
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 491 Session of
1989

INTRODUCED BY BOYES, VEON, McVERRY, JADLOWIEC, RYBAK, VROON,
CAPPABIANCA, TRELLO, FOX, ACOSTA, MICOZZIE, ROBBINS,
ANGSTADT, GANNON, MERRY, BUNT, SCHEETZ, BELARDI, NAHILL,
D. W. SNYDER, LINTON, COLAIZZO, JOHNSON, S. H. SMITH,
HERSHEY, CIVERA, TIGUE, BISHOP, BELFANTI, BATTISTO, GRUPPO,
RAYMOND, LEVDANSKY, DIETTERICK, B. SMITH, KENNEY,
J. L. WRIGHT, ALLEN, LANGTRY, BUSH, MRKONIC, HOWLETT, NOYE,
J. H. CLARK AND BLACK, FEBRUARY 14, 1989

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JANUARY 30, 1990

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 commencement of certain prosecutions; AND PROVIDING FOR
4 LIABILITY OF DONOR FOR DAMAGES RESULTING FROM THE CONDITION
5 OF AND COLLECTION OF DONATED FOOD. <—

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 5551 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 5551. No limitation applicable.

11 A prosecution for the following offenses may be commenced at
12 any time:

13 (1) Murder.

14 (2) Voluntary manslaughter.

15 (3) Conspiracy to commit murder or solicitation to
16 commit murder if a murder results from the conspiracy or

1 solicitation.

2 (4) Any felony alleged to have been perpetrated in
3 connection with a murder of the first or second degree, as
4 set forth in 18 Pa.C.S. § 2502(a) or (b) and (d) (relating to
5 murder).

6 (5) A violation of 75 Pa.C.S. § 3742 (relating to
7 accidents involving death or personal injury) and either 75 <—
8 Pa.C.S. § 3732 (relating to homicide by vehicle) or 18 <—
9 Pa.C.S. § 2504 (relating to involuntary manslaughter) if the
10 accused was the driver of a vehicle involved in an accident
11 resulting in the death of any person.

12 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ: <—

13 § 8338. LIABILITY FOR DAMAGES FROM DONATED FOOD AND GROCERY
14 PRODUCTS.

15 (A) GENERAL RULE.--A PERSON IS NOT SUBJECT TO CIVIL OR
16 CRIMINAL LIABILITY ARISING FROM THE NATURE, AGE, PACKAGING OR
17 CONDITION OF APPARENTLY WHOLESOME FOOD OR OF GROCERY PRODUCTS
18 APPARENTLY FIT FOR HOUSEHOLD CONSUMPTION OR USE THAT THE PERSON
19 DONATED IN GOOD FAITH TO A NONPROFIT ORGANIZATION FOR ULTIMATE
20 FREE DISTRIBUTION TO NEEDY INDIVIDUALS. THIS SECTION DOES NOT
21 APPLY TO AN INJURY OR DEATH OF THE ULTIMATE USERS OR RECIPIENTS
22 OF THE FOOD OR GROCERY PRODUCTS THAT RESULTS FROM AN ACT OR
23 OMISSION OF THE DONOR CONSTITUTING GROSS NEGLIGENCE,
24 RECKLESSNESS OR INTENTIONAL MISCONDUCT.

25 (B) RECKLESSNESS, GROSS NEGLIGENCE OR INTENTIONAL
26 MISCONDUCT.--A PERSON WHO PERMITS GLEANING ON PROPERTY OWNED OR
27 OCCUPIED BY HIM IS NOT SUBJECT TO CIVIL OR CRIMINAL LIABILITY
28 THAT ARISES DUE TO THE INJURY OR DEATH OF ANY INDIVIDUAL
29 INVOLVED IN THE COLLECTION OR GLEANING OF DONATIONS, UNLESS THE
30 INJURY OR DEATH RESULTS FROM AN ACT OR OMISSION OF SAID PERSON

1 CONSTITUTING GROSS NEGLIGENCE, RECKLESSNESS OR INTENTIONAL
2 MISCONDUCT.

3 (C) NONLIABILITY.--THIS SECTION DOES NOT CREATE ANY
4 LIABILITY.

5 (D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
6 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
7 SUBSECTION:

8 "DONATE." TO GIVE OR DISTRIBUTE WITHOUT REQUIRING ANYTHING
9 OF MONETARY VALUE FROM THE ULTIMATE RECIPIENT. FOR PURPOSES OF
10 THIS SECTION, A NONPROFIT ORGANIZATION MAY DONATE TO ANOTHER
11 NONPROFIT ORGANIZATION, NOTWITHSTANDING THAT THE DONOR
12 ORGANIZATION HAS CHARGED A PROCESSING FEE TO THE DONEE
13 ORGANIZATION, PROVIDED THE ULTIMATE RECIPIENT OR USER IS NOT
14 REQUIRED TO GIVE ANYTHING OF MONETARY VALUE.

15 "GLEAN." TO HARVEST FOR ULTIMATE FREE DISTRIBUTION TO NEEDY
16 INDIVIDUALS AN AGRICULTURAL CROP THAT HAS BEEN DONATED BY ANY
17 PERSON.

18 "GROCERY PRODUCTS." ANY NON-FOOD GROCERY PRODUCTS,
19 INCLUDING, BUT NOT LIMITED TO, DISPOSABLE PAPER AND PLASTIC
20 PRODUCTS, HOUSEHOLD CLEANING PRODUCTS, BOTTLED WATER, LAUNDRY
21 DETERGENTS AND CLEANING PRODUCTS AND MISCELLANEOUS HOUSEHOLD
22 ITEMS.

23 "NONPROFIT ORGANIZATION." AN INCORPORATED OR UNINCORPORATED
24 ORGANIZATION THAT HAS BEEN INCORPORATED OR ESTABLISHED AND IS
25 OPERATING FOR RELIGIOUS, CHARITABLE, OR EDUCATION PURPOSES AND
26 THAT DOES NOT DISTRIBUTE ANY OF ITS INCOME TO ITS MEMBERS,
27 DIRECTORS OR OFFICERS.

28 "PERSON." ANY INDIVIDUAL, CORPORATION, PARTNERSHIP,
29 ORGANIZATION, ASSOCIATION, OR GOVERNMENT ENTITY, INCLUDING, BUT
30 NOT LIMITED TO, RETAIL GROCERS, WHOLESALERS, MANUFACTURERS,

1 RESTAURANTS, CATERERS, FARMERS, NONPROFIT FOOD DISTRIBUTORS AND
2 HOSPITALS. IN THE CASE OF A CORPORATION, PARTNERSHIP,
3 ORGANIZATION, ASSOCIATION OR GOVERNMENTAL ENTITY, THE TERM ALSO
4 INCLUDES, BUT IS NOT LIMITED TO, THE OFFICERS, DIRECTORS,
5 PARTNERS, DEACONS, TRUSTEES, COUNCIL MEMBERS OR OTHER ELECTED OR
6 APPOINTED INDIVIDUALS RESPONSIBLE FOR THE GOVERNANCE OF SUCH
7 ENTITY.

8 Section ~~2~~ 3. This act shall take effect in 60 days.

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