

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1542

By: Moore of the House

and

7 **Stanley** of the Senate

8
9
10 COMMITTEE SUBSTITUTE

11 An Act relating to torts; defining terms; providing
12 immunity from civil liability for restaurants that
13 donate food; providing exceptions; providing date for
14 application of immunity to civil actions; providing
15 for codification; and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 33.1 of Title 76, unless there
19 is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Food" means unserved perishable, salvageable food that has
22 been properly preserved for human consumption; and

23 2. "Restaurant" means any eating establishment regardless of
24 seating capacity including public school district cafeterias.

1 B. Any restaurant that, in good faith and without compensation,
2 donates food which is prepared and subsequently donated by the
3 restaurant shall not be liable for damages caused by the condition
4 of the food, unless the damages by the restaurant result from an
5 intentional act, omission, gross negligence or the restaurant knew
6 or should have known of the condition of the food that resulted in
7 the damages.

8 C. This section shall apply to all civil actions filed on or
9 after November 1, 2023.

10 SECTION 2. This act shall become effective November 1, 2023.

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12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CIVIL, dated
13 02/20/2023 - DO PASS, As Amended and Coauthored.
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