

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Allow for the Recovery and Redistribution of Food in Public Schools

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §6602-A is enacted to read:

§ 6602-A. School food recovery and redistribution

1. State assistance. To encourage public school food service programs to recover and redistribute surplus food and in furtherance of the food recovery hierarchy priority in Title 38, section 2101-B, the State shall assist public school food service programs in the recovery and redistribution of surplus food first to students attending the school where the food was originally purchased, prepared or served and then, if there is remaining surplus food, to local food banks, food pantries, soup kitchens and similar nonprofit organizations. For the purposes of this section, "surplus food" means edible food that would otherwise be wasted if not recovered or redistributed.

2. Food safety rule variances. The Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Agriculture, Conservation and Forestry shall jointly develop and implement procedures by rule to grant public school food service programs variances to requirements in food safety rules jointly adopted by those departments. A variance must allow:

A. A public school food service program to collect surplus food from a share table and redistribute that food to students through the food service line in accordance with any United States Department of Agriculture policy allowing such redistribution;

B. Students to take food items directly from a share table and consume the food in the same breakfast, lunch or snack period; bring the food to class for consumption in accordance with individual school policy on the consumption of food in classrooms; or, except in the case of foods that need to be stored at specific temperatures for safety, bring the food home for consumption;

C. Students to place food items on a share table at any time during the students' regular breakfast, lunch or snack periods; and

D. Under certain conditions as determined by rule, school staff members who are not school food service program staff to collect and redistribute food from a share table to students who may need or want additional food.

For the purposes of this subsection, "share table" means a cart or table on which students may place surplus food that is still in its original packaging or peel for consumption by other students or donation.

Sec. 2. Rulemaking; Food Code. By October 1, 2019, the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Agriculture, Conservation and Forestry shall amend the rules jointly adopted by those departments, titled "State of Maine Food Code 2013," 10-144 C.M.R. Chapter 200 and 01-001 C.M.R. Chapter 331, to implement the provisions of this Act.

Sec. 3. Food share tables; guidance for schools. To encourage and facilitate the ability of public schools serving any grade from kindergarten to grade 12 to recover surplus food and redistribute it first to students in the school and then, if there is remaining surplus food, to local food banks, food pantries, soup kitchens and similar nonprofit organizations, the Department of Education and the Department of Health and Human Services, Maine Center for Disease Control and Prevention shall collaborate to revise and disseminate, by October 1, 2019, to public school food service programs throughout the State the Department of Health and Human Services, Maine Center for Disease Control and Prevention's health inspection program guidance titled "Food Sharing Tables - Guidance for Schools." The revised guidance must include at a minimum:

1. Information on food waste in general and recommendations for how schools can reduce the volume of surplus food they generate, including, but not limited to, conducting food waste audits, eliminating trays in cafeterias, establishing longer lunch periods, scheduling lunch periods after recess and establishing "offer versus serve" policies that allow students to decline some of the food offered;

2. Guidance on how schools can create share tables in their cafeterias on which students may place surplus food that is still in its original packaging or peel for consumption by other students or donation;

3. Information related to allowing students to take food when they leave the cafeteria as long as that food does not require temperature control for safety;

4. Information on cost-effective, safe and sanitary means by which schools:

A. Through the use of appropriate signage and other means of communication, can ensure unwanted food is placed on a share table only if it is eligible for redistribution because it is a packaged food with the package unopened and intact or is a whole piece of produce with an entire peel that is undamaged;

B. Can maintain the safety of recovered food requiring temperature control through the use of refrigeration, ice baths or other means as determined by the Maine Center for Disease Control and Prevention; and

C. Can collect share table items and serve them again in another meal service the same or next day, including guidance that recovered food should be kept separate from other food service items and that foods requiring temperature control must be collected and stored in accordance with rules regulating food safety, and guidance that a record must be retained of the type, amount and, when appropriate, temperature of the food collected, the date and time the food was collected, how the food was stored and the date the food was redistributed;

5. Information related to allowing food on a share table to be redistributed to students outside the cafeteria but within the school by school personnel who are not school food service program staff, including teaching, administrative and nursing staff, as long as the food is:

- A. Collected from the share table;
 - B. Transported to another room;
 - C. Stored and redistributed to students in a manner that protects the integrity and safety of the food, including such practices as:
 - (1) Rewashing of eligible produce by school food service program staff before it is taken out of the cafeteria;
 - (2) For packaged food, maintaining the integrity of packaging in an unopened state; and
 - (3) Properly storing whole fruits and vegetables in sanitary metal or plastic bowls or containers with lids or single-use products designed for such applications, all provided, cleaned and maintained by school food service program staff; and
 - D. For items requiring temperature control such as unopened milk, cheese or yogurt, stored in a refrigerator keeping the items at temperatures outlined in rules regulating food safety; and
6. Information relating to allowing donation of surplus food to food banks, food pantries, soup kitchens and similar nonprofit organizations.

SUMMARY

This bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Education, by October 1, 2019, to collaborate to revise the Department of Health and Human Services, Maine Center for Disease Control and Prevention's health inspection program guidance titled "Food Sharing Tables - Guidance for Schools" and disseminate the new guidance to public schools in the State.

The bill requires the Department of Health and Human Services, Maine Center for Disease Control and Prevention and the Department of Agriculture, Conservation and Forestry to grant public school food service programs a variance under the departments' jointly adopted rules regulating food safety in order to allow public school food service programs to collect food that was taken from the food service line by students and placed on a share table and to redistribute that food through the food service line; to allow students to take food from a share table and consume that food in the same breakfast, lunch or snack period or at another time; to allow students to place unwanted, eligible food items on a share table at any time during their breakfast, lunch or snack period; and to allow school staff members under certain circumstances to collect and redistribute food from a share table.

The bill does not mandate the creation of share tables within schools or require schools to purchase additional food or materials.