
LAS VEGAS SUN

New Nevada law protects those who donate food

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Kathia Pereira said she often watched in dismay as her husband threw batches of bread away each day at their bakery in Las Vegas.

Pereira's husband always had wanted to give leftovers to the needy, but as a lawyer, she stopped him. She said her "hands felt tied" because of the potential for lawsuits from people who might be sickened by eating donated, perishable foods.

So Pereira, who came to Nevada in 1996 from Peru, decided to put her legal training to work.

Pereira helped draft AB332, a bill that reduces the liability of restaurants, hotel-casinos and other businesses that give away perishable foods such as bread, hot or cold dishes and leftover buffet items.

Though people in the restaurant industry and health officials can't recall any recent lawsuits in Nevada over donated food, they said legal action has been brought in other states and the possibility was enough to keep people from donating.

"We want to give, but want to give without fear," Pereira said. "You cannot donate worrying that someone is going to file a lawsuit."

Under the bill, carried by Assemblywoman Marilyn Dondero Loop, D-Las Vegas, and recently signed into law by Gov. Jim Gibbons, food still must be prepared, handled and distributed according to safety guidelines. Food establishments, which are not allowed to give away expired food, are shielded from liability for the items they donate.

Pereira said Nevada's current economic crisis was increased motivation for her to help draft the legislation to encourage food donations.

"The law is a great tool when you want to help others, we just have to use it," she said.

Bon Breads Baking Co., the bakery Pereira owns with her husband, Carlos, provides artisan breads to restaurants in major Las Vegas hotel-casinos, including Caesars Palace, Mandalay Bay and Treasure Island. She said she spoke with many chefs who don't like wasting food but also feared donating perishable items because of potential liability.

"We love the idea of cooking and preparing things for others but we hate the idea of throwing our food away," she said. "It's a better feeling to know that our food is eaten and enjoyed by others."

Katherine Jacobi, president and chief executive officer of the Nevada Restaurant Association, said there was a perception among the group's members that they could be sued if someone became ill from donated food, and that prevented many chefs and restaurants from donating.

"Our members are a giving bunch, they have big hearts and they want to help people out," Jacobi said.

Since the bill passed, Jacobi said restaurant association members now can donate perishable, leftover dishes from buffets and events such as weddings and banquets without fear.

"It is in our nature to feed people and we were not able to do that," Jacobi said. "It's taken some of the burden off."

Restaurants still will work with local health departments, who oversee food giveaways, Jacobi said.

Cherie Jamason, head of Food Bank of Northern Nevada, said the number of people seeking food assistance increased by a third statewide in 2008, and she expects another big increase by the end of the year. In some rural communities, the increase ran as high as 50 percent because of high unemployment and lack of job opportunities.

Jamason noted that about 7,000 people showed up during a recent Reno job fair where food stamp information was presented.

"When families have no income or not enough income to meet basic needs, that results in people not being able to purchase food," Jamason said.

She said the new law "is about potential, the potential for more donated food."

Three Square program manager Sarah Borron said the Las Vegas-based food bank estimated that 49 million pounds of emergency food per year is needed to supply hungry people in Clark County.

While she said the food bank distributed 1.3 million pounds of food in January, demand exceeds supply.

Three Square chief executive officer Julie Murray said there are 210,000 people living in poverty in the Las Vegas area, most of them children.

"The need was previously there and was exacerbated by the recession," Murray said. "We're just growing as fast as we can to meet the need."

She said the new law will help close the gap.

Joe Pollock of the state Health Division said laws already were in place to protect most sources of donated food, but the new law added perishable foods and restaurants to the list.

"What we don't want is people going after restaurants that donate food, and we want to alleviate the fear of getting sued," Pollock said. "I hate to sound callous, but this will prevent people from going after those with deeper pockets."

Pollock said in Nevada that opens up new avenues for food that can be donated to those in need.

"Everyone knows about the buffets and cheap meals you can get here, and that food can be utilized by people who need it," Pollock said.

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