

1 SB99
2 180540-2
3 By Senators Glover and Orr
4 RFD: Agriculture, Conservation, and Forestry
5 First Read: 07-FEB-17

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8 SYNOPSIS: Under existing law, donors who make
9 good-faith distributions of canned or perishable
10 food to charitable or nonprofit organizations for
11 distribution free of charge, as well as the
12 charitable or nonprofit organizations distributing
13 the food, are subject to limited immunity from
14 criminal and civil liability for injuries or death
15 arising from the condition of the donated food.

16 This bill would clarify that the definition
17 of "perishable food" includes foods that are
18 prepared at a restaurant or permitted food service
19 establishment.

20
21 A BILL
22 TO BE ENTITLED
23 AN ACT
24

25 To amend Section 20-1-6, Code of Alabama 1975, to
26 clarify that the definition of "perishable food" includes
27 foods prepared at a restaurant or food service establishment.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. Section 20-1-6, Code of Alabama 1975, is
3 amended to read as follows:

4 "§20-1-6.

5 "(a) ~~When used in this section, the words and terms~~
6 ~~defined in this subsection shall have the meanings herein~~
7 ~~ascribed to them, unless it clearly appears from the context~~
8 ~~that some other meaning is indicated~~ The following terms shall
9 have the following meanings:

10 "(1) CANNED FOOD. Any food commercially processed
11 and prepared for human consumption~~7.~~

12 "(2) PERISHABLE FOOD. Any food ~~which~~ that may spoil
13 or otherwise become unfit for human consumption because of its
14 nature, type or physical condition. This term includes, but is
15 not limited to, fresh and processed meats, poultry, seafood,
16 dairy products, bakery products, eggs in the shell, fresh
17 fruits and vegetables, ~~and~~ foods ~~which~~ that have been
18 packaged, refrigerated or frozen, and foods prepared at a food
19 service establishment required to obtain a food service permit
20 through the Alabama Department of Public Health.

21 "(b) All laws to the contrary notwithstanding, a
22 good faith donor of canned or perishable food, which is
23 apparently fit for human consumption at the time it is
24 donated, to a bona fide charitable or nonprofit organization
25 for free distribution, shall not be subject to criminal or
26 civil liability arising from an injury or death due to the
27 condition of ~~such~~ the food unless ~~such~~ the injury or death is

1 a direct result of the gross negligence, recklessness, or
2 intentional misconduct of ~~such~~ the donor.

3 "(c) All laws to the contrary notwithstanding, a
4 bona fide charitable or nonprofit organization ~~which~~ that in
5 good faith receives and distributes food, which is apparently
6 fit for human consumption at the time it is distributed,
7 without charge, shall not be subject to criminal or civil
8 liability arising from an injury or death due to the condition
9 of ~~such~~ the food unless ~~such~~ the injury or death is a direct
10 result of the gross negligence, recklessness, or intentional
11 misconduct of ~~such~~ the organization.

12 "(d) The provisions of this section shall govern all
13 good faith donations of perishable food ~~which~~ that is not
14 readily marketable due to appearance, freshness, grade,
15 expiration date, spoilage, recall, surplus, or other
16 conditions. Provided, however, that nothing in this section
17 shall restrict the authority of any appropriate agency to
18 regulate or ban the use of ~~such~~ food for human consumption."

19 Section 2. This act shall become effective on the
20 first day of the third month following its passage and
21 approval by the Governor, or its otherwise becoming law.