

HOUSE BILL REPORT

ESHB 2325

As Passed Legislature

Title: An act relating to donated food.

Brief Description: Providing for donation and distribution of food.

Sponsors: By House Committee on Agriculture & Ecology (originally sponsored by Representatives Wood, Schoesler, Gombosky, Kessler, Linville, Kagi and Esser).

Brief History:

Committee Activity:

Agriculture & Ecology: 1/22/02, 2/1/02 [DPS].

Floor Activity:

Passed House: 2/14/02, 98-0.

Senate Amended.

Passed Senate: 3/6/02, 47-0.

House Concurred.

Passed House: 3/11/02, 96-0.

Passed Legislature.

Brief Summary of Engrossed Substitute Bill

- Requires the state Board of Health to adopt rules for the safe receipt, preparation, and handling of donated food by 2004.
- Requires the Washington Department of Health to develop educational materials for donors by 2004.
- Allows local health offices to grant vacancies to state facilities, equipment, and food service regulations when no known or expected health hazard would exist.

HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Linville, Chair; Hunt, Vice Chair; Schoesler, Ranking Minority Member; Chandler, Cooper, Delvin, Dunshee, Grant, Holmquist, Kirby, Quall, Roach and Sump.

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

The state Board of Health is required to adopt rules for the safe receipt, preparation, and handling of donated food by December 31, 2004. The state Department of Health is required by December 31, 2004, to develop educational materials for donors containing recommended health and safety guidelines for food preparation and handling. Local health officers may grant variances to state food service rules regarding physical facilities, equipment standards, and food source requirements when no known or expected health hazard would exist as a result of the variance.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause for the variance provisions to take effect immediately. Other provisions take effect ninety days after adjournment of session in which bill is passed.

Testimony For: A recent Spokane editorial illustrated the problem surrounding food donations. Nonprofit organizations rely heavily on donated foods to ensure people are fed, and this bill helps these organizations continue to help the needy. This bill should be passed if it is what is needed to help community-based organizations distribute food. The ratification section could cause delays in changing or adopting local board of health rules for food donation. Just one of the local legislative authorities within the health district's jurisdiction could stop the rule by failing to ratify.

Testimony Against: None.

Testified: Representative Wood; Bob Cooper, Food Lifeline; Kevin Glacken-Coley, Washington State Catholic Conference; Art Starry, Washington Environmental Health Directors; Toni McKinley, Washington State Grange; and Susan Oberst, SHARE.