

## Department of Planning and Budget 2009 Fiscal Impact Statement

**1. Bill Number:** HB 1711-H1

House of Origin    ☐ Introduced    ☐ Substitute    ☐ Engrossed  
Second House    ☒ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:**    Oder

**3. Committee:** Courts of Justice

**4. Title:**    **Civil immunity for charitable food donations and distributions**

**5. Summary:** Provides that any charitable organization engaged in a food distribution program for needy persons shall be exempt from civil liability arising from any injury or death resulting from the nature, age, condition, or packaging of the distributed food. In addition, the bill provides that any (i) volunteer who donates prepared food to a charitable organization engaged in a food distribution program for needy persons; (ii) restaurant and any processor, distributor, wholesaler, or retailer of food that donates unserved excess foods to any charitable organization for distribution to needy persons; (iii) person who donates food to any food bank or any second harvest certified food bank or food bank member charity; and (iv) farmer, processor, distributor, wholesaler, food service establishment, restaurant, or retailer of food who donates food to any food bank or any second harvest certified food bank or food bank member charity and whose existing exemption is moved to this bill from § 3.2-5144 of the Code of Virginia shall be exempt from civil liability arising from any injury or death resulting from the nature, age, condition, or packaging of the donated food.

**6. Fiscal Impact Estimates:** None.

**7. Budget Amendment Necessary:** No.

**8. Fiscal Implications:** None.

**9. Specific Agency or Political Subdivisions Affected:** Virginia Department of Health, Board of Health and Virginia courts

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** The legislation does not have a fiscal impact for the Virginia Department of Health. This legislation provides civil immunity to 501 (c) (3) nonprofit charitable organizations, as well as any volunteers, retailers of food, and any person who donates food to needy persons which may cause any injury or death as the result of the condition of the donated food. This bill may result in fewer cases being heard in the courts, but it is not anticipated that there would be significantly fewer cases.

**Date:** 2/2/2009 lrj

**Document:** G:\VDH\GA\Legislation\FIS\FY 2009\HB1711H1.doc

cc: Secretary of Health and Human Resources