An Act to Prohibit Food Waste by Grocery Stores

Reference to the Committee on Environment and Natural Resources suggested and ordered printed.

Presented by Representative MILLIKEN of Blue Hill.
Be it enacted by the People of the State of Maine as follows:

Sec. 1. 38 MRSA §2147 is enacted to read:

§2147. Food waste at grocery stores

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. “Composting facility” means a solid waste processing facility where organic materials are processed using a method of accelerated biological decomposition of organic material under controlled aerobic or anaerobic conditions.

B. “Food waste” means food material produced from human or animal food production, preparation and consumption activities and that consists of, but is not limited to, fruits, vegetables and other vegetative material, grains and fish and animal products and by-products. “Food waste” does not include hazardous waste, biomedical waste, sewage or septage.

C. “Grocery store” means a store primarily engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, fresh meats, fish and poultry.

2. Prohibition. Beginning January 1, 2024, a grocery store may not dispose of or facilitate the disposal of food waste or surplus food acquired for retail sale by or generated at the grocery store at a waste-to-energy facility or landfill. The grocery store shall ensure that such food waste or surplus food is:

A. Donated to food banks, soup kitchens, shelters and other entities for feeding people;

B. Diverted for use as animal feed; or

C. Delivered to a composting facility for energy recovery through digestion, as input for other waste utilization technologies or for the creation of soil amendments through composting.

3. Administration and enforcement; rules. The department shall administer and enforce this section and may adopt rules as necessary to implement the provisions of this section. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

SUMMARY

This bill provides that, beginning January 1, 2024, a grocery store may not dispose of or facilitate the disposal of food waste or surplus food acquired for retail sale by or generated at the grocery store at a waste-to-energy facility or landfill. Instead, the bill requires that a grocery store ensure that such food waste or surplus food is donated to food banks, soup kitchens, shelters and other entities for feeding people; diverted for use as animal feed; or delivered to a composting facility for energy recovery through digestion, as input for other waste utilization technologies or for the creation of soil amendments through composting.