

118TH CONGRESS
1ST SESSION

S. 2370

To amend the Bill Emerson Good Samaritan Food Donation Act to provide protection for the good faith donation of pet products, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 19, 2023

Mr. WARNOCK (for himself and Mr. TILLIS) introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Bill Emerson Good Samaritan Food Donation Act to provide protection for the good faith donation of pet products, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bring Animals Relief
5 and Kibble Act of 2023” or as the “BARK Act of 2023”.

6 **SEC. 2. LIABILITY FOR PET PRODUCT DONATIONS.**

7 The Bill Emerson Good Samaritan Food Donation
8 Act (42 U.S.C. 1791) is amended—

9 (1) in subsection (b)—

1 (A) by redesignating paragraphs (4)
2 through (11) and (12) as paragraphs (5)
3 through (12) and (15), respectively;

4 (B) by inserting after paragraph (3) the
5 following:

6 “(4) EMOTIONAL SUPPORT ANIMAL.—The term
7 ‘emotional support animal’ means an animal that
8 is—

9 “(A) covered by the exclusion described in
10 section 5.303 of title 24, Code of Federal Regu-
11 lations (or a successor regulation); and

12 “(B) not a service animal.”;

13 (C) in paragraph (5) (as so redesignated),
14 by striking “for human consumption” and in-
15 serting the following: “for—

16 “(A) human consumption; or

17 “(B) consumption by a pet, emotional sup-
18 port animal, or service animal”;

19 (D) in paragraph (8) (as so redesignated),
20 by inserting “pet supply,” after “household
21 cleaning product,”;

22 (E) in paragraph (12) (as so redesi-
23 gnated), in the first sentence, by inserting “pet
24 food supplier,” after “farmer,”;

1 (F) by inserting after paragraph (12) (as
2 so redesignated) the following:

3 “(13) PET.—The term ‘pet’ means a domes-
4 ticated animal, such as a dog, cat, bird, rodent, fish,
5 or turtle, that is kept for pleasure rather than for
6 commercial purposes.

7 “(14) PET SUPPLY.—The term ‘pet supply’
8 means tangible personal property used for a pet, in-
9 cluding a pet carrier, crate, kennel, house, cage, arti-
10 cle of clothing, bedding, toy, collar, leash, lead, tie-
11 out, feeder, bowl, dish, pet gate, and pet door.”; and

12 (G) by adding at the end the following:

13 “(16) SERVICE ANIMAL.—The term ‘service
14 animal’ has the meaning given the term in section
15 36.104 of title 28, Code of Federal Regulations (or
16 a successor regulation).”; and

17 (2) in subsection (c)—

18 (A) by redesignating paragraph (4) as
19 paragraph (5);

20 (B) by inserting after paragraph (3) the
21 following:

22 “(4) LIABILITY WITH RESPECT TO PETS, SERV-
23 ICE ANIMALS, OR EMOTIONAL SUPPORT ANIMALS.—

24 “(A) DONATIONS MADE.—A person or
25 gleaner shall not be subject to civil or criminal

1 liability arising from the nature, age, pack-
2 aging, or condition of food described in sub-
3 section (b)(5)(B) or pet supplies that the per-
4 son or gleaner donates in good faith to a non-
5 profit organization or State or unit of local gov-
6 ernment for direct distribution to pets, service
7 animals, or emotional support animals.

8 “(B) DONATIONS RECEIVED.—A nonprofit
9 organization or State or unit of local govern-
10 ment shall not be subject to civil or criminal li-
11 ability arising from the nature, age, packaging,
12 or condition of food described in subsection
13 (b)(5)(B) or pet supplies that the nonprofit or-
14 ganization or State or unit of local government
15 receives as a donation in good faith from a per-
16 son or gleaner for direct distribution to pets,
17 service animals, or emotional support animals.”;
18 and

19 (C) in paragraph (5) (as so redesign-
20 nated)—

21 (i) by striking “and (3)” and inserting
22 “(3), and (4)”;

23 (ii) by inserting “State or local gov-
24 ernment,” after “gleaner,”;

1 (3) in subsection (d), by inserting “, pets, serv-
2 ice animals, or emotional support animals” after
3 “needy individuals”.

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