



2026 South Dakota Legislature
Senate Concurrent Resolution 608
ENROLLED

AN ACT

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

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

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

WHEREAS, restaurants, grocery stores, and other food service establishments dispose of food every day, with thirty-five percent of all usable food ending up in landfills; and

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

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

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

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

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

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

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

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

WHEREAS, in South Dakota, more than one hundred ten thousand people face hunger, including nearly forty thousand children, which means this state has a food insecurity rate of more than twenty-two percent for the overall population and thirty percent for children; and

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

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

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

Adopted by the Senate,
Concurred in by the House of Representatives,

February 11, 2026
February 25, 2026

Chris Karr
President Pro Tempore
of the Senate

Peggy Laurenz
Secretary of the Senate

Jon Hansen
Speaker of the House

Patricia Miller
Chief Clerk of the House