

FINAL BILL REPORT

ESHB 2325

C 217 L 02

Synopsis as Enacted

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).

House Committee on Agriculture & Ecology
Senate Committee on Agriculture & International Trade

Background:

The state's Good Samaritan Food Donation 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:

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

Votes on Final Passage:

House 98 0
Senate 47 0 (Senate amended)
House 96 0 (House concurred)

Effective: June 13, 2002
March 28, 2002 (Section 3)