
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2477 Session of
2020

INTRODUCED BY ROWE, CAUSER, BERNSTINE, DRISCOLL, JONES, LEWIS,
GLEIM, KLUNK, FEE AND M. K. KELLER, APRIL 30, 2020

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
APRIL 30, 2020

AN ACT

1 Amending the act of July 10, 1981 (P.L.234, No.76), entitled "An
2 act providing limited civil and criminal immunity to persons
3 donating food to charitable or religious organizations for
4 distribution to needy persons and imposing certain powers and
5 duties on counties," further providing for donor immunity.

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

8 Section 1. Section 4(b) of the act of July 10, 1981
9 (P.L.234, No.76), known as the Donated Food Limited Liability
10 Act, is amended to read:

11 Section 4. Donor immunity.

12 * * *

13 (b) Condition of food.--The immunity provided by this
14 section is applicable to the good faith donation of food not
15 readily marketable due to considerations not [effecting]
16 affecting its fitness for human consumption, including, but not
17 limited to, appearance, freshness, grade or surplus, but shall
18 not be deemed or construed to restrict the authority of any
19 authorized agency to otherwise regulate or ban the use of such

1 food for human consumption. The following shall apply:

2 (1) No person that donates food as permitted by law may
3 be subject to civil or criminal liability or penalty for
4 violation of any laws, regulations or ordinances regulating
5 the labeling or packaging of the donated product or, with
6 respect to any other laws, regulations or ordinances, for a
7 violation occurring after the time of the donation.

8 (2) No person that donates food that is fit for human
9 consumption but has exceeded the labeled date code
10 recommended by the manufacturer may be subject to criminal or
11 civil liability arising from the condition of the food if the
12 person that distributes the food to the end recipient makes a
13 good faith evaluation that the food to be donated is fit for
14 human consumption in accordance with this act.

15 (3) A donation under this subsection shall not be
16 considered negligent or reckless.

17 Section 2. This act shall take effect immediately.