

# HB175 INTRODUCED



1 HB175  
2 MSIGAHW-1  
3 By Representative Robbins  
4 RFD: Ways and Means Education  
5 First Read: 13-Jan-26



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SYNOPSIS:

This bill would establish an income tax credit for a donation of edible farm products by a farmer to a qualifying food bank.

A BILL  
TO BE ENTITLED  
AN ACT

Relating to food banks; to establish an income tax credit for donations of edible farm products by a farmer to a qualifying food bank.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) This act, the purpose of which is to incentivize farmers to donate certain food products to food banks, shall be known and may be cited as the "Farm-to-Food Bank Act of 2026."

(b) As used in this act, the following terms have the following meanings:

(1) DEPARTMENT. The Department of Agriculture and Industries.

(2) EDIBLE FARM PRODUCTS. Plants and animals useful to humans for consumption which include, but are not limited to, forage and sod crops, oilseeds, grain and feed crops, dairy



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29 and dairy products, poultry and poultry products, livestock,  
30 fruits, and vegetables. The products may not be damaged,  
31 out-of-condition, or declared unfit for human consumption by a  
32 federal, state, or local health official.

33 (3) ELIGIBLE DONOR. A farmer or owner of a food  
34 establishment.

35 (4) FARMER. An Alabama taxpayer that meets either of  
36 the following qualifications:

37 a. Is responsible for and derives income of at least  
38 one thousand dollars (\$1,000) from growing fruits, vegetables,  
39 or other edible farm products or from raising beef, poultry,  
40 pork, fish, or other edible agriculture products.

41 b. Has filed an acreage report with the United States  
42 Department of Agriculture.

43 (5) FOOD ESTABLISHMENT. As defined by the United States  
44 Food and Drug Administration and adopted by Rule 420-3-22.01  
45 of the Alabama Department of Public Health.

46 (6) QUALIFYING FOOD BANK. A food bank as defined in  
47 Section 40-9-25.16, Code of Alabama 1975.

48 (c) An Alabama income tax credit is established for  
49 eligible donors who donate edible farm products to a food  
50 bank. The tax credit shall equal the lesser of:

51 (1) Fifteen percent of the value of the edible farm  
52 products donated during the tax year for which the credit is  
53 claimed. The value of the edible farm products shall be  
54 determined in the same manner as a charitable contribution of  
55 food for federal tax purposes under 26 U.S.C. § 8170(e)(3)(C);  
56 or



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57 (2) Five thousand dollars (\$5,000).

58 (d) The taxpayer claiming a tax credit under this act  
59 shall not receive remuneration for the donation. The tax  
60 credit must be taken in the tax year in which the taxpayer was  
61 issued a tax credit certificate under subsection (g). The tax  
62 credit issued under this act may not decrease a taxpayer's  
63 liability to less than zero. If the tax liability of the  
64 taxpayer is less than the tax credit issued under this act,  
65 the taxpayer may only utilize the amount of the credit that  
66 reduces the taxpayer's liability to zero. The tax credit is  
67 not refundable nor transferable and may not be carried  
68 forward. A taxpayer applying for the tax credit shall only  
69 apply for the tax credit for the year in which the edible farm  
70 products were donated to a qualifying food bank, regardless of  
71 the tax liability of the taxpayer.

72 (e) The Department of Revenue shall grant the tax  
73 credit against the state income tax that is due by the  
74 taxpayer holding the tax credit certificate issued under  
75 subsection (g) in the amount stated on the tax credit  
76 certificate, subject to the limitations of subsection (d). The  
77 department may audit and reassess any credit improperly  
78 obtained by the taxpayer in accordance with the Alabama  
79 Taxpayers' Bill of Rights and Uniform Revenue Procedures Act,  
80 Chapter 2A of Title 40 of the Code of Alabama 1975.

81 (f) The tax credit authorized by this act is limited to  
82 an aggregate amount for all taxpayers of two million dollars  
83 (\$2,000,000) annually.

84 (g) Prior to claiming the income tax credit authorized



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85 under subsection (c), the taxpayer shall file an annual  
86 informational report in a manner prescribed by the department,  
87 which includes information of edible farm products donated,  
88 along with additional information as required by the  
89 department. Following the receipt of all information required  
90 by this subsection, the department shall issue a tax credit  
91 certificate to the taxpayer seeking the credit. Tax credit  
92 certificates shall be issued on a first come, first served  
93 basis until the annual cap provided by subsection (f) is met.  
94 In the event the reservations of tax credits equal the total  
95 amount available for reservations during the tax year, all  
96 eligible taxpayers with applications then awaiting approval or  
97 thereafter submitted shall be notified in a manner as  
98 prescribed by the department that no additional tax credits  
99 shall be granted during that tax year and may seek a tax  
100 credit certificate in the next tax year, subject to the  
101 limitations of subsection (d), in an amount equal to the  
102 amount sought but unavailable in the prior tax year plus any  
103 amount otherwise sought for the current tax year.

104 (h) The department shall prepare a report detailing the  
105 edible farm products donated by farmers and the amount of tax  
106 credits claimed under this act. The information on the report  
107 shall be consistent with the information required under  
108 Section 40-1-50, Code of Alabama 1975, and rules adopted by  
109 the Department of Revenue. Information provided under this act  
110 is exempt from the confidentiality provisions of Section  
111 40-2A-10, Code of Alabama 1975, and shall be provided by the  
112 department to the Legislature in accordance with Section



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113 40-1-50, Code of Alabama 1975, and rules adopted by the  
114 Department of Revenue.

115 (i) The department and the Department of Revenue may  
116 adopt rules to implement and administer this act.

117 (j) (1) The tax credit allowed under this act may be  
118 claimed beginning with the 2027 tax year.

119 (2) This tax credit may not be claimed after tax year  
120 2031.

121 Section 2. This act shall become effective on June 1,  
122 2026.