

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

SYNOPSIS: Under current law, persons who donate perishable food to bona fide charitable or nonprofit organizations for free distribution are immune from criminal and civil liability arising from an injury or death due to the condition of that food, subject to certain exceptions.

This bill would clarify that this immunity extends to donors of meat from game animals.

This bill would limit immunity for all donations of canned or perishable foods, so that it would not apply to liability arising from an injury or death due to an intentional act or omission of the donor.

A BILL
TO BE ENTITLED
AN ACT

Relating to donated food; to amend Section 20-1-6, Code of Alabama 1975, to provide immunity from criminal and

1 civil liability arising from an injury or death due to the
2 condition of certain meat from game animals; and to provide
3 further for exceptions from the immunity.

4 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 "§20-1-6.

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

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

14 "(2) PERISHABLE FOOD. Any food which may spoil or
15 otherwise become unfit for human consumption because of its
16 nature, type, or physical condition. This term includes, but
17 is not limited to, fresh and processed meats, including meat
18 from game animals, poultry, seafood, dairy products, bakery
19 products, eggs in the shell, fresh fruits and vegetables, and
20 foods which have been packaged, refrigerated, or frozen.

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~~ that food unless ~~such~~ the injury or death is

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

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

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

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