

AMENDED IN SENATE MAY 13, 2010
AMENDED IN SENATE APRIL 28, 2010
AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1269

Introduced by Senator Oropeza

February 19, 2010

An act to add Section 12177.5 to the Government Code, relating to liability.

LEGISLATIVE COUNSEL'S DIGEST

SB 1269, as amended, Oropeza. Food donation liability.

Existing law, with specified exceptions, exempts a food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or a food bank from liability for any damage or injury resulting from the consumption of the donated food. Existing law also exempts from liability any person who donates any agricultural product, as provided. Existing federal law also contains specified exemptions from liability for the donation of apparently fit grocery products to a nonprofit organization. Existing federal law allows for a tax deduction for charitable contributions of food inventory.

This bill would require the California Department of Food and Agriculture and the California Department of Public Health to make information available, as provided, about certain state and federal statutory exemptions from liability for the donation of food to a nonprofit corporation and tax deductions for charitable contributions of food inventory.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 12177.5 is added to the Government
2 Code, to read:
3 12177.5. The Department of Food and Agriculture and the
4 State Department of Public Health shall make information available
5 on their Internet Web sites, and when possible disseminate the
6 information via *existing department or agency* publication, on food
7 donation liability protections as specified in Section 1714.25 of
8 the Civil Code, Chapter 5 (commencing with Section 58501) of
9 Part 1 of Division 21 of the Food and Agricultural Code, Sections
10 114433 and 114434 of the Health and Safety Code, and the Bill
11 Emerson Good Samaritan Food Donation Act (Section 1791 of
12 Title 42 of the United States Code), and on tax deductions for
13 charitable contributions of food inventory as specified in Section
14 170 of Title 26 of the United States Code.

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