

# ACHIEVING ZERO FOOD WASTE

## A State Policy Toolkit: Preventing Food Waste Upstream

MAY 2023

**ZERO**  
**FOOD**  
**WASTE**  
COALITION

This is a product of the Zero Food Waste Coalition. ZFWC brings consumers, businesses, and government together to build momentum and alignment on food waste policy.

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**About the Harvard Law School Food Law and Policy Clinic** FLPC serves partner organizations and communities in the United States and around the world by providing guidance on cutting-edge food system issues, while engaging law students in the practice of food law and policy. FLPC is committed to advancing a cross-sector, multi-disciplinary and inclusive approach to its work, building partnerships with academic institutions, government agencies, non-profit organizations, private sector actors, and civil society with expertise in public health, the environment, and the economy. FLPC's work focuses on increasing access to healthy foods, supporting sustainable and equitable food production, reducing waste of healthy, wholesome food, and promoting community-led food system change. For more information, visit [www.chlpi.org/FLPC](http://www.chlpi.org/FLPC).

**About NRDC (Natural Resources Defense Council)** NRDC is an international nonprofit environmental organization with more than 3 million members and online activists. Since 1970, our lawyers, scientists, and other environmental specialists have worked to protect the planet's wildlife and wild places and to ensure the rights of all people to clean air, clean water, and healthy communities. NRDC has offices in New York City, Washington, D.C., Los Angeles, San Francisco, Chicago, Montana, and Beijing. Visit us at [www.nrdc.org](http://www.nrdc.org).

**About ReFED** ReFED is a national nonprofit working to end food loss and waste across the food system by advancing data-driven solutions to the problem. We leverage data and insights to highlight supply chain inefficiencies and economic opportunities; mobilize and connect supporters to take targeted action; and catalyze capital to spur innovation and scale high-impact initiatives. Our goal is a sustainable, resilient, and inclusive food system that optimizes environmental resources, minimizes climate impacts, and makes the best use of the food we grow. To learn more about solutions to reduce food waste, please visit [www.refed.org](http://www.refed.org).

**About World Wildlife Fund** For almost 60 years, WWF has been protecting the future of nature. One of the world's leading conservation organizations, WWF works in nearly 100 countries and is supported by more than 1 million members in the United States and more than 5 million globally. WWF's unique way of working combines global reach with a foundation in science, involves action at every level from local to global, and ensures the delivery of innovative solutions that meet the needs of both people and nature. Visit [www.worldwildlife.org](http://www.worldwildlife.org) to learn more.

This report is one of six sections from *Achieving Zero Food Waste: A State Policy Toolkit*. The full version of the report is available at <https://zerofoodwastecoalition.org/state-toolkit/>. The chart below includes the full list of the policies in the master report, with the policies contained within this report highlighted.

Policy	Model State
<i>Building and Broadening Organic Waste Bans and Beyond</i>	
Organic Waste Bans	Vermont
Food Donation Requirements	California, New York
Mandatory Reporting	NRDC model legislation
Disposal Surcharge Fees	ILSR model legislation
<i>Opportunities to Promote Food Donation</i>	
Liability Protection	New Jersey
Tax Incentives	California
Food Safety	Texas
<i>Supporting Organic Waste Processing Infrastructure</i>	
Permitting and Zoning Composting Facilities	Maryland, Ohio
Animal Feed	—
<i>Developing End Markets for Compost</i>	
Compost Procurement	Washington
Compost Application	California
<i>Preventing Food Waste Upstream</i>	
Date Labeling	—
<i>Other Governmental Action to Address Food Waste</i>	
K-12 Schools	Rhode Island, Maryland
Climate and Solid Waste Plans	New Jersey
Other Government Support	—

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## INTRODUCTION

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Approximately 38% of food in the United States goes unsold or uneaten.<sup>1</sup> The mountain of wasted food totals 91 million tons annually,<sup>2</sup> which is equivalent to the weight of approximately 219 Empire State Buildings.<sup>3</sup> Most of this wasted food goes to landfills, incinerators, or sewers or is left on farm fields to rot.<sup>4</sup> Households, food producers, and other businesses in the United States spend \$444 billion each year to grow, process, transport, and dispose of food that ultimately is never eaten.<sup>5</sup>

Food is wasted at all levels of the food system—in farms, grocery stores, restaurants, and homes—and this waste has serious environmental and societal consequences. Producing food that ends up uneaten consumes 22% of all freshwater, 19% of all fertilizer, and 16% of all cropland in the United States.<sup>6</sup> Food waste generates about 270 million metric tons of CO<sub>2</sub> equivalent greenhouse gas emissions each year, roughly equivalent to the annual emissions from 58 million passenger vehicles.<sup>7</sup> But the negative consequences of wasting food extend beyond the environmental impacts and loss of resources that could have been otherwise allocated. More than 1 in 10 Americans suffer from food insecurity despite the abundance produced by our farms and factories.<sup>8</sup>

With the Nation's goal of cutting food waste by 50% by the year 2030,<sup>9</sup> state leaders are at the vanguard of the movement, crafting policies to address food waste and reaping the environmental, social, and economic benefits. Further, though the federal government can take many vital steps to reduce food waste through regulations and funding, state governments, as the primary regulators of municipal solid waste, have at their disposal several unique policy

options which would be difficult to implement under federal law.

State governments have sought to address food waste by banning organic waste from landfills, mandating or promoting surplus food donation, supporting food recovery and composting infrastructure, and re-evaluating how schools handle food waste. States that have implemented these policies have done so through processes of identifying local problems and rigorous experimentation to craft effective and innovative solutions. While the methods employed by states vary, they provide an array of experiences with food waste reduction upon which other states and the federal government can now draw.

## CONTENTS OF THE TOOLKIT

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State leaders are advancing efforts to tackle food waste across the United States—responding to consumer demand, creating jobs and economic opportunities, ensuring food makes it to those experiencing food insecurity, and addressing environmental harms and climate change. This toolkit seeks to similarly embolden officials and advocates from across the country to learn from others' successes and accelerate their own leadership and impact. To do so, this toolkit contains a range of tried and tested policy opportunities that states can use to prevent food waste and keep food out of landfills and incinerators. The target audience for this toolkit is state policymakers and advocates—whether their interest stems from concerns around climate change and environmental sustainability, financial responsibility, increasing food rescue, or finding opportunities to support local farmers,

all of which can be achieved through policies described in this toolkit. While this toolkit was drafted with this audience in mind, it may also be helpful to a wide range of individuals and

groups interested in enacting legislation to tackle food waste at the local, state, or federal level (see Federal Actions on Food Waste text box below for recent federal activity around food waste).



## FEDERAL ACTIONS ON FOOD WASTE

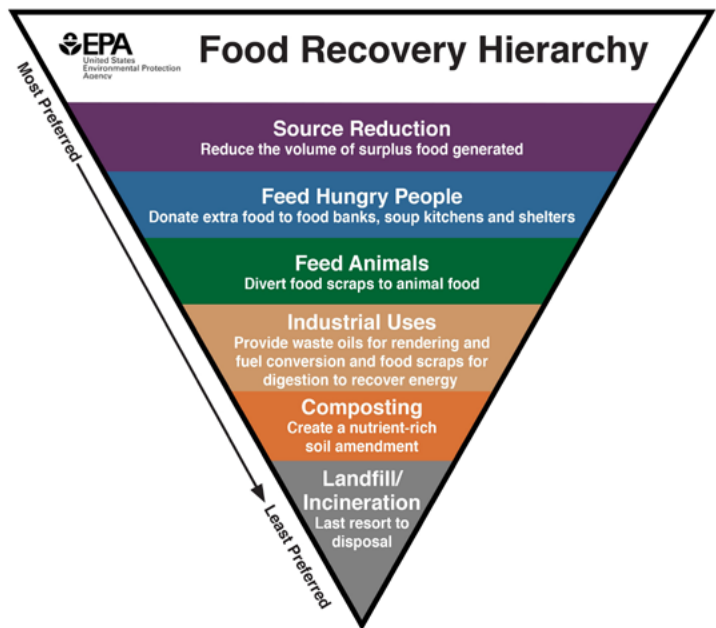
In addition to advocacy on the state and local level, the Harvard Law School Food Law & Policy Clinic (FLPC), NRDC (Natural Resources Defense Council), ReFED, and World Wildlife Fund (WWF) have done significant joint work on federal policies to prevent and reduce food waste. In April 2023, FLPC, NRDC, ReFED, and WWF formalized their partnership and created the Zero Food Waste Coalition.<sup>10</sup> The Coalition builds momentum and alignment on food waste policy. In April 2021, the four organizations, along with many private sector supporters, local government agencies, and non-profit organizations—published the U.S. Food Loss & Waste Policy Action Plan for Congress & the Administration (Action Plan).<sup>11</sup> The Action Plan calls upon Congress and the Biden administration to take ambitious action to achieve the goal of cutting U.S. food loss and waste in half by 2030. It recommends five key policy actions ranging from investing in infrastructure and programs that measure and prevent food waste to standardizing date labeling at the federal level. For more details, please see the U.S. Food Loss and Waste Action Plan for Congress & the Administration.<sup>12</sup>

In April 2022, FLPC, NRDC, ReFED, and WWF followed up on the Action Plan with Opportunities to Reduce Food Waste in the 2023 Farm Bill, a report which contains 22 detailed recommendations for how the 2023 Farm Bill can curb food waste, with a focus on opportunities to prevent food waste, recover surplus food, promote food waste recycling, and enhance coordination in food waste prevention efforts. The report includes legislative priorities such as standardizing date labels, creating a national education campaign around food waste, funding policies and programs to support organic waste recycling, and funding new positions to promote food waste prevention efforts at USDA and across government agencies. Many of the recommendations in the report are federal corollaries to state policies included in this toolkit; for example, improving federal tax incentives for food donation, and incentivizing compost application. Federal, state, and local governments must work together to tackle food waste. State and local governments can work together to serve as innovators, testing initiatives on small scales and tackling policies under their control. While the federal government can legislate in areas where uniform standards are essential, as with date labeling.

## HOW TO USE THIS TOOLKIT

The toolkit introduces a wide range of policies that states can implement to address food waste. For each policy, it includes background on the issue, explains the need for the policy, describes any relevant federal legislation, outlines best practices for the state policy, and offers an example of existing or proposed state law that incorporates many of these best practices. The Appendix includes model legislative language for each featured policy that states can use as a starting point to develop and pass their own policies. Some models are completely finalized, whereas others include options and comments to help guide states to tailor the policy to fit their unique circumstances while still achieving the policy goals. In some instances, our organizations have drafted the legislation together, while in other instances we have included model legislation drafted by other organizations. This toolkit was designed to enable users to jump to the sections that will be most useful to them. The toolkit makes frequent use of cross-references to refer readers to other sections of the toolkit that cover related information.

The toolkit begins with the policies that are most effective at reducing food waste disposal—organic waste bans and related policies that restrict the disposal of food waste in landfills or incinerators. Organic waste disposal bans result in significant economic, social, and environmental benefits, including the reduction of food waste generation and increase in food donation, in addition to the expected increase in organic waste recycling.<sup>13</sup> While all the policies introduced in this toolkit are beneficial, policies that ban organic waste from going into landfills will likely be the most impactful at diverting food waste from disposal.



It also takes significant effort to get these policies passed and implemented, while also ensuring that compliance includes food waste prevention and food rescue and does not focus solely on organics recycling. For states that are not ready to pass organic waste bans, there are still significant steps they can take to move the needle on food waste, including promoting food donation, supporting composting infrastructure and compost end markets, and addressing food waste in schools.

While reading and using this toolkit, readers should keep the Environmental Protection Agency's (EPA) food recovery hierarchy in mind.<sup>14</sup> The hierarchy focuses on different management strategies for food waste, starting with a base built on food waste prevention. It then moves to feeding hungry people, feeding animals, diverting food waste to industrial uses, and lastly diverting food waste for composting. Readers should consider how the hierarchy aligns with various policies and how to shape policies according to the hierarchy to maximize impact.

Each policy will have different impacts on different aspects of the food system, including environmental and social aspects. The types of impacts and outcomes of the policy will change who the natural constituencies and advocates are for a particular policy as well as the strategies for coalition building to inform and support that policy. For example, tax incentives for food donations will increase food rescue, meaning that food recovery organizations, food banks, and anti-hunger advocates are likely to be natural allies, and it will also reduce the financial costs associated with disposing of surplus food, meaning that food businesses, such as retailers, restaurants, processors, and distributors, may also support the efforts. Wherever possible, states should involve potentially affected stakeholders in crafting legislation and amending policies.

This toolkit is composed of six sections that each contain a range of potential policy solutions that a state could pass and implement to address food waste. While each section deals with a specific category of policies, these policies do at times intersect, and the toolkit includes cross-references to other sections to highlight this overlap.



## Section I: Building and Broadening Organic Waste Bans and Beyond

This section introduces policies to eliminate food waste from landfills. These policies include organic waste bans and mandatory organics recycling laws, food donation requirements, mandatory reporting laws that require entities to report on food waste generation to help develop data to support organic waste bans or planning for recycling

infrastructure, and disposal surcharge fees that raise revenue for food waste diversion efforts like organic waste bans. This section includes:

- **Organic Waste Bans:** This subsection explores state laws that ban disposal of food scraps in landfills and incinerators, looking to Vermont as a model.
- **Food Donation Requirements:** This subsection explores state laws that ban disposal of food scraps in landfills and incinerators and require surplus food be donated as a way to reduce food waste. It looks specifically to the organic waste bans in California and New York as models.
- **Mandatory Reporting Laws:** This subsection outlines the potential for laws that require reporting by food waste generators, highlighting NRDC and the Environmental Law Institute's model legislation.
- **Disposal Surcharge Fees:** This subsection explores disposal surcharges that charge fees per ton of waste landfilled or incinerated to generate revenue for food waste diversion and other recycling efforts, relying on model legislation drafted by the Institute for Local Self-Reliance and using an introduced Maryland bill as a model.



## Section II: Opportunities to Promote Food Donation

This section introduces policies that can promote and incentivize the donation of food (aside from donation requirements highlighted in Section 1), including tax incentives, liability protection, and food safety for food donation. This section includes:

- **Liability Protections for Food Donation:** This subsection describes the federal Bill Emerson Good Samaritan Food Donation Act,<sup>15</sup> as amended by the Food Donation Improvement Act,<sup>16</sup> which provides liability protections to food donors, and suggests methods for states to expand liability protection for food donations, using New Jersey’s law as a model.
- **Tax Incentives for Food Donation:** This subsection presents current federal tax incentives for food donors and delves into opportunities for states to expand tax incentives as a mechanism to spur food donation, looking specifically at the tax incentives adopted in California as an example.
- **Food Safety Guidance for Food Donation:** This subsection explores the complexity of food safety regulations and the roles of federal and state governments in breaking down barriers to food donation presented by unclear food safety regulations, using Texas regulations as a model policy.



### Section III: Supporting Organic Waste Processing Infrastructure

This section introduces a policy that can help states support and develop composting infrastructure to ensure there is sufficient capacity to recycle food scraps. This section includes:

- **Permitting and Zoning for Composting and Anaerobic Digestion Facilities:** This subsection explores opportunities for states to improve composting infrastructure by directing regulatory agencies to streamline permitting and zoning for composting facilities, using

Maryland and Ohio EPA guidance as a model for some of the key components.

- **Recycling Food Scraps into Animal Feed:** This subsection briefly walks through the history of how this beneficial practice has become heavily regulated. This section suggests eliminating state laws that restrict or unnecessarily burden those who wish to develop businesses that repurpose food scraps into profitable animal feeds, and further recommends providing informational and monetary support to those businesses.



### Section IV: Developing End Markets for Compost

This section introduces policies that can help states support end markets for finished compost products resulting from composting food scraps, to make the financial case for increased recycling of food scraps. This section includes:

- **Compost Procurement:** This subsection explores compost procurement policies where states commit to purchasing local compost for their needs in order to support the market for compost, using Washington State’s compost procurement law and the NRDC and Environmental Law Institute’s drafted model as examples.
- **Incentivize Compost Application:** This subsection highlights opportunities for states to incentivize the application of compost to improve soil health, sequester greenhouse gases, and support compost end markets, using California’s Healthy Soils Program as a model.



## Section V: Preventing Food Waste Upstream

This section outlines policies to prevent food waste upstream, including reforming date labels to prevent safe, wholesome food from being thrown away due to confusion. This section includes:

- **Date Labeling:** This subsection explains what date labels mean and suggests how state governments can strengthen their date labeling laws to reduce consumer confusion and prevent food waste, using a bill introduced in Massachusetts as a model.



## Section VI: Other Governmental Action to Address Food Waste

This section outlines other governmental policies and actions that states can take to reduce food waste, including food waste efforts in K-12

schools, climate and solid waste action plans, and government grants and support. This section includes:

- **Food Waste Reduction in K-12 Schools:** This subsection discusses the policies that states, municipalities, school districts, and schools can implement to decrease food waste, using Rhode Island's legislation related to food waste in K-12 schools to demonstrate legislative steps taken to enact such change.
- **Climate and Solid Waste Plans:** This subsection explores the potential to include food waste reduction targets and actions in climate action plans and solid waste management plans, using New Jersey's climate plan as a model.
- **Government Support for Food Waste Reduction:** This subsection explores federal and state government support for food waste reduction via funding and education.



## SECTION V

# PREVENTING FOOD WASTE UPSTREAM

The strongest policies to address food waste will reduce food waste upstream and prevent food waste from ever being generated, as opposed to diverting it from disposal once it has already been created. A major driver of food waste is confusion over date labels. Food product manufacturers face an array of unstandardized labels on their food products, and many people throw away food once the date passes because they mistakenly think the date is an indicator of safety.<sup>17</sup> However, for most foods, the date is a manufacturer’s best guess as to how long the product will be at its peak quality. When consumers misinterpret indicators of quality and freshness for indicators of a food’s safety, the amount of food that is unnecessarily wasted increases. Poor date labeling laws can also unnecessarily prevent food donation by prohibiting donation of safe, wholesome food because it is past-date (for more details, see Food Donation Requirements). The following section details how date labeling laws lead to food waste and explains how reforming state date labeling policies can improve consumer understanding of date labels and prevent food waste upstream.

## DATE LABELING

### INTRODUCTION

Date labels are found on most food products in the United States. Typically, the date is preceded

by one of several phrases including, but not limited to, “sell by,” “best before,” “use by,” and “freeze by.”<sup>18</sup> Despite what many consumers may think, these dates are not regulated by the federal government<sup>19</sup> (with the exception of infant formula, which is regulated by the FDA to maintain nutritional standards), and are generally intended as indicators of quality rather than safety.<sup>20</sup>

Although these dates generally do not reflect food safety, research shows that consumers rely on date labels when deciding whether to throw away food. According to a survey published by the Harvard Law School Food Law and Policy Clinic, the National Consumers League, and the Johns Hopkins Center for a Livable Future, 37% of consumers said that they “always or usually” discard food when “it is close to or past the date that appears on the package,” and 84% said they did so at least occasionally.<sup>21</sup>

The uncertainty surrounding date labels contributes to wasteful behaviors, missed opportunities for donation, and overflowing landfills. According to ReFED, federal standardization of date labels could divert 582,000 tons of food from disposal and generate \$2.41 billion in net financial benefit annually.<sup>22</sup> Even without federal legislation, there are opportunities for states to reduce date label confusion and prevent unnecessary waste. States can make date labels more comprehensible to consumers and avoid unnecessary waste by

passing legislation that standardizes date labels on products sold within the state and clearly differentiates between safety and quality date labels. Currently, no state laws mandate these best practices. The following section provides an overview of federal date labeling laws and then outlines best practices for state date labeling laws, highlighting a bill introduced in Massachusetts.

## FEDERAL LAW

Date labels are almost entirely unregulated under federal law. The FDA and the USDA are the two main federal agencies that regulate food safety and labeling, with the FDA's jurisdiction covering the vast majority of the food supply. With the exception of infant formula,<sup>23</sup> which must bear a "use by" date indicating when the nutrient content may begin to decline, the FDA does not mandate the use of any date labels.<sup>24</sup> The USDA, which regulates meat, poultry, and certain types of eggs,<sup>25</sup> also does not require date labels on products under its purview, with several exceptions such as a required "pack date" for poultry products,<sup>26</sup> certain labeling requirements for USDA-certified egg products,<sup>27</sup> and technical requirements for manufacturers whose products do feature date labels.<sup>28</sup>

While neither agency mandates the use of date labels, aside from the exceptions noted above, both the USDA and the FDA have released voluntary guidelines in support of using the phrase "best if used by" to indicate product quality.<sup>29</sup> The FDA has also applauded the Grocery Manufacturers Association (now known as the Consumer Brands Association (CBA)), and the Food Marketing Institute (FMI) for their efforts to standardize

date labeling through the Product Dating Code Initiative.<sup>30</sup> Like the USDA and the FDA, this initiative suggests using the term "BEST If Used By" to reflect product quality. However, the CBA and FMI standards also recommend using the term "USE By" when labeling "perishable products that should be consumed by the date on the package and discarded after that date."<sup>31</sup> There is also bi-partisan Congressional support for standardizing date labels at the federal level, as seen by the Food Date Labeling Act.<sup>32</sup>

## MODEL STATE LAW

As discussed above, federal law generally does not mandate the use of date labels, nor does it require the standardization of date labels when they are applied to food products. In the absence of federal legislation, 41 states and the District of Columbia have enacted their own date labeling laws.<sup>33</sup> These state date labeling laws differ significantly from one another, resulting in a confusing and inconsistent regime that is hard to understand and comply with.

While state action cannot eradicate date label inconsistencies,<sup>34</sup> state legislation can minimize problems associated with the current date labeling system to fight unnecessary food waste. A successful state date labeling law would:

- **Differentiate between quality and safety labels:** It would create one term to refer to product quality and another term to refer to product safety. If a food product bears a date label, it must be either the quality label or the safety label. The law should also define those terms, for example noting that the quality date is the manufacturer's best estimate of how long

a food product will maintain peak quality and that food may still safely be consumed past its quality date.

- **Standardize language:** It would standardize language and mandate the use of “BEST if Used By” for all quality labels and “USE By” for all safety labels. These terms conform with voluntary USDA, FDA, and industry guidelines as well as the proposed federal Food Date Labeling Act.<sup>35</sup> Standardizing this terminology will decrease customer confusion that results from manufacturers using a range of phrases such as “expires on,” “sell by,” and “best before.”
- **Consider mandating safety labeling:** While the use of a quality date label can be voluntary (so long as the proper label language is used), it is generally a best practice to mandate safety labels for certain perishable foods that pose a food safety risk if consumed past-date. However, this mandate requires significant effort on the part of the implementing agency which must evaluate which foods require these labels, given the wide variation in food ingredients, additives, and packaging. Given the practical realities, making safety labeling voluntary is also an acceptable practice; however, businesses should be required to use the proper language if they choose to apply a date label.
- **Explicitly permit donation and sale of food past the quality date:** The legislation should explicitly permit the sale and donation of food that is past its quality date. Such a provision would provide retailers and donors with the flexibility to sell and donate safe, wholesome food which happens to be past its quality date while maintaining necessary safety protocols.

- **Provide consumer education:** Decreasing consumer confusion regarding the meaning of various date labels is an important step in fighting unnecessary food waste, and consumer education is a key component of reforming date labels. Consumer education should explain the differences between a safety-based and quality-based date and reiterate to consumers that food labeled with a quality-based date can safely be consumed past that date.

A Massachusetts bill introduced in the 2023-2024 session is a good example of a strong state date labeling policy, as it includes many best practices such as:<sup>36</sup>

- **Differentiating between safety and quality with set language:** The bill differentiates between safety and quality labels, mandates safety labeling where necessary, and standardizes labeling language with “best if used by,” for quality and “expires on”<sup>37</sup> for safety labels.<sup>38</sup>
- **Permitting donation of past-date food:** The bill permits the sale and donation of food past the quality date and states that “only safety-based restrictions” may be imposed on the sale, donation, or use of food after the quality date has passed.<sup>39</sup>
- **Mandating education:** The bill requires education and outreach to increase consumer awareness on the meaning of quality and safety date labels.<sup>40</sup>

See Appendix L for model state legislation around date labeling.



## APPENDICES

# MODEL STATE LEGISLATION

Note on definitions: throughout this document we use different definitions based on the models we pulled from and the implications of different words in different contexts. Of course, it is within the discretion of states using this toolkit to opt for different definitions or more standardized definitions as they see fit.

## APPENDIX L: DATE LABELING

### Section 1. Definitions

- a. “Department” means *[insert relevant state agency responsible for public health]*.
- b. “Food labeler” means the producer, manufacturer, distributor, or retailer that places a date label on food packaging of a product.
- c. “Quality date” means a date printed on food packaging that is intended to communicate to consumers the date after which the quality of the product may begin to deteriorate, even as the product may still be acceptable for consumption.
- d. “Safety date” means a date printed on food packaging that is intended to communicate to consumers the date after which the product may pose a health safety risk and the food labeler advises the product not be consumed.

### Section 2. Date label requirements

- a. If a food labeler includes a quality date on food packaging, the label shall use the uniform quality date label phrase “BEST if used by”, unless and until the Department specifies through rulemaking another uniform phrase to be used.
- b. If a food labeler includes a safety date on food packaging, the label shall use the uniform safety date label phrase “USE by”, unless and until the Department specifies through rulemaking another uniform phrase to be used.
- c. The decisions on whether to include a quality date or safety date on food packaging and which foods should be so labeled shall be at the discretion of the food labeler.
- d. The quality date or safety date and immediately adjacent date label phrase shall be:
  1. In single easy-to-read type style using upper- and lower-case letters in the standard form;
  2. Located in a conspicuous place on the food packaging; and

3. Where applicable, stated in terms of day and month and, as appropriate, year.
- e. A food labeler may add “or Freeze By” following a quality date or safety date uniform phrase.
  - f. The Department shall establish guidance for food labelers on how to determine quality dates and safety dates for food products.
  - g. No later than 1 year after the date of enactment of this act, the Department shall provide consumer education and outreach on the meaning of quality date and safety date food labels.
  - h. No one shall prohibit the sale, donation, or use of any product after the quality date for the product has passed, but nothing in this section shall be construed to prohibit any one from establishing or continuing in effect any requirement that prohibits the sale or donation of foods based on passage of the safety date. Only safety-based restrictions may be imposed on the sale, donation, or use of any product after the quality date has passed. No one shall establish or continue in effect any requirement that relates to the inclusion in food labeling of a quality date or a safety date that is different from or in addition to, or that is otherwise not identical with, the requirements under this section.
  - i. Nothing in this section shall be construed to prohibit or restrict the use of time-temperature indicator labels or similar technology that is in addition to and consistent with the requirements of this section.
  - j. This section shall apply only with respect to food products that are labeled on or after a date that is 2 years *[determine appropriate effective date for your jurisdiction]* after the date of enactment of this act.

## ENDNOTES

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