

# SENATE BILL REPORT

## SB 5375

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As Reported By Senate Committee On:  
Law & Justice, February 17, 1997

**Title:** An act relating to charitable donations for children.

**Brief Description:** Redefining a distributing organization to include a public health department.

**Sponsors:** Senators Rossi, Hargrove, Sellar, Winsley, Strannigan, Morton, Finkbeiner, Oke, Hochstatter and Long.

**Brief History:**

**Committee Activity:** Law & Justice: 2/3/97, 2/17/97 [DPS].

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### SENATE COMMITTEE ON LAW & JUSTICE

**Majority Report:** That Substitute Senate Bill No. 5375 be substituted therefor, and the substitute bill do pass.

Signed by Senators Roach, Chair; Johnson, Vice Chair; Fairley, Goings, Hargrove, Haugen, Kline, Long, McCaslin and Stevens.

**Staff:** Mal Murphy (786-7412)

**Background:** Charitable nonprofit organizations, and donors to such organizations, which distribute children's items to needy persons free of charge, including persons who repair or update such items or who donate space in which storage or distribution of children's items takes place, are not liable for any damages or criminal penalties resulting from the nature, age, condition or packaging of the donated items, unless the donor or distributing organization acts with gross negligence or intentional misconduct.

**Summary of Substitute Bill:** The definition of distributing organization— is expanded to include public health departments, so that those public entities, and their donors, will enjoy the same immunity from liability as charitable nonprofit organizations.

**Substitute Bill Compared to Original Bill:** The substitute clarifies that a public health agency is not granted immunity in other circumstances, such as when inoculating children, distributing medicine, etc.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Immunity granted to nonprofits in 1994 has helped to get needy children some necessary help, but King County Public Health Department did not want to get

involved because their attorneys said they were not immune to liability. This bill would be limited in its operations only to public health departments acting on behalf of or in conjunction with charitable nonprofit organizations as a distributing organization of items donated by others, and not to giving inoculations, medicines, etc.

**Testimony Against:** None.

**Testified:** PRO: Senator Rossi, prime sponsor; Dick Welch, Eastside Baby Corner.