



AB 1219: California Good Samaritan Food Donation Act

SUMMARY

This bill would create the California Good Samaritan Food Donation Act to clarify and expand existing protections for food donors.

BACKGROUND

California became the first state in the country to limit the liability of food donors in order to encourage food donation. In 1996 Congress responded to the need of more uniform protections by enacting the Bill Emerson Good Samaritan Act which protected good faith food donors from civil and criminal liability.

Despite these protections, much of the wholesome surplus food in the state is discarded. A survey conducted by the Waste Reduction Alliance found that 44% of manufacturers, 41% of restaurants and 25% of retailers identified fear of liability as their primary barrier to food donation.

Meanwhile food insecurity in the state affects one in every eight Californians, including one in four children. Food is the most prevalent item in our waste stream, with over 5.5 million tons of food dumped in landfills every year in the state. Uneaten food and other organic waste in landfills release 8.3 million tons of greenhouse gases each year in California, contributing to 20 percent of the state's methane emissions.

Current law lacks clarity in some provisions and is limited in scope. Limitations in the federal Good Samaritan Act and in California law include:

- 1) Current law does not explicitly state that donations of past-date foods are protected from liability.
- 2) No liability protection is given when donors donate directly to final recipients without going through a nonprofit food recovery intermediary.

- 3) There is no education and awareness component for food donor protection laws.

THIS BILL

AB 1219 will:

- Explicitly state that donated food which has exceeded the sell-by date is subject to liability protection.
- Provide liability protection for donations made directly to end-users.
- Provide liability protection to gleaners.
- In order to provide education and awareness, Environmental Health Officers will be required to promote Good Samaritan laws through newsletters, bulletins, and handouts.

By more explicitly stating what kinds of food donations are currently protected under Good Samaritan laws, many potential donors will feel reassured that they are, in fact, protected.

SUPPORT

Californians Against Waste (co-sponsor)
California Association of Food Banks (co-sponsor)
Alameda County Food Bank
California Association of Nonprofits
California Food Policy Advocates
California Grocers Association
California League of Food Processors
California Retailers Association
Central Contra Costa Solid Waste Authority (Recycle Smart)
City of Sunnyvale
Clean River Alliance
Community Action Agency of Butte County, Inc.
Community Alliance with Family Farmers
Emergency Food Bank Stockton/San Joaquin
Feeding San Diego
Food Bank Coalition of San Luis Obispo County
Food Bank of Contra Costa & Solano County
Food Finders

Food for People, Inc.
Food Forward
Food Law and Policy Clinic of Harvard Law School
FoodLink Tulare County
Food Shift
Food System Alliance
Health Officers Association of California
Imperial Valley Food Bank
Jacobs & Cushman San Diego Food Bank
Los Angeles Food Policy Council
Los Angeles Regional Food Bank
Los Angeles Unified School District
Meet Each Need With Dignity
Merced County Food Bank
Mojave Desert & Mountain Recycling Authority
Napa Recycling & Waster Services
Natural Resources Defense Council
Northern California Recycling Association
Oakland Food Policy Council
Redwood Empire Food Bank
Second Harvest Food Bank Orange County
Second Harvest Food Bank Santa Cruz County
Second Harvest Food Bank of San Joaquin &
Stanislaus Counties
Sierra Harvest
Solid Waste Association of North America
(SWANA)
St. Francis Center
Stop Waste
Sustain LA
Tri-City Economic Development Corporation
Western Center on Law and Poverty
Yolo Food Bank
Yuba-Sutter Food Bank

FOR MORE INFORMATION

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