



NEW YORK STATE SENATOR

Darrel J. Aubertine

Aubertine Bill Promotes Food Donations to Charities, Protects Restaurants, Farms From Worrisome Liability

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| ISSUE: **AGRICULTURE, FAMILIES, CHILDREN, NUTRITION**

| COMMITTEE: **AGRICULTURE**

Senate votes unanimously to pass food donation bill that limits liability for good faith donations

ALBANY (April 8, 2010)—The New York State Senate today passed legislation (58-0) known as the New York Restaurant Lending a Helping Hand Act, introduced by Sen. Darrel J. Aubertine, which would allow restaurants to make good faith donations of leftover food to charitable organizations without the threat of liability.

“In these tough economic times, the demand on our food banks and charitable organizations has increased, but unused food from restaurants—about a quarter of what is produced—is typically just thrown away,” said Sen. Aubertine, chair of the Senate Agriculture Committee which moved the bill unanimously. “This is a common sense bill that will protect restaurants and other eateries so they can do the right thing and make sure this food does not go to waste.”

Between 20 and 27 percent of the food produced throughout the country is thrown away, when this food could be used to help feed as many as 49 million people in need nationwide. The primary reason this food has gone to waste in most instances is the threat of liability.

Sen. Aubertine’s legislation provides that as long as other provisions of law are followed, a good faith donor of any canned or perishable food, farm product, game or wild game, apparently fit for human consumption, to a charitable organization, for free distribution, shall not be subject to criminal penalty or civil damages arising from the condition of the food, if the donor had inspected it at the time of donation and deemed it fit for human consumption.

“All this does is make clear in law that a donation of good food to charitable organizations is protected,” Sen. Aubertine said. “The need is real and this bill will make sure restaurants or farms are not punished for their good deeds.”

Removing this threat of liability will enable restaurants to develop relationships with charitable organizations to ensure excess, safe, and quality food goes to food pantries and charities to give to our neighbors in need. The bill has widespread support, including the New York State Restaurant Association, New York State Catholic Charities, the New York State Dietetic Association, and the New York Farm Bureau.

“New York Farm Bureau’s farm family members have consistently led the nation’s farmers in food donation to New York’s food banks. Senator Aubertine’s legislation helps remove a critical barrier to donation by removing some of the unknown liabilities that can be associated with donating a fresh product and not having control over the ultimate distribution of that product. This legislation provides yet another critical tool in the efforts of farm families to help our neighbors in a very challenging economic climate and keep the hungry fed with local farm products from local farmers,” said Dean Norton, President of New York Farm Bureau.

The New York Farm Bureau has again won the American Farm Bureau Federation award for donating the most produce to the state’s food banks—3.65 million pounds. Considering the scale of our state’s industry and its limited growing season compared to the nation’s number one agricultural state, California, this is an amazing achievement and shows how committed our farm families are to their community.

“Among the most basic of all charitable endeavors is the biblical mandate to feed the hungry. Even one adult or child going hungry is too many. But, sadly, in the Empire State, more than 2 million people are served by emergency food providers every year. This legislation represents a common-sense partnership between government, the business community and the not-for-profit sector to address the dramatic need that exists in all parts of our state. The New York State Catholic Conference is proud to support it,” said Earl Eichelberger, Director for Catholic Charities.

According to a 2009 USDA report and media coverage at the time of its release, nearly 17 million children in 2008, or 22.5 percent, lived in households in which food at times was scarce—up from about 13 million in 2007. The number of children who are hungry has risen more than 50 percent from 700,000 to almost 1.1 million. The overall population showed more than 16 percent, or 49 million people have run short of nutritious food, or about 33 percent more than in 2007. Approximately 4.8 million households turned to private food pantries for help, compared with 3.9 million in 2007, and about 625,000 households sought meals in soup kitchens.