

SENATE FLOOR VERSION

February 12, 2024

SENATE BILL NO. 1615

By: Green of the Senate

and

Wallace of the House

An Act relating to torts; amending 76 O.S. 2021, Section 5.6, which relates to food donations; authorizing donation to certain entities; adding and modifying definitions; updating statutory language; and providing an effective date.

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

SECTION 1. AMENDATORY 76 O.S. 2021, 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, or correctional center 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.

1 B. Information shall be posted with the State Department of
2 Health on its website under the ~~existing heading "Protective Health"~~
3 ~~within a new section labeled "Options for Safe Food Donation"~~ "Safe
4 Food Donation" with hyperlinks to Section 5.6 of Title 76 of the
5 Oklahoma Statutes, Oklahoma ~~Administration~~ Administrative Code Title
6 310: Chapter 257, 42 U.S.C., Section 1791, and to the website of
7 Oklahoma State University's Robert ~~S. M.~~ M. Kerr Food and ~~Agriculture~~
8 Agricultural Products Center.

9 C. This section shall apply to all good-faith donations of
10 perishable or nonperishable food which is not readily marketable due
11 to appearance, freshness, grade, or other conditions.

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

15 E. For purposes of this section:

16 1. ~~"Donor" means any person, profit or nonprofit food~~
17 ~~distributor, or person who harvests perishable foods who makes a~~
18 ~~good-faith donation of food;~~

19 2. ~~"Good-faith donation" means a gift conferred without~~
20 ~~condition or consideration;~~

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

1 2. "Correctional center" means any facility housing offenders
2 in the custody of the Department of Corrections;

3 3. "Donor" means any person, profit or nonprofit food
4 distributor, or person who harvests perishable foods who makes a
5 good-faith donation of food;

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

11 ~~5.~~ "Food" includes any packaged, prepared, perishable, or
12 nonperishable food item, and wild game;

13 5. "Good-faith donation" means a gift conferred without
14 condition or consideration; and

15 6. "Nonprofit corporation" means a corporation formed for a
16 purpose not involving pecuniary gain to its shareholders or members,
17 paying no dividends or other pecuniary remuneration, directly or
18 indirectly, to its shareholders or members as such, and having no
19 capital stock.

20 SECTION 2. This act shall become effective November 1, 2024.

21 COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS
22 February 12, 2024 - DO PASS