

1 SB144
2 209408-2
3 By Senator Singleton
4 RFD: Healthcare
5 First Read: 02-FEB-21

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4 ENGROSSED

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7 A BILL
8 TO BE ENTITLED
9 AN ACT

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11 Relating to donated food; to amend Section 20-1-6,
12 Code of Alabama 1975, to provide immunity from criminal and
13 civil liability arising from an injury or death due to the
14 condition of certain meat from game animals; and to provide
15 further for exceptions from the immunity.

16 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

19 "§20-1-6.

20 "(a) When used in this section, the words and terms
21 defined in this subsection shall have the meanings herein
22 ascribed to them, unless it clearly appears from the context
23 that some other meaning is indicated:

24 "(1) CANNED FOOD. Any food commercially processed
25 and prepared for human consumption~~r~~.

26 "(2) PERISHABLE FOOD. Any food which may spoil or
27 otherwise become unfit for human consumption because of its

1 nature, type, or physical condition. This term includes, but
2 is not limited to, fresh and processed meats, including meat
3 from game animals, poultry, seafood, dairy products, bakery
4 products, eggs in the shell, fresh fruits and vegetables, and
5 foods which have been packaged, refrigerated, or frozen.

6 "(b) All laws to the contrary notwithstanding, a
7 good faith donor of canned or perishable food, which is
8 apparently fit for human consumption at the time it is
9 donated, to a bona fide charitable or nonprofit organization
10 for free distribution, shall not be subject to criminal or
11 civil liability arising from an injury or death due to the
12 condition of ~~such~~ that food unless ~~such~~ the injury or death is
13 a direct result of the gross negligence, recklessness, or
14 intentional misconduct of ~~such~~ the donor.

15 "(c) All laws to the contrary notwithstanding, a
16 bona fide charitable or nonprofit organization which in good
17 faith receives and distributes food, which is apparently fit
18 for human consumption at the time it is distributed, without
19 charge, shall not be subject to criminal or civil liability
20 arising from an injury or death due to the condition of ~~such~~
21 that food unless ~~such~~ the injury or death is a direct result
22 of the gross negligence, recklessness, or intentional
23 misconduct of ~~such~~ the organization.

24 "~~The provisions of this~~ This section shall
25 ~~govern~~ governs all good faith donations of perishable food
26 ~~which is not readily marketable due to appearance, freshness,~~
27 ~~grade, surplus, or other conditions.~~ Provided, however, that

1 nothing in this section shall restrict the authority of any
2 appropriate agency to regulate or ban the use of ~~such~~ food for
3 human consumption."

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

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Senate

Read for the first time and referred to the Senate
committee on Healthcare..... 02-FEB-21

Read for the second time and placed on the calen-
dar 1 amendment..... 03-MAR-21

Read for the third time and passed as amended 16-MAR-21

Yeas 28
Nays 0

Patrick Harris,
Secretary.