

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2230

BY: NIEMI

AS INTRODUCED

AN ACT RELATING TO TORTS; AMENDING 76 O.S. 1991,

SECTION 5.6, WHICH RELATES TO FOOD DONATIONS;

LIMITING LIABILITY FOR DONATION OF GROCERY

PRODUCTS; MODIFYING AND ADDING DEFINITIONS; AND

PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 76 O.S. 1991, Section 5.6, is amended to read as follows:

Section 5.6 A. Any donor who makes a good faith donation of food which is at the time of donation fit for human consumption or grocery products which are at the time of donation fit for human use to a charitable organization or nonprofit corporation shall not be ~~liable for damages in any civil suit or subject to criminal prosecution for any~~ civilly or criminally liable for any illness, injury or death resulting from the nature, age, condition or packaging of the donated food, unless the injury or death is a direct result of the gross negligence, recklessness or intentional misconduct of the donor.

B. This section shall apply to all good faith donations of perishable or nonperishable food and grocery products including food and grocery products which ~~is~~ are not readily marketable due to

appearance, freshness, grade, quality, labeling, size, surplus or other conditions.

C. This section shall not restrict the authority of any appropriate agency to regulate or ban the use of such food for human consumption.

D. For purposes of this section:

1. "Donor" means any person, firm, corporation, group, profit or nonprofit food distributor ~~or person who harvests perishable foods,~~ grocer, hotel, motel, restaurant, caterer, or farmer who makes a good faith donation of food;

2. "Good faith donation" means a gift conferred without condition or consideration;

3. "Charitable organization" means any benevolent, philanthropic, patriotic, eleemosynary, educational, social, civic, recreational, religious group or association, corporation, entity or any other person performing or purporting to perform acts beneficial to the public;

4. "Nonprofit corporation" means a corporation formed for a purpose not involving pecuniary gain to its shareholders or members, ~~paying no dividends or other pecuniary remuneration, directly or indirectly, to its shareholders or members as such, and having no capital stock; and;~~

5. "Food" includes any packaged, prepared, perishable or nonperishable ~~food item.~~ edible substances, including beverages, produce, dairy or meat products; and

6. "Grocery product" means a nonfood grocery product, including a disposable paper or plastic product, household cleaning product, laundry detergent, cleaning product or other miscellaneous household item.

SECTION 2. This act shall become effective September 1, 1992.

