

1. TAX EXEMPT UNDER § 501 OF THE INTERNAL REVENUE CODE; AND

2. ORGANIZED AND OPERATED TO PROVIDE AND DISTRIBUTE FOOD FREE OF CHARGE TO NEEDY INDIVIDUALS, INCLUDING UNEMPLOYED AND LOW INCOME INDIVIDUALS.

(IV) "WHOLESALE MARKET VALUE" MEANS THE VALUE OF DONATED FARM PRODUCTS BASED ON THE WHOLESALE MARKET PRICE OF THE FARM PRODUCT IN THE NEAREST REGIONAL MARKET DURING THE CALENDAR WEEK IN WHICH THE DONATION IS MADE, DETERMINED WITHOUT CONSIDERATION OF GRADE OR QUALITY OF THE PRODUCT, AS IF THE QUANTITY OF THE PRODUCT DONATED WERE MARKETABLE.

(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT BY WHICH:

(I) THE WHOLESALE MARKET VALUE, DETERMINED AS OF THE DATE OF THE DONATION, OF FARM PRODUCTS DONATED BY AN INDIVIDUAL DURING THE TAXABLE YEAR TO A GLEANING COOPERATIVE; EXCEEDS

(II) THE AMOUNT ATTRIBUTABLE TO THE DONATED FARM PRODUCTS THAT THE INDIVIDUAL CLAIMS AS A DEDUCTION FOR A CHARITABLE CONTRIBUTION UNDER § 170 OF THE INTERNAL REVENUE CODE.

(3) TO QUALIFY FOR THE SUBTRACTION UNDER PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL SHALL FILE WITH THE INDIVIDUAL'S INCOME TAX RETURN:

(I) A WRITTEN STATEMENT FROM THE GLEANING COOPERATIVE THAT RECEIVES THE FARM PRODUCTS THAT CERTIFIES:

1. THE QUANTITY OF THE DONATED FARM PRODUCTS RECEIVED; AND

2. THAT THE DONATED FARM PRODUCTS WILL BE USED EXCLUSIVELY TO PROVIDE FREE FOOD TO NEEDY INDIVIDUALS AND WILL NOT BE TRANSFERRED IN EXCHANGE FOR MONEY, OTHER PROPERTY, OR SERVICES; AND

(II) A WRITTEN STATEMENT FROM THE MARYLAND DEPARTMENT OF AGRICULTURE, USING SUCH MARKET DATA AS IS DEEMED SUITABLE BY THE SECRETARY OF THAT DEPARTMENT, THAT CERTIFIES THE WHOLESALE MARKET VALUE OF THE DONATED FARM PRODUCTS.

(H) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "AMORTIZABLE BASIS" MEANS THE PART OF THE BASIS ATTRIBUTABLE TO AMOUNTS SPENT FOR THE REHABILITATION OF A CERTIFIED NONDEPRECIABLE HISTORIC STRUCTURE THAT IS CONSISTENT