded and is not adulterated and has not been manufactured, process, prepared, handled or
8 stored in violation of applicable regulations of the department of public health; and provided,
9 further, that such injury is not the result of negligence, recklessness or intentional misconduct of
10 the donor or any person employed by or under the control of the donor.