
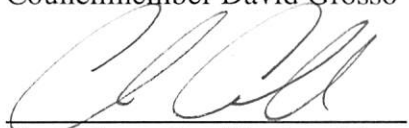


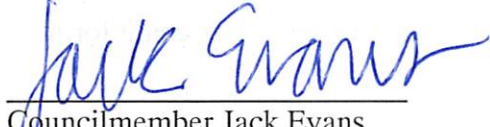
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Councilmember David Grosso


Councilmember Mary M. Cheh


Councilmember Charles Allen


Councilmember Brianne K. Nadeau


Councilmember Jack Evans

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To create a tax credit for individual taxpayers, corporations, and unincorporated businesses that donate food to non-profit organizations; to expand liability protections for food donation to cover food donors that donate food directly to individuals for consumption; to enhance liability protections to cover bona fide charitable or not-for-profit organizations that distribute food and charge a fee that covers the cost of handling or preparing the food; to require the Department of Health to not require date labels on food products or limit the sale or donation of past-date food products that do not pose an increased safety risk to consumers once the date has passed; to require the Department of Health and the Office of Waste Diversion within the Department of Public Works to create a guide on food donation and to require the Department of Health to train health inspectors on the information in the guide.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Save Good Food Amendment Act of 2017".

Sec. 2. Chapter 18 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended as follows:

(1) A new section designation is added to read as follows:

40 "§ 47-1806.15. Tax on residents and nonresidents - Credits - Tax credit for food
41 donations.”,

42 (2) A new section designation is added to read as follows:

43 "§ 47-1807.13. Tax on corporations and financial institutions-Credits -Tax credit for food
44 donations.”.

45 (3) A new section designation is added to read as follows:

46 "§ 47-1808.13. Tax on unincorporated businesses - Credits - Tax credit for food
47 donations.”.

48 (b) A new section 47-1806.15 is added to read as follows:

49 "§ 47-1806.15. Tax on residents and nonresidents - Credits - Tax credit for food
50 donations.

51 “(a) For tax years beginning on or after January 1, 2018, a taxpayer may claim a
52 nonrefundable credit against taxes imposed by this subchapter for food donations made during
53 the tax year to a non-profit organization recognized as a tax-exempt organization pursuant to 26
54 U.S.C. § 501(c)(3).

55 “(b)(1) The credit claimed in subsection (a) of this section shall equal 50% of the value of
56 the contribution and shall not exceed \$2,500 per taxpayer per tax year.

57 “(2) If a taxpayer elects to claim the credit for a contribution, no deduction under
58 § 47-1803.03(b) shall be allowed on account of the contribution.

59 “(c) A donated food product shall not be of a condition that would be considered unfit for
60 human consumption under District or federal law or regulations.

61 “(d) If the amount of a tax credit under this section exceeds a taxpayer's tax liability
62 under this chapter for a tax year, the amount of the tax credit that exceeds the taxpayer's income
63 liability may be carried forward for a period not to exceed the following 5 tax years.

64 “(e) A taxpayer claiming the tax credit shall provide documentation supporting the tax
65 credit claim in a form and manner prescribed by the Chief Financial Officer.

66 “(f) For the purposes of this section, the term "food donation" means:

67 “(1) Vegetables, fruits, and other food products grown in the District by urban
68 farming, as defined in § 48-401(5), or by a community garden, as defined in § 48-401(1);

69 “(2) Prepared food made in a certified kitchen and stored in conditions that meet
70 District and federal health regulations; or

71 “(3) Vegetables, fruits, fresh and frozen meat, eggs, and dairy products donated
72 by a licensed District of Columbia retailer.”.

73 “(c) A new section 47-1807.13 is added to read as follows:

74 "§ 47-1807.13. Tax on corporations and financial institutions-Credits -Tax credit for food
75 donations.

76 “(a) For taxable years beginning on or after January 1, 2018, any qualified incorporated
77 business under § 6-1504 may claim a nonrefundable credit against taxes imposed by this
78 subchapter equal to 50% of the value of food donations made during the tax year to a non-profit
79 organization recognized as a tax-exempt organization pursuant to 26 U.S.C. § 501(c)(3).

80 “(b)(1) The credit shall not exceed \$5,000 per corporation per tax year and shall not
81 reduce the minimum tax liability under § 47-1807.02(b).

82 “(2) If the corporation elects to claim the credit for a contribution, no deduction
83 under § 47-1803.03(a)(8) shall be allowable on account of the contribution.

84 “(c) A donated food commodity shall not be of a condition that would be considered unfit
85 for human consumption under District or federal law or regulations.

86 “(d) A corporation claiming the tax credit shall provide documentation supporting the tax
87 credit claim in a form and manner prescribed by the Chief Financial Officer.

88 “(e) For the purposes of this section, the term "food donation" means:

89 “(1) Vegetables, fruits, and other food products grown in the District by urban
90 farming, as defined in § 48-401(5), or by a community garden, as defined in § 48-401(1);

91 “(2) Prepared food made in a certified kitchen and stored in conditions that meet
92 District and federal health regulations; or

93 “(3) Vegetables, fruits, fresh and frozen meat, eggs, and dairy products donated
94 by a licensed District of Columbia retailer.”.

95 (d) A new section 47-1808.13 is added to read as follows:

96 “§ 47-1808.13. Tax on unincorporated businesses - Credits - Tax credit for food
97 donations.

98 “(a) For taxable years beginning on or after January 1, 2018, any qualified
99 unincorporated business under § 6-1504 may claim a nonrefundable credit against taxes imposed
100 by this subchapter equal to 50% of the value of food donations made during the tax year to a
101 non-profit organization recognized as a tax-exempt organization pursuant to 26 U.S.C. §
102 501(c)(3).

103 “(b)(1) The credit shall not exceed \$5,000 per unincorporated business per tax year and
104 shall not reduce the minimum tax liability under § 47-1808.03(b).

105 “(2) If the unincorporated business elects to claim the credit for a contribution, no
106 deduction under § 47-1803.03(a)(8) shall be allowable on account of the contribution.

107 “(c) A donated food commodity shall not be of a condition that would be considered unfit
108 for human consumption under District or federal law or regulations.

109 “(d) An unincorporated business claiming the tax credit shall provide documentation
110 supporting the tax credit claim in a form and manner prescribed by the Chief Financial Officer.

111 “(e) For the purposes of this section, the term "food donation" means:

112 “(1) Vegetables, fruits, and other agricultural commodities grown in the District
113 by urban farming, as defined in § 48-401(5), or by a community garden, as defined in § 48-
114 401(1);

115 “(2) Prepared food made in a certified kitchen and stored in conditions that meet
116 District and federal health regulations; or

117 “(3) Vegetables, fruits, fresh and frozen proteins, eggs, and dairy products from a
118 licensed D.C. retailer.”.

119 Sec. 3. The Good Faith Donor and Donee Act of 1981, effective October 8, 1981 (D.C.
120 Law 4-39, D.C. Official Code § 48-301), is amended as follows:

121 (a) Section 2 (D.C. Official Code § 48-301) is amended as follows:

122 (1) Subection (a) is amended by striking the phrase “a bona-fide charitable or not-
123 for-profit organization” and inserting the phrase “a bona-fide charitable or not-for-profit
124 organization or directly to an individual for consumption” in its place.

125 (2) Subection (b) is amended by striking the phrase “without charge or at a
126 nominal charge, shall not be” and inserting the phrase “without charge or at a charge sufficient to
127 cover the cost of handling and preparing such food, shall not be” in its place.

128 (b) New sections 4 and 5 are added to read as follows:

129 “Sec. 4. Food products that require pull dates.

130 “(a) The Department of Health shall not require date labels on food products that, based
131 on current scientific evidence, do not pose an increased safety risk to consumers when consumed
132 after the date on the label.

133 “(b) The Department of Health shall not limit the sale or donation of food products after
134 their date label has passed, except for food products that pose an increased safety risk to
135 consumers when consumed after the date on the label.”(c) By January 1, 2018, the Department of
136 Health shall develop rules to implement this section.

137 “(d) For the purposes of this section, the term “date label” refers to any date labeled on a
138 food product, including those accompanied by the phrase “Best By”, “Use By”, “Sell By”, “Best
139 Before” or any other descriptive phrases, that are determined by the manufacturer to estimate
140 when the food product might be at its peak quality if it was handled and stored in a certain
141 manner.

142 “Sec. 5. Guide on food donation.

143 “(a) The Department of Health and the Office of Waste Diversion within the Department
144 of Public Works (“Office of Waste Diversion”) shall create a guide for food donors and
145 organizations that accept food donations that includes:

146 “(1) All food safety regulations that apply to food donations in the District,
147 including food safety regulations, liability protections, and tax incentives available to food
148 donors;

149 “(2) What foods may be donated safely;

150 “(3) Best practices for storing and handling food donations; and

151 “(4) A list of organizations that accept food donations in the District.

152 “(b) The Department of Health and the Office of Waste Diversion shall make the guide
153 developed pursuant to subsection (a) of this section available on their websites for free.

154 “(c) The Department of Health shall train its employees involved in health inspections of
155 business that donate food and organizations that receive donated food on the information in the
156 guide developed pursuant to subsection (a) of this section.”.

157 Sec. 4. Fiscal impact statement.

158 The Council adopts the fiscal impact statement in the committee report as the fiscal
159 impact statement required by section 4a of the General Legislative Procedures Act of 1975,
160 approved October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

161 Sec. 5. Effective date.

162 This act shall take effect following approval by the Mayor (or in the event of veto by the
163 Mayor, action by the Council to override the veto), a 30-day period of congressional review as
164 provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December
165 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of
166 Columbia Register.