

1 SB298
2 154286-2
3 By Senators Glover, Orr and Hightower
4 RFD: Judiciary
5 First Read: 30-JAN-14

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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 To amend Section 20-1-6, Code of Alabama 1975, to
12 clarify that the definition of "perishable food" includes
13 foods prepared at a restaurant or food service establishment.
14 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

17 "\$20-1-6.

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

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

25 "(2) PERISHABLE FOOD. Any food ~~which~~ that may spoil
26 or otherwise become unfit for human consumption because of its
27 nature, type or physical condition. This term includes, but is

1 not limited to, fresh and processed meats, poultry, seafood,
2 dairy products, bakery products, eggs in the shell, fresh
3 fruits and vegetables, ~~and~~ ~~foods~~ ~~which~~ that have been
4 packaged, refrigerated or frozen, and foods prepared at a food
5 service establishment required to obtain a food service permit
6 through the Alabama Department of Public Health.

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

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

25 "(d) Any donor who makes a good-faith donation to a
26 charitable organization or nonprofit corporation shall advise
27 that such donations may contain major food allergens pursuant

1 to the Food Allergen Labeling and Consumer Protection Act of
2 2004. Any charitable organization or nonprofit corporation
3 re-donating for human consumption such food items through
4 distribution programs shall be required to segregate donated
5 foods with known allergens and post a consumer notice of
6 information to list known food allergens that may be present
7 in prepared food items pursuant to the Food Allergen Labeling
8 and Consumer Protection Act of 2004.

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

16 Section 2. This act shall become effective on the
17 first day of the third month following its passage and
18 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 Judiciary..... 30-JAN-14

Read for the second time and placed on the calen-
dar 1 amendment..... 05-MAR-14

Read for the third time and passed as amended 18-MAR-14

Yeas 28
Nays 0

Patrick Harris
Secretary