

1 HB111  
2 202948-1  
3 By Representatives Brown (C) and Stringer  
4 RFD: State Government  
5 First Read: 04-FEB-20

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 clarify that donors of meat from game

1 animals are granted immunity from criminal and civil liability  
2 arising from an injury or death due to condition of that food  
3 unless that injury or death is a direct result of an  
4 intentional act or omission of that donor.

5 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

8 "§20-1-6.

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

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

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

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

1 condition of ~~such~~ that food unless ~~such~~ the injury or death is  
2 a direct result of ~~the gross negligence, recklessness, or~~  
3 ~~intentional misconduct~~ an intentional act or omission of ~~such~~  
4 the donor.

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

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

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