



AB 1219 (Eggman) California Good Samaritan Food Donation Act

Fear of liability is frequently cited by food manufacturers, retailers and restaurants as a barrier to donating to food banks, especially dairy, meat and other perishable but high-value items that help end hunger and sustain health. With current limited protections in place for good faith donors, a large portion of edible, wholesome food is discarded instead of donated.

Current California law that relates to liability relief for food donors lacks clarity and is somewhat limited in scope. By more explicitly stating what kinds of food donations are currently protected under Good Samaritan laws, many potential donors will take action with the reassurance that they are in fact protected.

BACKGROUND

California passed the first-in-the-nation Good Samaritan food donation law in 1977, and within a decade every state followed suit. To provide uniformity, the Federal Bill Emerson Good Samaritan Food Donation Act was signed into law in 1996, protecting good faith donors including individuals, businesses, and government entities, as well as gleaners and non-profit organizations from civil and criminal liability.

Even with these protections in place, a shocking forty percent of food in the United States never gets eaten. Meanwhile, the state faces a hunger crisis that affects one in eight Californians, including one in four children. Food is the single most prevalent item in California's waste stream, with over 5.5 million tons of food dumped in landfills every year in the state. Dumping uneaten food and other organic waste into landfills releases more than 8.3 million tons of greenhouse gases each year in California, contributing 20 percent of the state's methane emissions.

SOLUTION

Clarify: Explicitly provide that donated food that has exceeded the labeled shelf life date is subject to liability protection.

Expand: Provide liability protection for donations directly to end-users, especially important for food service and retail establishments.

Educate and build awareness: Environmental Health Officers will promote the donation of edible food for human consumption to encourage food donation and cite food donor protection laws.

SUPPORT

Californians Against Waste (co-sponsor)
California Association of Food Banks (co-sponsor)
California Association of Nonprofits
California Food policy Advocates
California Grocers Association
California League of Food Processors
California Retailers Association
Community Action Agency of Butte County, Inc.
Emergency Food Bank Stockton/San Joaquin Feeding San Diego
Food Bank of Contra Costa & Solano County
Food Finders
Food for People, Inc.
Food Forward
FoodLink Tulare County
Food Shift
Imperial Valley Food Bank
Jacobs & Cushman San Diego Food Bank
Los Angeles Food Policy Council
Los Angeles Regional Food Bank
Merced County Food Bank
Natural Resources Defense Council
Redwood Empire Food Bank
Second Harvest Food Bank of Orange County
Second Harvest Food Bank of San Joaquin & Stanislaus Counties
Second Harvest Santa Cruz County
St. Francis Center
Solid Waste Association of North America
Yolo Food Bank
Yuba-Sutter Food Bank

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