

and

Pruitt of the Senate

An Act relating to torts; amending 76 O.S. 1991, Section 5.6, which relates to food donations; including restaurants within scope of exemption from liability; defining term; and declaring an emergency.

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 to a charitable organization or nonprofit corporation shall not be liable for damages in any civil suit or subject to criminal prosecution for any injury 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 which is not readily marketable due to appearance, freshness, grade 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, profit or nonprofit food distributor, restaurant, or person who harvests perishable foods 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 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; and

6. "Restaurant" means an establishment where food is prepared and sold either for immediate consumption on the premises or for delivery or carry-out for consumption elsewhere.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 7th day of March, 2000.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 2000.

President of the Senate