

# States Regulating Date Labeling

| State                 | Perishable Foods | Potentially Hazardous Foods (i.e., Reduced O <sub>2</sub> & Refrigerated Ready-to-Eat Time/Temp Control for Safety) | Milk/Dairy | Meat/Poultry | Shellfish | Eggs | Other |
|-----------------------|------------------|---|------------|--------------|-----------|------|-------|
| Alabama               |                  | X   |            | X            | X         |      | X     |
| Alaska                |                  | X   |            |              | X         |      |       |
| Arizona               |                  | X   |            |              | X         | X    |       |
| Arkansas              |                  | X   |            |              | X         |      |       |
| California            |                  | X   | X          |              | X         | X    |       |
| Colorado              |                  | X   |            |              | X         | X    |       |
| Connecticut           |                  | X   | X          |              | X         |      |       |
| Delaware              |                  | X   |            |              | X         |      |       |
| District of Columbia* |                  | X   |            |              | X         |      |       |
| Florida               |                  | X   | X          |              | X         |      |       |
| Georgia               |                  | X   | X          |              | X         | X    | X     |
| Hawaii                |                  | X   | X          |              | X         |      |       |
| Idaho                 |                  | X   |            |              | X         |      |       |
| Illinois              |                  | X   |            |              | X         | X    |       |
| Indiana               |                  | X   |            |              | X         | X    |       |
| Iowa                  |                  | X   |            |              | X         | X    |       |
| Kansas                |                  | X   |            |              | X         | X    |       |
| Kentucky              |                  | X   | X          |              | X         |      |       |
| Louisiana             |                  | X   |            |              | X         | X    |       |
| Maine                 |                  | X   |            |              | X         |      |       |
| Maryland              |                  | X   | X          |              | X         |      | X     |
| Massachusetts         | X                | X   | X          | X            | X         | X    | X     |
| Michigan              | X                | X   | X          | X            | X         |      |       |
| Minnesota             | X                | X   | X          |              | X         | X    |       |
| Mississippi           |                  | X   |            |              | X         |      |       |

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| State          | Perishable Foods | Potentially Hazardous Foods (i.e., Reduced O <sub>2</sub> & Refrigerated Ready-to-Eat Time/Temp Control for Safety) | Milk/Dairy | Meat/Poultry | Shellfish | Eggs | Other |
|----------------|------------------|---|------------|--------------|-----------|------|-------|
| Missouri       |                  | X   |            |              | X         |      |       |
| Montana        |                  | X   | X          |              | X         |      |       |
| Nebraska       |                  | X   |            |              | X         |      |       |
| Nevada         |                  | X   | X          |              | X         |      |       |
| New Hampshire  |                  | X   |            |              | X         |      | X     |
| New Jersey     |                  | X   | X          |              | X         |      |       |
| New Mexico     |                  | X   | X          |              | X         |      |       |
| New York       |                  | X   |            |              | X         |      |       |
| North Carolina |                  | X   |            |              | X         |      |       |
| North Dakota   |                  | X   |            |              | X         |      |       |
| Ohio           | X                | X   |            |              | X         |      |       |
| Oklahoma       |                  | X   |            |              | X         | X    |       |
| Oregon         | X                | X   |            | X            | X         | X    | X     |
| Pennsylvania   |                  | X   | X          |              | X         |      |       |
| Rhode Island   |                  | X   |            |              | X         |      | X     |
| South Carolina |                  | X   |            |              | X         | X    |       |
| South Dakota   |                  | X   |            |              |           |      | X     |
| Tennessee      | X                | X   |            |              | X         |      | X     |
| Texas          |                  | X   | X          |              | X         |      | X     |
| Utah           |                  | X   |            |              | X         |      |       |
| Vermont        |                  | X   |            |              | X         |      |       |
| Virginia       |                  | X   | X          |              | X         |      |       |
| Washington     | X                | X   |            |              | X         |      |       |
| West Virginia  |                  | X   |            |              | X         | X    |       |
| Wisconsin      |                  | X   |            |              | X         | X    |       |
| Wyoming        |                  | X   |            |              | X         |      |       |

# States Regulating Past-Date Food Sales

| State                 | No Past-Date Regulations Beyond Those in the FDA model Food Code | Foods for which past-date sale/donation is restricted  |
|-----------------------|--|--|
| Alabama               |  | Potentially Hazardous Foods, Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Shellfish, Meat, Baby Food, Infant Formula |
| Alaska                | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Arizona               |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Arkansas              | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| California            |  |  |
| Colorado              |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Eggs  |
| Connecticut           |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Delaware              | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| District of Columbia* |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Florida               |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Shellfish, Dairy  |
| Georgia               |  | Potentially Hazardous Foods, Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Shellfish, Eggs, Infant Formula, Dairy     |
| Hawaii                |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Dairy   |
| Idaho                 | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Illinois              |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Eggs  |
| Indiana               |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Iowa                  |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |



# States Regulating Past-Date Food Sales

| State         | No Past-Date Regulations Beyond Those in the FDA model Food Code | Foods for which past-date sale/donation is restricted  |
|---------------|--|--|
| Kansas        |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Kentucky      |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Dairy                                       |
| Louisiana     |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Maine         | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Maryland      |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Milk, Potentially Hazardous Bakery Products |
| Massachusetts |  | All food products (emphasis on perishable and semi-perishable foods)   |
| Michigan      |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Perishables, Meat, Dairy                    |
| Minnesota     |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Mississippi   |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Missouri      | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Montana       |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Milk  |
| Nebraska      | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |
| Nevada        |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Dairy                                       |
| New Hampshire |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Pre-wrapped Sandwiches                      |
| New Jersey    |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Dairy                                       |
| New Mexico    |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Dairy                                       |
| New York      | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods  |

Policy research for this tool was conducted by the Harvard Law School Food Law and Policy Clinic (FLPC). For more information, visit the Food Waste Policy Finder at [policyfinder.refed.org/](http://policyfinder.refed.org/).



# States Regulating Past-Date Food Sales

| State          | No Past-Date Regulations Beyond Those in the FDA model Food Code | Foods for which past-date sale/donation is restricted   |
|----------------|--|---|
| North Carolina |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods   |
| North Dakota   | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods   |
| Ohio           |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods   |
| Oklahoma       |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods   |
| Oregon         |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Perishables, Eggs, Meat, Sandwiches, Shellfish |
| Pennsylvania   |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Milk   |
| Rhode Island   |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Bakery Products                                |
| South Carolina |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods   |
| South Dakota   |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods   |
| Tennessee      |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, and Some Refrigerated Ready-to-Eat Foods       |
| Texas          |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods   |
| Utah           | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods   |
| Vermont        | x  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods   |
| Virginia       |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Dairy  |
| Washington     |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, and Some Other Perishables                     |
| West Virginia  |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods   |
| Wisconsin      |  | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods, Eggs   |

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# States Regulating Past-Date Food Sales

| <i>State</i>   | <b>No Past-Date Regulations Beyond Those in the FDA model Food Code</b> | <b>Foods for which past-date sale/donation is restricted</b>                            |
|----------------|---|---|
| <b>Wyoming</b> | x   | Reduced O <sub>2</sub> & Refrigerated, Ready-to-Eat, Time/Temp Control for Safety Foods |

\*Washington, D.C. passed The Save Good Food Act of 2018, which charges the D.C. Department of Health with updating date labeling regulations to focus on reducing the amount of safe, quality food that is wasted. The new regulations were supposed to be released by March 30, 2019, but had yet to be issued as of March 2024.



The Bill Emerson Good Samaritan Food Donation Act, as amended by the Food Donation Improvement Act, provides a strong federal baseline of protection for food donors against state and federal liability claims. It covers individuals, businesses, schools, nonprofit organizations, the officers of businesses and nonprofit organizations, and gleaners. A donor must donate in good faith to a nonprofit organization that distributes the donated food to needy populations, or, if the donor is a qualified direct donor, they may donate food directly to needy individuals. Donated food must meet all quality and labeling standards imposed by federal, state and local laws and regulations. A state’s liability protection law can provide more, but not less, protection than the Emerson Act. States shown below offer protections beyond the federal baseline.

## State Liability Protection Laws

| State         | Citation   | Protections apply to past-date donations | Protections apply regardless of compliance with regulations on the quality or labeling of food |
|---------------|--|--|--|
| Alaska        | Alaska Stat. §§ 17.20.345-47                               | X  |  |
| California    | Cal. Civ. Code § 1714.25;<br>Cal. Health & Safety § 114433 | *  |  |
| Hawaii        | Haw. Rev. Stat. § 145D-1—D-5                               | X  |  |
| Kentucky      | Ky. Rev. Stat. § 411.240—243                               | X  |  |
| Massachusetts | Mass. Gen. Laws Ann. Ch. 94, § 328                         | *  |  |
| New Jersey    | N.J. Stat. Ann. § 24:4A-1—A5                               | X  | X  |
| Ohio          | Ohio Rev. Code Ann. § 2305.37                              | X  |  |
| Oregon        | Or. Rev. Stat. § 30.890                                    |  | X  |
| Rhode Island  | R.I. Gen. Laws Ann. § 21-34.1-1—6                          | *  |  |
| Tennessee     | Tenn. Code Ann. § 53-13-101—103                            | *  |  |
| Virginia      | Va. Code Ann. § 3.2-5144                                   | *  | *  |
| Washington    | Wash. Rev. Code Ann. § 69.80.031                           | X  | X  |

\*Protections in this area are limited in scope.

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# State Tax Incentives for Food Donations

| State   | Deduction or Credit | Benefit  | Eligible Donors  | Eligible Food   | Eligible Recipients  | Expired or Repealed |
|---|---------------------|--|--|---|--|---------------------|
| <b>Arizona</b><br>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 distribute food at no cost.                          | None                |
| <b>Arizona</b><br>Ariz. Rev. Stat. Ann. § 43-1025       | Deduction           | Greater value of the wholesale market price or the most recent sale price of donated crops | Farmers  | Agricultural Crops                                      | Arizona Nonprofits whose use of the crop is related to their tax-exempt status | None                |
| <b>California</b><br>CAL. REV. & TAX. CODE § 17053.88.5 | Credit              | 15% of the wholesale market price of donated item  | Farmers and any person responsible for packing, or processing a qualified donation item, provided that person is not a retailer. | Produce, raw agricultural products, and processed foods | California Food Banks  | January 1, 2027     |
| <b>California</b><br>CAL. REV. & TAX. CODE § 17053.12   | Credit              | 50% of transportation costs of donated crops   | Taxpayers engaged in the business of processing, distributing, or selling agricultural products                                  | Agricultural Crops                                      | Nonprofits   | None                |

# State Tax Incentives for Food Donations

| State   | Deduction or Credit | Benefit  | Eligible Donors  | Eligible Food                                      | Eligible Recipients  | Expired or Repealed |
|---|---------------------|--|--|--|--|---------------------|
| <b>Colorado</b><br>Colo. Rev. Stat. § 39-22-536       | Credit              | 25% of wholesale market price, up to \$5,000 annually                                | Taxpayers  | Agricultural Crops, Livestock, Eggs, Dairy         | Nonprofit hunger-relief charitable organizations           | Expired 2020        |
| <b>Colorado</b><br>Colo. Rev. Stat. Ann. § 39-22-301  | Credit              | 25% of wholesale market price, up to \$1,000 annually                                | C-Corporations   | Agricultural Crops, Livestock                      | Charitable organizations that do not charge end recipients | Repealed 2022       |
| <b>District of Columbia</b><br>D.C. CODE § 48-1806.16 | Credit              | 50% of fair market value, up to \$2,500 for individuals or \$5,000 for joint filings | Taxpayers  | Produce grown or food prepared within the district | Food recovery organizations                                | Repealed 2021       |
| <b>District of Columbia</b><br>D.C. CODE § 48-1806.14 | Credit              | 50% of fair market value, up to \$2,500 for individuals and \$5,000 for businesses   | Taxpayers and businesses                               | Food grown at urban farms and community gardens    | Food banks and shelters                                    | Repealed            |
| <b>Iowa</b><br>Iowa Code §§ 190B.101-.106, 422.33(30) | Credit              | 15% of fair market value, up to \$5,000 annually                                     | Taxpayers who produce food                             | Any apparently wholesome food                      | Emergency feeding organizations and food bank              | None                |
| <b>Kentucky</b><br>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              | Repealed 2018       |

# State Tax Incentives for Food Donations

| State   | Deduction or Credit | Benefit   | Eligible Donors   | Eligible Food                             | Eligible Recipients   | Expired or Repealed         |
|---|---------------------|---|---|---|---|-----------------------------|
| <b>Maryland</b><br>MD Code Ann.,<br>Tax-Gen., §<br>10-745 | Credit              | 100% of the wholesale value of the eligible food donation up to \$5,000                             | Farm businesses   | Fresh farm products for human consumption | Not specified   | None                        |
| <b>Maryland</b><br>MD Code Ann.,<br>Tax-Gen., §<br>10-746 | Credit              | Up to a \$50 for the expenses incurred to butcher and process venison, not to exceed \$200 annually | Residents of Montgomery County                          | Deer Carcass                              | 501(c)(3) nonprofit venison donation programs under the Montgomery County Deer Donation Program | Will sunset June 30, 2029   |
| <b>Missouri</b><br>Mo. Rev. Stat. §<br>135.647            | Credit              | 50% of food or cash donation, up to \$2,500 annually.   | Taxpayers   | Any food or monetary donation             | Food pantries, homeless shelters, and soup kitchens in the area where the donor resides in MO   | December 31, 2026           |
| <b>Nebraska</b><br>Neb. Rev. Stat.<br>§ 77-27,241         | Credit              | 50% of the value of the qualified donation, not to exceed \$2,500 annually                          | Grocery stores, restaurants, and agricultural producers | Nebraska grown                            | Food bank, food pantry or food rescue organization  | Sunsets after 2025 tax year |

# State Tax Incentives for Food Donations

| State   | Deduction or Credit | Benefit   | Eligible Donors                                       | Eligible Food  | Eligible Recipients  | Expired or Repealed         |
|---|---------------------|---|---|--|--|-----------------------------|
| <b>New York</b><br>N.Y. Tax Law §210-B(52)                          | Credit              | 25% of the fair market value of the qualified donations, not to exceed \$5,000 per tax year | Farmers   | Apparently wholesome food that meets all quality and labeling standards  | NY food banks, pantries, or other emergency food programs                        | None                        |
| <b>Oregon</b><br>Or. Rev. Stat. § 315.154, 315.156                  | Credit              | 15% of wholesale market price   | Farmers and farm businesses                           | Agricultural Crops, Livestock  | Food banks or other charitable organizations that distribute food free of charge | January 1, 2026             |
| <b>Pennsylvania</b><br>72 P.S. Taxation and Fiscal Affairs § 8904-A | Credit              | 55% of the total contribution   | Food rescue projects serving low-income neighborhoods | Wholesome foods with nutritional value                                   | Not specified  | None                        |
| <b>South Carolina</b><br>S.C. Code Ann. § 12-6-3750                 | Credit              | \$75 per carcass  | Meat packers, butchers, and processing plants         | Deer carcass   | Nonprofits engaged in food distribution  | None                        |
| <b>Virginia</b><br>VA Code Ann. § 58.1-439.12:12                    | Credit              | 50% of fair market value, up to \$10,000 annually   | Farmers   | Grains, fruits, nuts, vegetables, or other wholesome foods               | Nonprofit food banks   | Will sunset January 1, 2028 |
| <b>West Virginia</b><br>W. Va. Code, § 11-13DD-1—7                  | Credit              | 10% of the value of the donated edible agricultural products, up to \$2,500                 | Farmers   | Fruits, vegetables, beef, poultry, pork, and fish, raised or grown in WV | Nonprofit food programs that distribute to needy individuals                     | None                        |

# State Food Donation Safety Laws & Guidance

| State                | Regulations or Guidance                     | Share Tables | Wild Game Meat |
|----------------------|---|--------------|----------------|
| Alabama              |   |              |                |
| Alaska               | Limited                                     | X            | X              |
| Arizona              |   |              |                |
| Arkansas             |   |              |                |
| California           | Limited                                     | X            |                |
| Colorado             |   | X            |                |
| Connecticut          |   | X            | X              |
| Delaware             |   |              |                |
| District of Columbia | Limited                                     | X            |                |
| Florida              |   | X            |                |
| Georgia              |   |              |                |
| Hawaii               |   |              |                |
| Idaho                |   |              | X              |
| Illinois             | Limited                                     | X            | X              |
| Indiana              |   | X            |                |
| Iowa                 |   | X            |                |
| Kansas               |   |              |                |
| Kentucky             |   |              | X              |
| Louisiana            |   |              |                |
| Maine                |   | X            |                |
| Maryland             | Limited; Donations During Covid-19 Pandemic |              |                |
| Massachusetts        |   |              |                |
| Michigan             | Limited                                     | X            |                |
| Minnesota            | Limited                                     |              | X              |

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# State Food Donation Safety Laws & Guidance

| State          | Regulations or Guidance | Share Tables | Wild Game Meat |
|----------------|-------------------------|--------------|----------------|
| Mississippi    | Limited                 |              |                |
| Missouri       | Limited                 | X            |                |
| Montana        |                         |              | X              |
| Nebraska       |                         |              |                |
| Nevada         | Limited                 |              | X              |
| New Hampshire  |                         |              |                |
| New Jersey     |                         | X            |                |
| New Mexico     |                         |              |                |
| New York       | Limited                 | X            |                |
| North Carolina |                         | X            |                |
| North Dakota   |                         |              |                |
| Ohio           |                         | X            |                |
| Oklahoma       | Limited                 | X            | X              |
| Oregon         | Limited                 |              |                |
| Pennsylvania   |                         |              |                |
| Rhode Island   | Limited                 | X            |                |
| South Carolina | Limited                 | X            |                |
| South Dakota   |                         |              |                |
| Tennessee      |                         | X            |                |
| Texas          | Comprehensive           |              |                |
| Utah           |                         |              | X              |
| Vermont        | Limited                 | X            |                |
| Virginia       |                         |              |                |
| Washington     | Comprehensive           | X            | X              |
| West Virginia  |                         |              |                |
| Wisconsin      |                         | X            |                |
| Wyoming        | Limited                 |              | X              |

# State Laws for Feeding Food Scraps to Swine\*

| State                  | Specific Food Bans             |                                  | Heat-Treatment Requirements |                              | Licensure Requirements |                        | Individual Use Regs. |
|------------------------|--------------------------------|----------------------------------|-----------------------------|------------------------------|------------------------|------------------------|----------------------|
|                        | Full prohibition on veg. waste | Full prohibition on animal waste | Veg. waste must be treated  | Animal waste must be treated | To treat waste         | To feed waste to swine |                      |
| Alabama                | X                              | 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                    |
| District of Columbia** |                                |                                  |                             |                              |                        |                        | X                    |
| Florida                |                                |                                  |                             | X                            |                        | X                      | X                    |
| Georgia                | *                              | *                                |                             |                              |                        | X                      | X                    |
| Hawaii                 |                                |                                  | X                           | X                            | X                      | X                      | X                    |
| Idaho                  |                                | X                                |                             |                              |                        |                        | X                    |
| Illinois               | X                              | X                                |                             |                              |                        |                        | X                    |
| Indiana                |                                |                                  |                             | X                            | X                      | X                      | X                    |
| Iowa                   |                                |                                  | X                           | X                            |                        | X                      | X                    |
| Kansas                 |                                | X                                |                             |                              |                        |                        | X                    |
| Kentucky               | X                              | X                                |                             |                              |                        |                        |                      |
| Louisiana              | X                              | X                                |                             |                              |                        |                        |                      |
| Maine                  |                                |                                  |                             | X                            |                        | X                      | X                    |
| Maryland               |                                |                                  |                             | X                            |                        | X                      | X                    |
| Massachusetts          |                                | *                                |                             | X                            |                        | X                      | X                    |
| Michigan               |                                |                                  |                             | X                            |                        | X                      |                      |
| Minnesota              |                                |                                  | X                           | X                            |                        | X                      | X                    |

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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 veg. waste | Full prohibition on animal waste | Veg. waste must be treated  | Animal waste must be treated | To treat waste         | To feed waste to swine |                      |
| Mississippi    | X                              | X                                |                             |                              |                        |                        | X                    |
| Missouri       |                                |                                  | X                           | X                            |                        | X                      | X                    |
| Montana        |                                | X                                |                             |                              |                        |                        | X                    |
| Nebraska       |                                |                                  |                             | X                            |                        | X                      | X                    |
| Nevada         |                                |                                  |                             | X                            | X                      |                        | X                    |
| New Hampshire  |                                |                                  |                             | X                            |                        | X                      | X                    |
| New Jersey     |                                |                                  | X                           | X                            | X                      | X                      | X                    |
| New Mexico     |                                |                                  |                             | X                            | X                      | X                      | X                    |
| New York**     |                                |                                  |                             | X                            |                        |                        | X                    |
| North Carolina |                                |                                  |                             | X                            |                        | X                      | X                    |
| North Dakota   | X                              | X                                |                             |                              |                        |                        | X                    |
| Ohio           |                                | X                                |                             |                              |                        |                        |                      |
| Oklahoma       | X                              | X                                |                             |                              |                        |                        | X                    |
| Oregon         | X                              | X                                |                             |                              |                        |                        | X                    |
| Pennsylvania   |                                |                                  |                             | X                            | X                      | X                      | X                    |
| Rhode Island   |                                |                                  | X                           | X                            |                        | X                      | X                    |
| South Carolina |                                | X                                |                             |                              |                        |                        | X                    |
| South Dakota** | *                              | *                                |                             |                              |                        |                        | X                    |
| Tennessee      |                                |                                  | X                           | X                            |                        | X                      | X                    |
| Texas          |                                | X                                |                             |                              |                        | X                      | X                    |
| Utah**         |                                |                                  |                             |                              |                        |                        | X                    |
| Vermont        |                                | X                                |                             |                              |                        |                        | X                    |
| Virginia       |                                |                                  |                             | X                            | X                      | X                      |                      |
| Washington     |                                |                                  |                             | X                            |                        | X                      | X                    |
| West Virginia  |                                |                                  | X                           | X                            |                        | X                      | X                    |
| Wisconsin      |                                | X                                |                             |                              |                        |                        | X                    |

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|----------------|--------------------------------|----------------------------------|-----------------------------|------------------------------|------------------------|------------------------|---|
|                | Full prohibition on veg. waste | Full prohibition on animal waste | Veg. waste must be treated  | Animal waste must be treated | To treat waste         | To feed waste to swine | May feed household garbage to own swine |
| <b>Wyoming</b> |                                |                                  | X                           | X                            |                        | X                      | X                                       |

\*Some states have laws governing the feeding of animals beyond swine. This is noted with an asterisk if the law does not also pertain to swine.

\*\* Alaska, District of Columbia, and Utah do not regulate the feeding of food scraps beyond federal regulations. New York policy mirrors federal policy and does not include any additional requirements; therefore, we consider it a Strong Policy. South Dakota generally does not impose restrictions on feeding food waste to animals; however, cattle that are enrolled in the Dakota Certified Beef Program may not be fed any feed products containing food processing waste, restaurant food waste, dried poultry waste, dried poultry litter, dried ruminant waste, dried swine waste, undried processed animal waste products, or processed animal waste.

# State Organic Waste Bans & Recycling Laws

|  | Food waste generators covered   | Waste production threshold | Distance exemptions | Other   |
|--|---|----------------------------|---------------------|---|
| <b>California</b><br>Cal. Code Regs. Tit. XIV, § 18981.1-18998.4 | All waste generators are required to source-separate and recycle organic waste. | None                       | None                | <p>Commercial edible generators must measure food waste production and donate edible food to recovery organizations.</p> <p>Commercial edible food generators (e.g., supermarkets, grocery stores with at least 10,000 square feet, food service providers, restaurants with 250+ seats or at least 5,000 square feet, hotels with 200+ rooms and on-site food facilities, 100+ bed health facilities with on-site food facilities, large venues and events, state agencies with 250+ seat cafeteria or that at least 5,000 square feet, and educational agencies with on-site food facilities),</p> <p>California set waste goals of reducing organic waste disposal 75% by 2025 and rescuing at least 20% of currently disposed surplus food by 2025 for people to eat.</p> |

# State Organic Waste Bans & Recycling Laws

|   | Food waste generators covered  | Waste production threshold | Distance exemptions | Other |
|---|--|----------------------------|---------------------|-------|
| <b>Connecticut</b><br>Conn. Gen. Stat. Ann. § 22a-226e  | Commercial food wholesaler or distributor, industrial food manufacturer or processor, supermarket, resort or conference center and institutions (establishments providing hospitality, entertainment or rehabilitation and health care services, and any hospital, public or independent institution of higher education building or facility or correctional facility). | 26 tons/year               |                     |       |
| <b>District of Columbia</b><br>DC Code § 8-1031.01;<br>DC Code § 8-1031.03;<br>DC Code § 8-1031.03a | Retail food stores with at least 10,000 square feet of floor area; any other retail store food chain with combined floor area of 10,000 square feet; college or university campuses with at least 500 residential students; arenas or stadiums that hold at least 15,000 people; hospitals or nursing homes with at least 300 beds                                       | None                       | None                | N/A   |

# State Organic Waste Bans & Recycling Laws

|  | Food waste generators covered   | Waste production threshold   | Distance exemptions  | Other   |
|--|---|--|--|---|
| <b>Illinois</b><br>415 ILCS 190/5; 415 ILCS 190/10 | Permanent large event facilities with capacity for at least 3,500 people, such as convention centers, performing arts venues, and sports stadiums | None   | Only applies in counties with composting facilities              | Required to offer food and organic waste composting via clearly labeled organic waste disposal containers.<br><br>School stadiums, county fairs, and hotels are exempted from the definition of covered event facilities.   |
| <b>Maine</b><br>38 MRSA §2147                      | All persons and entities  | Starting July 1, 2030, anyone generating more than two tons of food waste per week | 20 miles of organics recycler with capacity to accept food waste | By July 1, 2032, the threshold will drop to one ton per week with a 25-mile radius. Can apply for a hardship waiver.<br><br>Starting March 1, 2031, covered entities will also be subject to an annual reporting requirement (volume of food waste generated, how managed, and location of processing facilities used). |

# State Organic Waste Bans & Recycling Laws

|   | Food waste generators covered   | Waste production threshold  | Distance exemptions | Other  |
|---|---|---|---------------------|--|
| <p><b>Maryland</b><br/>Md. Code Ann. Env't § 9-1701; Md. Code Ann. Env't § 9-1723; Md. Code Ann. Env't § 9-1724.1</p> | <p>Persons, businesses, schools, supermarkets, convenience stores, and cafeterias</p> | <p>1 ton/week*<br/>*Generators are covered only for weeks during which they meet the threshold</p>    | <p>30 miles</p>     | <p>Restaurants with dining rooms that are open to the public are not covered by the law.</p> <p>Businesses may apply for a waiver if the cost of diverting food residuals from a refuse disposal system is more than 10% more expensive than the cost of disposing the food residuals at a refuse disposal system.</p> <p>Maryland also prohibits the owner or operator of a refuse disposal system from accepting loads of separately collected organic waste for disposal unless the owner or operator recycles the organic waste.</p> |
| <p><b>Massachusetts</b><br/>310 Mass. Code Regs. 19.006; 310 Mass. Code Regs. 19.017</p>                              | <p>Any entity, excluding a residence</p>  | <p>½ ton per week<br/>*Generators are covered only for weeks during which they meet the threshold</p> | <p>None</p>         | <p>N/A</p>   |

# State Organic Waste Bans & Recycling Laws

|  | Food waste generators covered  | Waste production threshold | Distance exemptions | Other   |
|--|--|----------------------------|---------------------|---|
| <b>New Hampshire</b><br>N.H. Rev. Stat. § 149-M:27                   | All persons and business entities  | 1 ton/week                 | 20 miles            | Diversion to alternative facilities shall prioritize, in the following order, consumption by humans; consumption by animals; composting, digestion, or land application; and energy recovery.   |
| <b>New Jersey</b><br>N.J. Stat. Ann. § 13:1E-99.122-125              | Large food waste generator   | 52 tons/year               | 25 miles            | Generators may apply for exemption if the cost of proper recycling and transportation to recycling facilities is at least 10 percent more than the cost of transporting the food waste for disposal as solid waste plus the disposal fee charged for solid waste disposal.  |
| <b>New York</b><br>N.Y. Evtl. Conservation Law §§ 27-2201 – 27-2219. | Businesses, nonprofits, government entities, and other organizations<br><br>Excludes healthcare facilities, and elementary and secondary schools | 2 tons/week                | 25 miles            | All designated food scraps generators are required to donate surplus edible food for human consumption to the extent possible.<br><br>From January 1, 2026, to December 31, 2027, the threshold lowers to 1 ton per week, with the recycling radius expanding to 50 miles.<br>Beginning January 1, 2028, the threshold further lowers to 0.5 tons per week, maintaining the 50-mile radius requirement. |

# State Organic Waste Bans & Recycling Laws

|  | Food waste generators covered  | Waste production threshold  | Distance exemptions | Other   |
|--|--|---|---------------------|---|
| <b>Rhode Island</b><br>R.I. Gen. Laws Ann. § 23-18.9-7; R.I. Gen. Laws Ann. § 23-18.9-17 | 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. | Higher Educational & Research Institutions: 52 tons/year<br><br>Other Educational Entities: 30 tons/year<br><br>All other generators: 104 tons/year | 15 miles            | Waivers apply 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. |
| <b>Vermont</b><br>Vt. Stat. Ann. tit. 10, § 6605k, Vt. Stat. Ann. tit. 10, § 6602        | Persons, organizations, business entities, municipalities, Vermont state governmental agencies, departments, and subdivisions, and federal agencies  | None  | None                | N/A   |

# State Organic Waste Bans & Recycling Laws

|   | Food waste generators covered  | Waste production threshold  | Distance exemptions | Other   |
|---|--|---|---------------------|---|
| <b>Washington</b><br>Wash. Rev. Code § 70A.205.540; Wash. Rev. Code § 70A.205.545; Wash. Rev. Code § 43.19A.150 | 2024-2026: Businesses<br><br>2027: Municipalities with over 25,000 residents are required to provide curbside composting | 2024: 8 cubic yards<br><br>2025: 4 cubic yards<br><br>2026: 96 gallons<br><br>2027: Residential provided<br><br>2030: all persons receiving curbside collection must source-separate organics | None                | Businesses are encouraged to donate edible food. By 2023, municipalities with over 25,000 residents must adopt a compost procurement ordinance. |