

2020 -- S 2382

LC004658

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2020

A N A C T

RELATING TO EDUCATION -- SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

Introduced By: Senators Valverde, Seveney, Lawson, Murray, and Satchell

Date Introduced: February 13, 2020

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 16 of the General Laws entitled "EDUCATION" is hereby amended by
2 adding thereto the following chapter:

3 CHAPTER 110

4 SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

5 **16-110-1. Legislative findings.**

6 The general assembly recognizes and declares that:

- 7 (1) The people of the state desire to promote a clean and wholesome school environment
8 for our students, teachers, support staff, and school district administrators;
9 (2) A significant percentage of school waste is recyclable;
10 (3) A significant percentage of Rhode Island households are suffering from food insecurity;
11 (4) Surplus food donations help feed roughly thirteen percent (13%) of Rhode Islanders
12 comprising about fifty-six thousand (56,000) households;
13 (5) Food donations are provided for under Rhode Island and federal good samaritan laws
14 so that businesses are protected from liability when donations are made in good faith;
15 (6) The Rhode Island department of education, Rhode Island department of health, and the
16 United States Department Of Agriculture (USDA) support the recovery for donation of unopened
17 commercially packaged food and whole fruits from school meals in Rhode Island;
18 (7) Any environmentally and economically sound solid waste management system must
19 incorporate recycling and all solid waste capable of being recycled should be recycled;

1 (8) A significant amount of plastics, paper, and electronic equipment is generated as waste
2 in Rhode Island Schools;

3 (9) A sound recycling program for all covered educational entities will best be achieved by
4 cooperation of the Rhode Island resource recovery corporation, the department of environmental
5 management, the Rhode Island department of education, and the cities and towns of the state; and

6 (10) Upon implementation, the program shall reduce food waste and paper waste at meal
7 times and throughout the school day and should be encouraged statewide.

8 **16-110-2. Definitions.**

9 As used in this chapter.

10 (1) "Educational entity" means the entire Rhode Island school district including all public
11 and charter schools.

12 (2) "Share tables" means any table, station or refrigerator within a school where school
13 pupils may return approved uneaten wholesome and safe food or beverage items which are then
14 made available to other school pupils for consumption.

15 (3) "Waste audit" means an analysis of a facility's waste stream. The audit can identify
16 what types of recyclable materials and waste a facility generates, how much of each category is
17 recovered for recycling or discarded, and what materials can be composted.

18 **16-110-3. Waste audit/report.**

19 (a) On or after January 1, 2021, and every three (3) years thereafter, every educational
20 institution, including, but not limited to, all public and private schools grades kindergarten through
21 twelve (K-12), any charter public school, or any career and technical high school shall coordinate
22 and cooperate with the Rhode Island resource recovery corporation (RIRRC) for the purpose of
23 conducting school waste audits. These audits shall produce waste management reports which shall
24 be collected, maintained, and delivered to all school district school boards, school district
25 principals, school district facility managers, and school district superintendents. Such waste audits
26 shall be performed at every kindergarten through grade twelve (K-12) public, private, charter and
27 vocational school in Rhode Island.

28 (b) Waste audits and any reports required herein shall include guidelines and strategies on
29 reducing waste for each school district to incorporate into their food waste reduction and recycling
30 programs in an effort to eliminate food waste, promote recycling, and provide food to local
31 communities.

32 (c) Educational institutions, using the guidelines and strategies pursuant to subsection (b)
33 of this section, shall design and implement a waste collection system in accordance with applicable
34 state law for the diversion of items including, but not limited to, paper, books, furniture, computers,

1 office supplies, plastic, glass, cardboard and surplus foods.

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

4 **16-110-4. Food service and refuse disposal.**

5 It shall be the policy of the state, the department of education, and any school district
6 thereunder to require that any request for proposal (RFP) to select a food service company (vendor)
7 to provide food services to a single school district, regional school district, multiple school districts,
8 including any public or private school grades kindergarten through twelve (K-12), any charter
9 public school, or any career and technical high school, shall include, as part of its proposal,
10 assurances that the vendor is in compliance with all laws relative to recycling and composting
11 pursuant to chapter 18.9 of title 23; provided that, food waste is separated for diversion within that
12 school district.

13 **16-110-5. Food service – Local sources preferred.**

14 It shall be the policy of the state, the department of education and any school district
15 thereunder to encourage that any request for proposal (RFP) to a food service company (vendor) to
16 provide food services to a single school district, regional school district or multiple school districts
17 including any public or private schools grades kindergarten through twelve (K-12), any charter
18 public school, any career and technical high school to encourage the use of a vendor that purchases
19 ten percent (10%) of the required food service product from a Rhode Island-based food service
20 company. In addition, it shall also be the policy of the state, the department of education, and any
21 school district thereunder, to encourage the use of vendors who recycle organic-waste materials at
22 an authorized composting facility, an anaerobic digestion facility, or by another authorized
23 recycling method, regardless of whether the entity purchasing the services is or is not a covered
24 entity or a covered educational institution pursuant to the provisions of § 23-18.9-7.

25 **16-110-6. Food donations by food service companies.**

26 (a) It shall be the policy of the state, the department of education and any school district
27 thereunder to require that any request for proposal (RFP) to select a food service company (vendor)
28 to provide food services to a single school district, regional school district or multiple school
29 districts including any public or private schools grades kindergarten through twelve (K-12), any
30 charter public school, or any career and technical high school shall require the vendor to donate
31 any unserved nonperishable or unspoiled perishable food to local food banks or the Rhode Island
32 Food Bank in accordance with the recommendations from the Rhode Island department of health
33 "The Road to End Hunger" initiative.

34 (b) Vendors required to donate nonperishable and unspoiled perishable food to local food

1 banks or the Rhode Island Food Bank shall initially make arrangements for the provision
2 accommodations necessary to carry out the provisions of this section.

3 (c) Except for injury resulting from gross negligence or intentional misconduct in the
4 preparation or handling of donated food, no educational entity, person or vendor that donates food
5 that is fit for human consumption at the time it was donated, as required by subsection (a) of this
6 section, shall be liable for any damage or injury resulting from the consumption of the donated
7 food.

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

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

23 **16-110-7. Expiration dates.**

24 An educational entity, person, or vendor that donates food as permitted by law shall not be
25 subject to civil or criminal liability or penalty for any violation of any laws, regulations, or
26 ordinances regulating the labeling or packaging of the donated product or, with respect to any other
27 laws, regulations, or ordinances, for a violation occurring after the time of donation. The donation
28 of nonperishable food that is fit for human consumption but that has exceeded the labeled shelf life
29 date recommended by the manufacturer is protected, pursuant to this section, if the entity, person
30 or vendor that distributes the food to the end recipient makes a good faith evaluation that the food
31 to be donated is wholesome.

32 **16-110-8. Share tables and food donation by schools.**

33 It shall be the policy of this state, the department of education, and any school district
34 thereunder to provide and facilitate the use of share tables for collection for donation to encourage

1 [the consumption of nutritious foods and reduce food waste. All Rhode Island school districts shall](#)
2 [create and use share tables provided that the food safety requirements outlined in 7 C.F.R. 210.13,](#)
3 [220.7, 226.20\(1\), and 225.16\(a\), respectively, are followed together with any applicable local and](#)
4 [state health and food safety codes. Provided, further, any unused share table nonperishable or](#)
5 [unspoiled perishable food items may be provided to any local food pantry, soup kitchen, the Rhode](#)
6 [Island Food Bank, or nonprofit serving people in need.](#)

7 **16-110-9. Rules and regulations.**

8 [The commissioner is hereby authorized to promulgate whatever rules and regulations may](#)
9 [be required to implement this chapter and shall annually provide notice to all school districts of the](#)
10 [department's school waste disposal and refuse disposal policies.](#)

11 SECTION 2. Section 23-18.9-17 of the General Laws in Chapter 23-18.9 entitled "Refuse
12 Disposal" is hereby amended to read as follows:

13 **23-18.9-17. Food waste ban.**

14 (a) On and after January 1, 2016, each covered entity and each covered educational
15 institution shall ensure that the organic-waste materials that are generated by the covered entity or
16 at the covered educational facility are recycled at an authorized, composting facility or anaerobic
17 digestion facility or by another authorized recycling method if:

18 (1) The covered entity or covered educational facility generates not less than one hundred
19 four (104) tons per year of organic-waste material; and

20 (2) The covered entity or covered educational facility is located not more than fifteen (15)
21 miles from an authorized composting facility or anaerobic digestion facility with available capacity
22 to accept such material.

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

27 (1) The covered educational facility generates not less than fifty-two (52) tons per year of
28 organic-waste material; and

29 (2) The covered entity or covered educational facility is located not more than fifteen (15)
30 miles from an authorized, composting facility or anaerobic digestion facility with available capacity
31 to accept such material.

32 (c) The director shall grant a waiver of the requirements of subsections (a) and (b) upon a
33 showing that the tipping fee charged by the Rhode Island resource recovery corporation for non-
34 contract commercial sector waste is less than the fee charged for organic-waste material by each

1 composting facility or anaerobic digestion facility located within fifteen (15) miles of the covered
2 entity's location.

3 (d) On and after January 1, 2022, each covered entity and each covered educational
4 institution, including, but not limited to, any public or private school shall ensure that the organic-
5 waste materials that are generated by the covered entity or at the covered educational facility are
6 recycled at an authorized, composting facility or anaerobic digestion facility or by another
7 authorized recycling method if:

8 (1) The covered educational facility generates not less than thirty (30) tons per year of
9 organic-waste material; and

10 (2) The covered entity or covered educational facility is located not more than fifteen (15)
11 miles from an authorized, composting facility or anaerobic digestion facility with available capacity
12 to accept such material.

13 SECTION 3. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO EDUCATION -- SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

1 This act would require schools to comply with composting and recycling laws, would
2 promote the donation of unspoiled nonperishable food by schools, would promote the selection of
3 local food service companies for school food service contracts and the selection of vendors who
4 recycle organic-waste at appropriate facilities, and would require the use of share tables at all
5 schools.

6 This act would take effect upon passage.

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