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HOUSE BILL NO. 2258

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact § 35.1-14.2 of the Code of Virginia, relating to donations of food to charitable organizations; exception to regulations.

Patrons—Rust, Albo, Amundson, Bulova, Caputo, Ebbin, Marsden, Plum, Scott, J.M. and Watts;
Senators: Cuccinelli, Herring, Howell and Puller

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 35.1-14.2 of the Code of Virginia is amended and reenacted as follows:**

§ 35.1-14.2. Donations of food to charitable organizations.

A. Any restaurant, licensed by the Department of Health pursuant to this title and any processor, distributor, wholesaler or retailer of food, including, but not limited to, a grocery, convenience, or other store selling food or food products, may donate unserved excess foods to any charity organization ~~which~~ *that* is exempt from taxation under 26 U.S.C. § 501 (c) (3), and to political subdivisions for distribution to needy persons. Charitable organizations engaged in food distribution programs for needy persons shall notify the local political subdivision of their programs. Upon the notification of such food distribution programs by such charitable organizations, the local political subdivision shall provide a list of such charitable organizations within its jurisdiction to those restaurants and other food suppliers who request such information. Organizations engaged in such food distribution programs shall be exempt from civil liability as provided in § 3.1-418.1 for the donors of the food.

B. Charitable organizations prior to engaging in food distribution programs for needy persons shall comply with ~~the~~ applicable regulations, *including those* adopted pursuant to §§ 35.1-11 and 35.1-14 and with the provisions of §§ 35.1-18 and 35.1-21, *with the exception of any state or local regulations that require commercial-grade kitchens or equipment. For purposes of the exception provided in this subsection, "charitable organizations" shall include nonprofit homeless shelters, homeless and hunger prevention programs, and any volunteer who prepares food for such organizations.*

2. That an emergency exists and this act is in force from its passage.

INTRODUCED

HB2258