

**SENATE . . . . . No. 934**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Ryan C. Fattman*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to direct food donations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>1/31/2019</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>2/1/2019</i>

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By Mr. Fattman, a petition (accompanied by bill, Senate, No. 934) of Ryan C. Fattman, Joseph D. McKenna and Michael J. Soter for legislation relative to direct food donations. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 848 OF 2017-2018.]

**The Commonwealth of Massachusetts**

\_\_\_\_\_  
**In the One Hundred and Ninety-First General Court  
(2019-2020)**  
\_\_\_\_\_

An Act relative to direct food donations.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           Section 328 of chapter 94 of the General Laws, as appearing in the 2016 Official Edition,  
2 is hereby amended by inserting after the first paragraph the following:-

3           No food service entity or retail store who donates food, including open-dated food whose  
4 date has passed, directly to an individual without charge or at a charge sufficient only to cover  
5 the cost of handling such food, shall be liable for civil damages for any injury arising out of the  
6 condition of such food; provided, however, that at the time of donation such food is not  
7 misbranded and is not adulterated and has not been manufactured, process, prepared, handled or  
8 stored in violation of applicable regulations of the department of public health; and provided,  
9 further, that such injury is not the result of negligence, recklessness or intentional misconduct of  
10 the donor or any person employed by or under the control of the donor.