
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 643

Session of
1981

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FEBRUARY 18, 1981

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 18, 1981

AN ACT

1 Providing limited civil and criminal immunity to persons
2 donating food to charitable organizations for distribution to
3 needy persons and imposing certain powers and duties on
4 counties.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the "Donated Food
9 Limited Liability Act."

10 Section 2. Declaration of policy and legislative findings.

11 The General Assembly, in order to promote the general
12 welfare, hereby declares as public policy that the
13 Commonwealth's abundance of food should be utilized to its
14 utmost extent. The General Assembly hereby finds that the
15 limited food purchasing power of low income households
16 contributes to hunger and malnutrition. In an effort to
17 alleviate such hunger and malnutrition and supplement other

1 Federal and State food assistance programs, the provisions of
2 this act are intended to stimulate the donation of food to
3 charitable organizations and thereby assist low income
4 households in need.

5 Section 3. Definitions.

6 The following words and phrases as used in this act shall
7 have the meanings given them in this section unless the context
8 clearly indicates otherwise:

9 "Charitable organization." A charitable organization as
10 defined in section 2 of the act of August 9, 1963 (P.L.628,
11 No.337), known as the "Solicitation of Charitable Funds Act" and
12 which has a current approved registration statement on file with
13 the Department of State pursuant to the "Solicitation of
14 Charitable Funds Act."

15 "Food." Any fowl, animal, vegetable or other stuff, product
16 or article which is customary food or which is proper food for
17 human beings. "Food" shall specifically exclude canned goods
18 that are rusted, leaking or swollen, or canned goods that are
19 defective or cannot, for health reasons, otherwise be offered
20 for sale to members of the general public.

21 Section 4. Donor immunity.

22 (a) General rule.--Notwithstanding any other provision of
23 law, any person who, in good faith, donates food to a charitable
24 organization for ultimate free distribution to needy
25 individuals, shall not be subject to criminal or civil liability
26 arising from the condition of such food, if the donor reasonably
27 inspects the food at the time of donation and finds the food fit
28 for human consumption. The immunity provided by this subsection
29 shall not extend to donors where damages result from the
30 negligence, recklessness or intentional misconduct of the donor,

1 or if the donor has, or should have had, actual or constructive
2 knowledge that the food is tainted, contaminated or harmful to
3 the health or well-being of the ultimate recipient.

4 (b) Condition of food.--The immunity provided by this
5 section is applicable to the good faith donation of food not
6 readily marketable due to appearance, freshness, grade, surplus,
7 or other considerations, but shall not be deemed or construed to
8 restrict the authority of any authorized agency to otherwise
9 regulate or ban the use of such food for human consumption.

10 Section 5. Charitable organization immunity.

11 Notwithstanding any other provision of law, any bona fide
12 charitable organization which receives, in good faith, donated
13 food for ultimate distribution to needy individuals, either for
14 free or for a nominal fee, shall not be subject to criminal or
15 civil liability arising from the condition of such food, if the
16 charitable organization reasonably inspects the food, at the
17 time of donation and at the time of distribution, and finds the
18 food fit for human consumption. The immunity provided by this
19 subsection shall not extend to charitable organizations where
20 damages result from the negligence, recklessness, or intentional
21 misconduct of the charitable organization, or if the charitable
22 organization has or should have had actual or constructive
23 knowledge that the food is tainted, contaminated, or harmful to
24 the health or well-being of the ultimate recipient.

25 Section 6. Penalty for sale of donated food.

26 Any person or any employee of or volunteer for a charitable
27 organization who sells, or offers to sell, for profit, food that
28 such person knows to be donated pursuant to this act commits a
29 misdemeanor of the third degree. The assessment of a nominal fee
30 by the charitable organization shall not be considered a sale.

1 Section 7. Inspection of food.

2 Charitable organizations which regularly accept donated food
3 for distribution pursuant to this act shall request the
4 appropriate local health authorities to inspect the food at
5 regular intervals.

6 Section 8. County information and referral system.

7 The governing body of each county shall develop an
8 informational and referral system to make prospective donors and
9 charitable organizations aware of each other and to make needy
10 individuals aware of the existence of food donated in each
11 county pursuant to this act.

12 Section 9. Effective date.

13 This act shall take effect in 60 days.