

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SENATE BILL 1615

By: Green

AS INTRODUCED

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.

B. Information shall be posted with the State Department of Health on its website under the ~~existing heading "Protective Health"~~

1 ~~within a new section labeled "Options for Safe Food Donation"~~ "Safe
2 Food Donation" with hyperlinks to Section 5.6 of Title 76 of the
3 Oklahoma Statutes, Oklahoma ~~Administration~~ Administrative Code Title
4 310: Chapter 257, 42 U.S.C., Section 1791, and to the website of
5 Oklahoma State University's Robert S. M. Kerr Food and Agriculture
6 Agricultural Products Center.

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

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

13 E. For purposes of this section:

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

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

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

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

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

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

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

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

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

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

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