

Senate Bill No. 1269

Passed the Senate May 28, 2010

Secretary of the Senate

Passed the Assembly August 16, 2010

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 1269, 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.

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

SECTION 1. Section 12177.5 is added to the Government Code, to read:

12177.5. The Department of Food and Agriculture and the State Department of Public Health shall make information available on their Internet Web sites, and when possible disseminate the information via existing department or agency publication, on food donation liability protections as specified in Section 1714.25 of the Civil Code, Chapter 5 (commencing with Section 58501) of Part 1 of Division 21 of the Food and Agricultural Code, Sections 114433 and 114434 of the Health and Safety Code, and the Bill Emerson Good Samaritan Food Donation Act (Section 1791 of Title 42 of the United States Code), and on tax deductions for

charitable contributions of food inventory as specified in Section 170 of Title 26 of the United States Code.

Approved _____, 2010

Governor