

# 2025 -- H 5422 SUBSTITUTE A

LC000286/SUB A/2

## STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2025

A N A C T

RELATING TO EDUCATION -- SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

Introduced By: Representatives Carson, Kislak, Fogarty, Cotter, McGaw, Donovan,  
Speakman, Tanzi, Cortvriend, and Boylan  
Date Introduced: February 12, 2025

Referred To: House Education

It is enacted by the General Assembly as follows:

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

### **16-111-1. Definitions.**

As used in this chapter.

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

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

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

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

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

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

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

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

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

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

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

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

(e) Effective January 1, 2026, and every three (3) years thereafter, educational entities shall report the results of any waste audit conducted pursuant to this section to the commissioner of the Rhode Island department of education who shall publish the results of the audit on the department website.

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

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

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

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

The commissioner is hereby ~~authorized~~ directed to promulgate whatever rules and regulations may be required to implement this chapter and shall annually provide notice to all educational entities of the department's school waste disposal and refuse disposal policies. The rules and regulations required pursuant to this section shall be promulgated no later than January 1, 2026.

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

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

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

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

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

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

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

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

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

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

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

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

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:

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

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

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, 2028](#), each educational entity (as defined  
25 in § 16-110-1) shall ensure that the organic-waste materials that are generated by the educational  
26 entity are recycled at an authorized composting facility or anaerobic digestion facility or by another  
27 authorized recycling method if:

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

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

32 [\(e\) On and after January 1, 2028, each educational entity \(as defined in § 16-110-1\) 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.

=====  
LC000286/SUB A/2  
=====

EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
A N A C T  
RELATING TO EDUCATION -- SCHOOL WASTE RECYCLING AND REFUSE DISPOSAL

\*\*\*

- 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.

=====  
LC000286/SUB A/2  
=====