*** § 27-2218. Supermarket excess edible food.**

1. For the purpose of this section, "supermarket" means a physical retail store which has at the subject location more than ten thousand square feet devoted to offering food for human consumption for sale to the general public and generates an annual average of less than two tons per week of food scraps pursuant to subdivision one of section 27-2201 of this title.

2. Every supermarket shall from time to time make excess edible food available to food relief organizations. No supermarket shall be required to make available a particular quantity or level of excess edible food or to transport or distribute any excess edible food.

3. A supermarket shall be deemed in compliance with this section if it in good faith arranges with a food relief organization that has requested in writing to collect excess edible food from the supermarket for the collection of such excess edible food. The rights, liabilities or immunity of any party under this section shall be governed pursuant to the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. § 1791 et seq.), as of January seventh, two thousand eleven.

4. A supermarket may impose reasonable restrictions as to the time and manner of collection by a food relief organization so as not to interfere with its business operations.

5. A supermarket may, in accordance with any applicable laws, dispose of any excess edible food which is not picked up by a food relief organization within a reasonable time.

6. Nothing in this section shall be construed to supersede any state or federal health laws or regulations regarding the handling of excess edible food.

7. A supermarket that does not meet the requirements of this section shall not be subject to the penalties specified in title twenty-seven of article seventy-one of this chapter.

* NB Repealed December 31, 2031