
**Agriculture & Ecology
Committee**

HB 2325

Brief Description: Providing for donation and distribution of food.

Sponsors: Representatives Wood, Schoesler, Gombosky, Kessler, Linville, Kagi and Esser.

Brief Summary of Bill

- Allows food donors to donate food in raw, cooked, processed, or prepared edible form for the purpose of serving needy persons under certain circumstances.
- Requires the Washington State Board of Health to adopt recommended health and safety guidelines for free food donation, preparation, and distribution.

Hearing Date: 1/22/02

Staff: Caroleen Dineen (786-7156).

Background:

The state's Good Samaritan Food Donation Act (Act) is intended to promote free food distribution to needy persons, prevent waste of food products, and provide liability protection for food donors. The Act provides immunity from civil and criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product collected for donation or donated in good faith for ultimate distribution to needy individuals. This immunity applies to a person— or a gleaner— as defined by statute.

"Food" is defined in statute to include raw, cooked, processed, or prepared edible substances intended for human consumption.

The statutory immunity from civil and criminal liability for persons and gleaners donating food does not exist for an injury to or death of an ultimate user or recipient that results from an act or omission constituting gross negligence or intentional misconduct.

Summary of Substitute Bill:

A food donor may donate food in raw, cooked, processed, or prepared edible form without charge to a distributing organization or the public in order to serve needy persons if authorized by local health board rule that is ratified by local legislative authorities in conservation with the health board. This authority includes persons preparing food for, and participating in community potluck meals. An exception exists for donations expressly prohibited by the Washington State Board of Health (Board). The Board is required to adopt recommended health and safety guidelines for the donation, preparation, and distribution of free food.

Legislative intent is included to specify the purposes of encouraging charitable organizations, businesses, and individuals to donate food and assuring donated food will not endanger needy recipients.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The provision requiring the Washington State Board of Health to adopt recommended health and safety guidelines takes effect immediately. Other provisions take effect January 1, 2003.