



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 187

PRINTERS NO. 155

PRIME SPONSOR: Rowe

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
General Fund	\$0	\$0

SUMMARY: House Bill 187, Printer's Number 155, expands limited liability for donated food that is past the labeled date code recommended by the manufacturer.

ANALYSIS: This bill amends the Donated Food Limited Liability Act (Act 76 of 1981) to limit criminal and civil liability for persons who donate food that is fit for human consumption but is past the labeled date code recommended by the manufacturer. The following language is added under Section 4 related to donor immunity and the condition of food:

(a) General rule.--Notwithstanding any other provision of law, any person who, in good faith, donates food for ultimate free distribution to needy individuals, shall not be subject to criminal or civil liability arising from the condition of such food, if the donor reasonably inspects the food at the time of donation and finds the food fit for human consumption. The immunity provided by this subsection shall not extend to donors where damages result from the negligence, recklessness or intentional misconduct of the donor, or if the donor has, or should have had, actual or constructive knowledge that the food is tainted, contaminated or harmful to the health or well-being of the ultimate recipient.

(b) Condition of food.--The immunity provided by this section is applicable to the good faith donation of food not readily marketable due to considerations not affecting its fitness for human consumption, including, but not limited to, appearance, age, freshness, grade, surplus or labeled date code recommended by the manufacturer, but shall not be deemed or construed to restrict the authority of any authorized agency to otherwise regulate or ban the use of such food for human consumption.

This legislation would take effect immediately upon enactment.

FISCAL IMPACT: Enactment of this legislation will have no impact on Commonwealth funds.

PREPARED BY: Jeffrey Clukey
House Appropriations Committee (R)

DATE: February 5, 2021

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.