

# States Regulating Date Labeling

State	Perishable Foods	Potentially Hazardous Foods	Milk/Dairy	Meat/Poultry	Shellfish	Eggs	Other
Alabama		X		X			
Alaska					X		
Arizona						X	
Arkansas					X		
California			X		X		
Colorado						X	
Connecticut			X				
Delaware					X		
Florida			X		X		
Georgia		X	X		X	X	X
Hawaii			X				
Idaho							
Illinois						X	
Indiana					X	X	
Iowa						X	
Kansas						X	
Kentucky			X		X		
Louisiana						X	
Maine					X		
Maryland			X				
Massachusetts	X						
Michigan	X		X	X			
Minnesota	X				X	X	
Mississippi					X		
Missouri							
Montana			X				
Nebraska							
Nevada		X	X				
New Hampshire			X				X
New Jersey			X		X		
New Mexico			X				
New York							

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State	Perishable Foods	Potentially Hazardous Foods	Milk/Dairy	Meat/Poultry	Shellfish	Eggs	Other
North Carolina					X		
North Dakota					X		
Ohio	X				X		
Oklahoma					X	X	
Oregon	X						
Pennsylvania			X		X		
Rhode Island					X		X
South Carolina					X	X	
South Dakota							
Tennessee							
Texas					X		
Utah							
Vermont					X		
Virginia			X		X		
Washington	X						
Washington, D.C.	X	X	X	X	X	X	X
West Virginia						X	
Wisconsin					X	X	
Wyoming					X		

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# States Regulating Food Sales Past Some Label Dates

State	No Regulation	Past-Date Sales Regulated	Foods for which Sale After Date is Restricted
Alabama		X	meat, Class A foods (baby food, infant formula, potentially hazardous foods)
Alaska	X		
Arizona	X		
Arkansas	X		
California	X		
Colorado		X	eggs
Connecticut	X		
Delaware	X		
Florida		X	shellfish and milk/ dairy
Georgia		X	eggs, infant formula, shellfish, milk, potentially hazardous foods, pre-packaged sandwiches
Hawaii	X		
Idaho	X		
Illinois		X	eggs
Indiana	X		
Iowa	X		
Kansas	X		
Kentucky		X	milk/milk products
Louisiana	X		
Maine	X		
Maryland		X	milk
Massachusetts		X	All food products (special focus on perishable and semi-perishable foods)
Michigan		X	Pre-packaged perishable foods, meat, milk/dairy
Minnesota	X		
Mississippi	X		
Missouri	X		
Montana		X	milk
Nebraska	X		
Nevada		X	Potentially hazardous foods

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# States Regulating Food Sales Past Some Label Dates

State	No Regulation	Past-Date Sales Regulated	Foods for which Sale After Date is Restricted
New Hampshire		X	Pre-wrapped sandwiches
New Jersey		X	milk
New Mexico		X	milk/dairy
New York	X		
North Carolina	X		
North Dakota	X		
Ohio	X		
Oklahoma	X		
Oregon		X	Packaged perishable foods
Pennsylvania		X	milk
Rhode Island		X	Packaged bakery products
South Carolina	X		
South Dakota	X		
Tennessee	X		
Texas	X		
Utah	X		
Vermont	X		
Virginia		X	Dairy
Washington		X	Perishable packaged foods
Washington, D.C.		X	Potentially hazardous foods, dairy, meat, poultry, fish, bread products, eggs, cold meats, packaged perishable foods, etc.
West Virginia	X		
Wisconsin		X	eggs
Wyoming	X		

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# State Liability Protection Laws

State	Citation	Type of Protection		Protections Apply When End Recipient Pays for the Donated Food	Protections Apply to Direct Donations
		Civil	Criminal		
Alabama	Ala. Code 1975 § 20-1-6	x	x		
Alaska	Alaska Stat. § 17.20.346	x	x	x	
Arizona	Ariz .Rev. Stat. Ann. § 36-916	x		x	x
Arkansas	Ark. Code Ann. § 20-57-103	x	x	x	
California	Cal. Civ.Code § 1714.25	x			
Colorado	Colo. Rev. Stat. § 13-21-113	x	x		
Connecticut	Conn. Gen. Stat. Ann. § 52-557L	x	x	x	
Delaware	Del.Code Ann. Tit. 10, § 8130	x	x		
District of Columbia	D.C. Code § 48-301	x	x		
Florida	Fla. Stat. Ann. § 768.136	x	x		
Georgia	Ga. Code Ann. § 51-1-31	x	x	x	
Hawaii	Haw. Rev. Stat. § 145D-1—D-5	x	x		
Idaho	Idaho Code Ann. § 6-1301—1302	x	x		
Illinois	745 Ill. Comp. Stat. 50/1—50/4	x			
Indiana	Ind. Code § 34-30-5-1—34-30-5-2	x			
Iowa	Iowa Code Ann. § 672.1	x	x	x	
Kansas	Kan. Stat. Ann. § 65-687	x	x		
Kentucky	Ky. Rev. Stat. § 413.247—248	x	x		
Louisiana	La. Rev. Stat. Ann. § 9:2799	x			Only wild game
Maine	Me. Rev. Stat. tit. 14, § 166	x			
Maryland	Md. Code Ann. Cts. & Jud. Proc. § 5-634 Md. Code Ann. Health—Gen. § 21-322	x			
Massachusetts	Mass. Gen. Laws Ann. Ch. 94, § 328; 105 Mass. Code Regs. 520.119	x		x	**
Michigan	Mich. Comp. Laws Ann. § 691.1572	x		x	

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		Civil	Criminal		
Minnesota	Minn. Stat. Ann. § 604A.10	x			x
Mississippi	Miss. Code Ann. § 95-7-1	x			
Missouri	Mo. Rev. Stat. § 537.115	x	x		
Montana	Mont. Code Ann. § 27-1-716	x	x	x	
Nebraska	Neb. Rev. Stat. § 25-21,189	x		*	
Nevada	Nev. Rev. Stat. § 41.491	x			x
New Hampshire	N.H. Rev. Stat. § 508:15	x	x	x	x
New Jersey	N.J. Stat. Ann. § 24:4A-1—A5	x	x	x	
New Mexico	N.M. Stat. Ann. § 41-10-1—3	x	x		x
New York	N.Y. Agric. & Mkts. Laww § 71-y—z	x	x		
North Carolina	N.C. Gen. Stat. Ann. § 99B-10	x	x	x	
North Dakota	N.D. Cent. Code § 19-05.1-02—19-05.1-05	x	x		
Ohio	Ohio Rev. Code Ann. § 2305.37	x			
Oklahoma	Okla. Stat. Ann. tit. 76, § 5.6	x	x	x	
Oregon	Or. Rev. Stat. § 30.890	x	x	x	
Pennsylvania	10 Pa. Stat. Ann. § 351-58	x	x		
Rhode Island	R.I. Gen. Laws Ann. § 21-34-1—2	x	x	*	
South Carolina	S.C. Code Ann. § 15-74-10—40	x	x		
South Dakota	S.D. Codified Laws § 39-4-22—24	x	x		
Tennessee	Tenn. Code Ann. § 53-13-101—103	x	x		
Texas	Tex. Civ. Prac. & Rem. Code Ann. § 76.001—004	x	x	*	
Utah	Utah Code Ann. §§ 4-34-5, § 78B-4-502	x	x		
Vermont	Vt. Stat. Ann. tit. 12, § 5761—5762	x	x		x
Virginia	Va. Code Ann. § 3.2-5144	x			

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		Civil	Criminal		
<b>Washington</b>	Wash. Rev. Code Ann. § 69.80.031	x	x		
<b>West Virginia</b>	W. Va. Code, § 55-7D-1—4	x	x		
<b>Wisconsin</b>	Wis. Stat. Ann. § 895.51	x			
<b>Wyoming</b>	Wyo. Stat. Ann. § 35-7-1301	x			

- \* Food recovery organization must distribute the food for free in order to receive protection; donor is protected even if the food recovery organization charges
- \*\* Explicitly allows donation of past-date food, as long as the food is wholesome, separated from foods that are not past-date, and clearly labeled as past-date

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# State Tax Incentives for Food Donations

Legislation	Deduction or credit	Benefit	Eligible donors	Eligible food	Eligible recipients
<b>Arizona</b> ARIZ. REV. STAT. ANN. § 42-5074	Deduction	Gross proceeds of sales or gross income from donated food	Restaurants	Prepared food, drink, or condiment	Nonprofits that regularly serve free meals to the needy and indigent at no cost
<b>Arizona</b> ARIZ. REV. STAT. ANN. § 43-1025	Deduction	Full wholesale market price, or the most recent sale price (whichever is greater) of donated crops	Taxpayer engaged in the business of farming or processing agricultural crops	Agricultural crops	Nonprofits located in Arizona whose use of the crop is related to their tax-exempt status
<b>California</b> CAL. REV. & TAX. CODE § 17053.88	Credit	10% of inventory cost	Taxpayer responsible for planting, managing, and harvesting crops	Fresh produce	Food banks located in California
<b>California</b> CAL. REV. & TAX. CODE § 17053.12	Credit	50% of transportation costs	Taxpayer engaged in the business of processing, distributing, or selling agricultural products	Agricultural crops	Nonprofits
<b>Colorado</b> COLO. REV. STAT. § 39-22-536	Credit	25% of wholesale market price, up to \$5,000 annually	All taxpayers	Agricultural crops (grains, fruit, vegetables), livestock, eggs, dairy	Nonprofit hunger-relief charitable organizations
<b>Colorado</b> COLO. REV. STAT. ANN. § 39-22-301	Credit	25% of wholesale market price, up to \$1,000 annually	C-Corporations	Crops and livestock	Charitable organizations that do not collect money, other property, or services in exchange for product

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Legislation	Deduction or credit	Benefit	Eligible donors	Eligible food	Eligible recipients
<b>District of Columbia</b> D.C. CODE § 47-1806.14	Credit	50% of the value of the food commodity donation, up to 2,500 annually	All taxpayers	Food Commodities (vegetables, fruits, grains, mushrooms, honey, herbs, nuts, seeds, or rootstock grown in the District by urban farming or by a community garden)	District of Columbia food banks or shelters recognized as a tax-exempt organization
<b>Iowa</b> IOWA CODE §§ 190B.101-.106, 422.11E, 422.33(30)	Credit	15% of fair market value, up to \$5,000 annually	Taxpayers that produce a food commodity	Any apparently wholesome food	Food banks and emergency feeding organizations
<b>Kentucky</b> KY. REV. STAT. ANN. § 141.392	Credit	10% of fair market value	Taxpayer who derives income from agricultural products	Edible agricultural products	Nonprofit food programs operating in Kentucky
<b>Missouri</b> MO. REV. STAT. § 135.647	Credit	50% of food or cash donation, up to \$2,500 annually	All taxpayers	Cash or food that is not past-date	Local food pantries in the area where the donor resides in MO
<b>Oregon</b> OR. REV. STAT. § 315.154 and 315.156	Credit	10% of wholesale market price	Taxpayer or corporation that grows crops or livestock	Crops and livestock	Food bank or other charitable organization in OR that distributes food without charge
<b>South Carolina</b> S.C. CODE ANN. § 12-6-3750	Credit	\$75 per carcass	Licensed meat packer, butcher, or processing plant	Deer	Nonprofits engaged in distributing food to needy; no portion of deer can be sold
<b>Virginia</b> VA CODE ANN. § 58.1-439.12:12	Credit	30% of fair market value, up to \$5,000 annually	Any person engaged in the business of farming	Food crops (grains, fruits, nuts, or vegetables)	Nonprofit food bank engaged in providing food to the needy; food can be sold to the needy or other nonprofits

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# State Laws for Feeding Food Scraps to Swine\*

State	Specific Food Bans		Heat-treatment Requirements**		Licensure Requirements			Individual Use Regs.
	Full prohibition on animal/veg. waste	Full prohibition on animal waste only	Animal and veg. must be heat-treated	Animal waste must be heat-treated	License required to heat-treat waste	License required to feed waste to swine	License required for both	May feed household garbage to own swine
Alabama	X							X
Alaska***								X
Arizona				X		X		X
Arkansas			X			X		X
California				X		X		X
Colorado			X			X		X
Connecticut				X		X		X
Delaware		X						X
Florida				X		X		X
Georgia						X		X
Hawaii				X		X		X
Idaho		X						X
Illinois	X							X
Indiana				X	X			X
Iowa			X					X
Kansas	X							X
Kentucky	X							
Louisiana	X							
Maine				X		X		X
Maryland				X		X		X
Massachusetts				X		X		X
Michigan				X				
Minnesota			X			X		X
Mississippi	X							X
Missouri			X			X		X
Montana				X			X	X
Nebraska		X						X
Nevada				X	X			X
New Hampshire				X		X		X

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New Jersey			X				X	X
New Mexico				X			X	X
New York				X				X
North Carolina				X		X		X
North Dakota	X							X
Ohio				X			X	X
Oklahoma			X			X		X
Oregon	X							X
Pennsylvania				X		X		X
Puerto Rico				X		X		
Rhode Island			X			X		X
South Carolina		X						X
South Dakota	X							X
Tennessee			X					X
Texas		X				X		X
Utah***								X
Vermont		X						X
Virginia			X				X	
Washington				X		X		X
West Virginia			X			X		X
Wisconsin	X							X
Wyoming			X			X		X

\* The following states also regulate the feeding of food scraps to other animals, such as cattle and poultry: California, Georgia, Illinois, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Jersey, New York, Pennsylvania, Puerto Rico, South Dakota.

\*\* Note that some states provide not that garbage must be “heat-treated,” but rather that it must be treated in other ways (i.e., “processed”) before it can be fed to livestock.

\*\*\* Alaska and Utah have no regulations.

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# State Organic Waste Bans & Recycling Laws Currently in Effect

	Connecticut CONN. GEN. STAT. ANN. § 22a-226e	Vermont VT. STAT. ANN. TIT. 10, § 6605k	Massachusetts 310 MASS. CODE REGS. 19.017	Rhode Island R.I. GEN. LAWS ANN. § 23-18.9-17	California CAL. PUB. RES. CODE § 42649.81
<b>Food Waste Generators Covered</b>	Commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort or conference center.	Any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont or any agency, department, or subdivision of the State, federal agency, or any other legal or commercial entity.	Any individual, partnership, association, firm, company, corporation, department, agency, group, public body (including a city, town, district, county, authority, state, federal, or other governmental unit).	Commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort or conference center, banquet hall, restaurant, religious institution, military installation, prison, corporation, hospital or other medical care institution, casino, and covered educational facility.	Any business, meaning a commercial or public entity such as a firm, partnership, corporation, or association organized as a for-profit or non-profit entity. Multifamily residential dwellings are exempted.
<b>Waste Production Threshold to be Covered</b>	2014: 104 tons/year 2020: 52 tons/year	2014: 104 tons/year 2015: 52 tons/year 2016: 26 tons/year 2017: 18 tons/year 2020: Food scraps banned from landfill completely	1 ton/week*  *Generators are covered only for weeks during which they meet the threshold	2016: 104 tons/year 2018: 52 tons/year for covered educational facilities	2016: 8 cubic yards per week 2017: 4 cubic yards per week 2020: 2 cubic yards per week IF statewide organic waste disposal has not been reduced to 50% of the level in 2014.
<b>Distance Exemptions</b>	20 miles	20 miles	None	15 miles	None (but there are exemptions for rural jurisdictions)

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Other				Waiver from the above requirements if the landfill tipping fee is less than the fee charged by an authorized composting or anaerobic digestion facility located within 15 miles of the business.	

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