
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 187 Session of
2021

INTRODUCED BY ROWE, CAUSER, JONES, KAUFFMAN, MILLARD, B. MILLER,
MOUL, NEILSON, ROTHMAN, GLEIM, HAMM AND ZIMMERMAN,
JANUARY 21, 2021

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
JANUARY 21, 2021

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

11 Section 4. Donor immunity.

12 (a) General rule.--Notwithstanding any other provision of
13 law, any person who, in good faith, donates food [to a
14 charitable or religious organization] for ultimate free
15 distribution to needy individuals, shall not be subject to
16 criminal or civil liability arising from the condition of such
17 food, if the donor reasonably inspects the food at the time of
18 donation and finds the food fit for human consumption. The

1 immunity provided by this subsection shall not extend to donors
2 where damages result from the negligence, recklessness or
3 intentional misconduct of the donor, or if the donor has, or
4 should have had, actual or constructive knowledge that the food
5 is tainted, contaminated or harmful to the health or well-being
6 of the ultimate recipient.

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

16 Section 2. This act shall take effect immediately.