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SENATE BILL NO. 1125

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend the Code of Virginia by adding in Article 1 of Chapter 20 of Title 3.1 a section numbered 3.1-364.1, relating to donation of food to charity organizations.

Patron—Cuccinelli

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 20 of Title 3.1 a section numbered 3.1-364.1 as follows:

§ 3.1-364.1. Regulation of food distribution programs.

A. The Board, in conjunction with the Board of Health, shall promulgate regulations permitting any person to donate food prepared in his private residence to any political subdivision or to any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), for distribution to needy persons.

B. The Board, in conjunction with the Board of Health, shall promulgate regulations permitting any political subdivision and any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), that is engaged in a food distribution program for needy persons to distribute any food donated to it in accordance with the regulations promulgated under subsection A.

C. Notwithstanding any contrary provision of general law, special act, state regulation, or local ordinance or regulation, a locality shall neither enact nor enforce any general law, special act, state regulation, or local ordinance or regulation that imposes conditions or requirements inconsistent with or more stringent than the regulations promulgated by the Board pursuant to subsection A.

2. That the Board of Agriculture and Consumer Services, in conjunction with the Board of Health, shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. That neither the Board of Agriculture and Consumer Services nor the Board of Health shall be subject to the requirements of the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) as may be necessary to carry out the provisions of the second enactment of this act.

4. That a locality shall not enforce any general law, special act, state regulation, or local ordinance or regulation that prevents a person from donating food prepared in his private residence to any political subdivision or to any charity organization, which is exempt from taxation under 26 U.S.C. § 501 (c) (3), for distribution to needy persons unless such locality first demonstrates that such person failed to comply with the applicable regulations adopted pursuant to §§ 35.1-11 and 35.1-12 of the Code of Virginia.

5. That the provisions of the fourth enactment of this act shall expire within 280 days of the enactment of this act.

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

INTRODUCED

SB1125