

**2026 -- S 2438**

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**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2026**

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**A N A C T**

**RELATING TO EDUCATION -- SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL**

Introduced By: Senators Valverde, Kallman, Lauria, Euer, DiPalma, McKenney, DiMario, Gu, Mack, and Vargas

Date Introduced: February 06, 2026

Referred To: Senate Environment & Agriculture

It is enacted by the General Assembly as follows:

1        SECTION 1. Sections 16-111-1, 16-111-2, 16-111-4, 16-111-5 and 16-111-7 of the  
2 General Laws in Chapter 16-111 entitled "School Waste Recycling and Refuse Disposal" are  
3 hereby amended to read as follows:

4        **16-111-1. Definitions.**

5        As used in this chapter.

6        (1) "Educational entity" or "educational entities" means all Rhode Island school districts,  
7 including a single school district, regional school district, multiple school districts, any public or  
8 private school grades kindergarten through twelve (K-12), any charter public school, or any career  
9 and technical high school.

10        (2) "Sharing table" means a department of health-approved designated location in a school  
11 cafeteria where students or staff can place:

12        (i) Unopened, prepackaged, shelf stable items including, but not limited to, granola bars,  
13 cereal packs, crackers, and drinks;

14        (ii) Wrapped fruit and vegetables and fruits with a thick skin including, but not limited to,  
15 bananas, oranges, and washed apples; provided that, the peel is intact; and

16        (iii) Unopened, prepackaged perishable food items; provided that, a temperature control  
17 mechanism is in place to maintain a safe temperature for the food items.

18        (2)(3) "Waste audit" means an analysis of a facility's waste stream. The audit can identify  
19 what types of recyclable materials and waste a facility generates; how much of each category is

1 recovered for recycling or discarded; and what materials can be composted.

2 **16-111-2. Waste audit/report.**

3 (a) On or after January 1, 2022, and every three (3) years thereafter, every educational  
4 entity shall coordinate and cooperate with the Rhode Island resource recovery corporation (RIRRC)  
5 for the purpose of conducting school waste audits. These audits shall produce waste management  
6 reports that shall be collected, maintained, and delivered to the educational entity. The waste audits  
7 shall be performed at every educational entity.

8 (b) Waste audits and any reports required herein shall include guidelines and strategies on  
9 reducing waste for each educational entity to incorporate into its food waste reduction and  
10 recycling programs in an effort to eliminate food waste, promote recycling, and provide food to  
11 local communities.

12 (c) Educational entities, using the guidelines and strategies pursuant to subsection (b), shall  
13 design and implement a waste collection system in accordance with applicable state law for the  
14 diversion of items including, but not limited to, paper, books, furniture, computers, office supplies,  
15 plastic, glass, cardboard, and surplus foods.

16 (d) Notwithstanding any other provision of law, any waste audit conducted pursuant to this  
17 section shall be provided free of charge by the RIRRC.

18 (e) Effective January 1, 2027, and every three (3) years thereafter, educational entities shall  
19 report the results of any waste audit conducted pursuant to this section to the commissioner of the  
20 Rhode Island department of education who shall publish the results of the audit on the department  
21 website.

22 **16-111-4. Food service — Local sources preferred.**

23 It shall be the policy of the state, the department of education, and any educational entity  
24 to ~~encourage require~~ that any request for proposal (RFP) or invitation for bid (IFB) to a food service  
25 company (vendor) to provide food services to an educational entity encourage the use of a vendor  
26 that purchases ten percent (10%) of the required food service product from a Rhode Island-based  
27 food service company. In addition, it shall also be the policy of the state, the department of  
28 education, and any educational entity, to ~~encourage the only~~ use ~~of~~ vendors who recycle organic-  
29 waste materials at an authorized composting facility, an anaerobic digestion facility, or by another  
30 authorized recycling method, regardless of whether the entity purchasing the services is or is not  
31 an educational entity, or a covered entity or a covered educational institution pursuant to the  
32 provisions of § 23-18.9-7. Any food service company that fails to comply with the provisions of  
33 this section shall be prohibited from participating in any additional RFPs or IFBs for food service  
34 for educational entities until such compliance is met.

1                   **16-111-5. Food donations by food service companies.**

2                   (a) It shall be the policy of the state, the department of education, and any educational entity  
3 to require that any request for proposal (RFP) to select a food service company (vendor) to provide  
4 food services to an educational entity shall require the vendor to donate any unserved nonperishable  
5 or unspoiled perishable food to local food banks or the Rhode Island Food Bank in accordance with  
6 the recommendations from the Rhode Island department of health "The Road to End Hunger"  
7 initiative.

8                   (b) Vendors required to donate nonperishable and unspoiled perishable food to local food  
9 banks or the Rhode Island Food Bank shall initially make arrangements for the provision  
10 accommodations necessary to carry out the provisions of this section.

11                   (c) Except for injury resulting from gross negligence or intentional misconduct in the  
12 preparation or handling of donated food, no educational entity, person, or vendor who or that  
13 donates food that is fit for human consumption at the time it was donated, as required by subsection  
14 (a), shall be liable for any damage or injury resulting from the consumption of the donated food.

15                   (d) The immunity from civil liability provided by this section applies regardless of  
16 compliance with any laws, regulations, or ordinances regulating the packaging or labeling of food,  
17 and regardless of compliance with any laws, regulations, or ordinances regulating the storage or  
18 handling of the food by the donee after the donation of the food. The donation of nonperishable  
19 food that is fit for human consumption but that has exceeded the labeled shelf life date  
20 recommended by the manufacturer is protected pursuant to this section. The donation of perishable  
21 food that is fit for human consumption but that has exceeded the labeled shelf life date  
22 recommended by the manufacturer is protected pursuant to this section if the person who  
23 distributes the food to the end recipient makes a good faith evaluation that the food to be donated  
24 is wholesome.

25                   (e) The local food bank or Rhode Island Food Bank that, in good faith, receives and  
26 distributes food without charge, pursuant to subsection (a), that is fit for human consumption at the  
27 time it was distributed is not liable for any injury or death due to the food unless the injury or death  
28 is a direct result of the gross negligence or intentional misconduct of the organization.

29                   (f) Vendors pursuant to subsection (a) of this section shall provide an annual report to the  
30 Rhode Island department of education on a form prepared by the department, detailing the amount  
31 of unserved nonperishable or unspoiled perishable food donated pursuant to subsection (a) of this  
32 section and shall also provide information relative to any tax deduction or credit utilized by the  
33 vendor due to donations made pursuant to this section. Information required by this subsection shall  
34 be published on the RIDE website. Failure of any vendor to comply with the provisions of this

1 section shall result in a one thousand dollar (\$1,000) fine per violation and the vendor shall be  
2 prohibited from participating in any future RFP or IFB for food service for educational entities.

3 **16-111-7. Rules and regulations.**

4 The commissioner is hereby ~~authorized~~ directed to promulgate whatever rules and  
5 regulations may be required to implement this chapter and shall annually provide notice to all  
6 educational entities of the department's school waste disposal and refuse disposal policies. The  
7 rules and regulations required pursuant to this section shall be promulgated no later than January  
8 1, 2027.

9 SECTION 2. Chapter 16-111 of the General Laws entitled "School Waste Recycling and  
10 Refuse Disposal" is hereby amended by adding thereto the following section:

11 **16-111-8. Share tables.**

12 (a) An educational entity may do both of the following to minimize waste and to reduce  
13 food insecurity:

14 (1) Provide sharing tables where food service staff, students, and faculty may return  
15 appropriate food items and make those food items available to students during the course of a  
16 regular school meal time.

17 (2) Allow the food placed on the sharing tables that is not taken by a student during the  
18 course of a regular school meal time in accordance with subsection (a)(1) of this section to be  
19 donated to a food bank or any other nonprofit charitable organization.

20 (b) Donations of food or food made available to students during the course of a regular  
21 school meal time pursuant to this section may include prepackaged food with the packaging still  
22 intact and in good condition, whole uncut produce that is packaged and/or wrapped or has a thick  
23 skin or produce providing the skin of the produce is intact before donation, unopened bags of sliced  
24 fruit, unopened containers of milk that are immediately stored in a cooling bin maintained at forty-  
25 one degrees Fahrenheit (41°F) or below, and perishable prepackaged food if it is placed in a proper  
26 temperature-controlled environment.

27 (c) When an educational entity makes food available to students during the course of a  
28 regular school meal time or donates food to a food bank or any other nonprofit charitable  
29 organization for distribution, the preparation, safety, and donation of food shall be consistent with  
30 relevant provisions of the Rhode Island food code (216-RICR-50-10-1) and approved by the  
31 department of health.

32 SECTION 3. Section 23-18.9-17 of the General Laws in Chapter 23-18.9 entitled "Refuse  
33 Disposal" is hereby amended to read as follows:

34 **23-18.9-17. Food waste ban.**

10 (b) On and after January 1, 2018, each covered educational institution shall ensure that the  
11 organic-waste materials that are generated at the covered educational facility are recycled at an  
12 authorized composting facility or anaerobic digestion facility or by another authorized recycling  
13 method if:

19 (c) The director shall grant a waiver of the requirements of subsections (a) and (b) upon a  
20 showing that the tipping fee charged by the Rhode Island resource recovery corporation for non-  
21 contract commercial sector waste is less than the fee charged for organic-waste material by each  
22 composting facility or anaerobic digestion facility located within fifteen (15) miles of the covered  
23 entity's location.

24 (d) On and after January 1, 2023, until January 1, 2029, each educational entity (as defined  
25 in § ~~16-110~~ 16-111-1) shall ensure that the organic-waste materials that are generated by the  
26 educational entity are recycled at an authorized composting facility or anaerobic digestion facility  
27 or by another authorized recycling method if:

28 (1) The educational entity generates not less than thirty (30) tons per year of organic-waste  
29 material; and

32                   (e) On and after January 1, 2029, each educational entity (as defined in § 16-111-1) shall  
33                   ensure that the organic-waste materials that are generated by the educational entity are recycled at  
34                   an authorized composting facility or anaerobic digestion facility.

1 SECTION 4. Section 16-22-35 of the General Laws in Chapter 16-22 entitled "Curriculum  
2 [See Title 16 Chapter 97 — the Rhode Island Board of Education Act]" is hereby amended to read  
3 as follows:

4 **16-22-35. Littering prevention and recycling awareness program.**

5 The department of elementary and secondary education shall, in collaboration with the  
6 Rhode Island resource recovery corporation, prescribe a presentation on litter prevention, reducing  
7 and reusing materials, and recycling awareness that shall be used to educate every public school  
8 student including, elementary and middle school and high school students ~~student~~ within the state  
9 on a yearly basis.

10 SECTION 5. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T

RELATING TO EDUCATION -- SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

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- 1        This act would amend the certain provisions relative to school waste recycling and refuse
- 2        disposal and would require reports of waste audits by educational entities and reports of program
- 3        participation by vendors. It would also authorize the use of share tables in schools.
- 4        This act would take effect upon passage.

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