

# HOUSE BILL REPORT

## HB 2325

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**As Reported by House Committee On:**  
Agriculture & Ecology

**Title:** An act relating to donated food.

**Brief Description:** Providing for donation and distribution of food.

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

**Brief History:**

**Committee Activity:**

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

**Brief Summary of Substitute 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.

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### 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.

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**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 consultation 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 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.

**Substitute Bill Compared to Original Bill:**

The substitute requires county and city legislative authorities to consult with the local board of health when ratifying the local board's rule. In addition, the substitute states this authority applies to persons preparing food for and participating in community potluck meals. The substitute also replaces "free food" with "food" in the donation intent section.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Substitute Bill:** The bill takes effect January 1, 2003, except the provision requiring the Washington State Board of Health to adopt recommended health and safety guidelines takes effect immediately.

**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.