



2026 South Dakota Legislature

Senate Concurrent Resolution 608

SENATE ENGROSSED

Introduced by: **Senator Smith**

1 **A CONCURRENT RESOLUTION urging collaboration to reduce hunger and food waste**
 2 **in this state under the protections of the 1996 Bill Emerson Good Samaritan**
 3 **Food Donation Act.**

4 WHEREAS, currently, disruptions in government assistance programs have increased
 5 hunger and the need for further assistance from other sectors; and

6 WHEREAS, for some individuals and families, the likelihood of experiencing food insecurity
 7 has grown significantly and continues to increase, as one out of eight people and one out of
 8 six children faced food insecurity in 2025; and

9 WHEREAS, restaurants, grocery stores, and other food service establishments dispose of
 10 food every day, with 35 percent of all usable food ending up in landfills; and

11 WHEREAS, the disposed food is often perfectly safe, edible, and wholesome; and

12 WHEREAS, the Bill Emerson Good Samaritan Food Donation Act of 1996, 42 U.S.C. § 1791
 13 (January 1, 2026), protects food donors from liability and encourages food donations to
 14 nonprofit organizations; and

15 WHEREAS, because of these legislative efforts, individuals who strive to do the right thing
 16 by donating food to those who are less fortunate are guaranteed a level of protection from
 17 liability; and

18 WHEREAS, these liability protections provide individuals comfort when donating food items
 19 to nonprofit organizations that are better equipped to collect, process, and distribute the items
 20 to members of the community; and

21 WHEREAS, these legislative measures allow for an ongoing and increasing tax incentive
 22 of \$1.97 per pound, based on agreed amounts set by the federal government and Feeding
 23 America; and

1 WHEREAS, many nonprofit organizations across the state and in our densest population
2 centers already work to rescue food waste and distribute it to those in need; and

3 WHEREAS, these nonprofit organizations not only provide necessary food items and goods
4 through charitable acts, but they also ease the financial and mental strains of those
5 experiencing food insecurity; and

6 WHEREAS, while many nonprofit organizations are capable of providing assistance and
7 food to communities, the need for food is in excess of the supply; and

8 WHEREAS, in South Dakota, more than 110,000 people face hunger, including nearly
9 40,000 children, which means this state has a food insecurity rate of more than 22 percent
10 for the overall population and 30 percent for children; and

11 WHEREAS, South Dakota food banks have reported a significant increase in the demand
12 for food assistance in their respective communities; and

13 WHEREAS, restaurants and other food service establishments can collaborate with
14 community service providers to ensure that excess food can help feed the hungry at no
15 additional cost to the restaurant or food service establishment;

16 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the One Hundred First Legislature
17 of the State of South Dakota, the House of Representatives concurring therein, that
18 community service providers and food service establishments are urged to collaborate, under
19 the protections provided by the Bill Emerson Good Samaritan Food Donation Act of 1996, to
20 prevent food waste and reduce rates of hunger in South Dakota.