

**2021 -- H 5328 SUBSTITUTE A**

LC000195/SUB A/3

**STATE OF RHODE ISLAND**

**IN GENERAL ASSEMBLY**

**JANUARY SESSION, A.D. 2021**

**A N A C T**

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

Introduced By: Representatives Carson, Cortvriend, Speakman, Fogarty, Ruggiero,  
Caldwell, Donovan, Alzate, and Barros

Date Introduced: February 03, 2021

Referred To: House 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. Definitions.**

6 As used in this chapter.

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

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

14 **16-110-2. Waste audit/report.**

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

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

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

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

11 **16-110-3. Food service and refuse disposal.**

12 It shall be the policy of the state, the department of education and any educational entity to  
13 require that any request for proposal (RFP) to select a food service company (vendor) to provide  
14 food services to an educational entity shall include, as part of its proposal, assurances that the  
15 vendor is in compliance with all laws relative to recycling and composting pursuant to chapter 18.9  
16 of title 23; provided that, food waste is separated for diversion within that educational entity.

17 **16-110-4. Food service – Local sources preferred.**

18 It shall be the policy of the state, the department of education and any educational entity to  
19 encourage that any request for proposal (RFP) to a food service company (vendor) to provide food  
20 services to an educational entity encourage the use of a vendor that purchases ten percent (10%) of  
21 the required food service product from a Rhode Island-based food service company. In addition, it  
22 shall also be the policy of the state, the department of education, and any educational entity, to  
23 encourage the use of vendors who recycle organic-waste materials at an authorized composting  
24 facility, an anaerobic digestion facility, or by another authorized recycling method, regardless of  
25 whether the entity purchasing the services is or is not an educational entity, or a covered entity or  
26 a covered educational institution pursuant to the provisions of § 23-18.9-7.

27 **16-110-5. Food donations by food service companies.**

28 (a) It shall be the policy of the state, the department of education and any educational entity  
29 to require that any request for proposal (RFP) to select a food service company (vendor) to provide  
30 food services to an educational entity shall require the vendor to donate any unserved nonperishable  
31 or unspoiled perishable food to local food banks or the Rhode Island Food Bank in accordance with  
32 the recommendations from the Rhode Island department of health "The Road to End Hunger"  
33 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 **16-110-6. 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 **16-110-7. Rules and regulations.**

33 The commissioner is hereby authorized to promulgate whatever rules and regulations may  
34 be required to implement this chapter and shall annually provide notice to all educational entities

1 [of the department's school waste disposal and refuse disposal policies.](#)

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

4 **23-18.9-17. Food waste ban.**

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

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

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

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

18 (1) The covered educational facility generates not less than fifty-two (52) tons per year of  
19 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 (c) The director shall grant a waiver of the requirements of subsections (a) and (b) upon a  
24 showing that the tipping fee charged by the Rhode Island resource recovery corporation for non-  
25 contract commercial sector waste is less than the fee charged for organic-waste material by each  
26 composting facility or anaerobic digestion facility located within fifteen (15) miles of the covered  
27 entity's location.

28 [\(d\) On and after January 1, 2023, each educational entity \(as such term is defined in § 16-](#)  
29 [110-1\) shall ensure that the organic-waste materials that are generated by the educational entity are](#)  
30 [recycled at an authorized, composting facility or anaerobic digestion facility or by another](#)  
31 [authorized recycling method if:](#)

32 [\(1\) The educational entity generates not less than thirty \(30\) tons per year of organic-waste](#)  
33 [material; and](#)

34 [\(2\) The educational entity is located not more than fifteen \(15\) miles from an authorized,](#)

1 [composting facility or anaerobic digestion facility with available capacity to accept such material.](#)

2 SECTION 3. This act shall take effect on September 1, 2021.

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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 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.

5           This act would take effect on September 1, 2021.

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