

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1950 Session of 2019

INTRODUCED BY OTTEN, KOSIEROWSKI, MURT, HILL-EVANS, BRIGGS,  
SCHLOSSBERG, ZABEL, CEPHAS, STURLA, CALTAGIRONE, KIM,  
JOHNSON-HARRELL, FRANKEL AND BULLOCK, OCTOBER 21, 2019

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,  
OCTOBER 21, 2019

AN ACT

1 Amending the act of July 10, 1981 (P.L.234, No.76), entitled "An  
2 act providing limited civil and criminal immunity to persons  
3 donating food to charitable or religious organizations for  
4 distribution to needy persons and imposing certain powers and  
5 duties on counties," further providing for donor immunity and  
6 for charitable or religious organization immunity.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Sections 4 and 5(a) of the act of July 10, 1981  
10 (P.L.234, No.76), known as the Donated Food Limited Liability  
11 Act, are amended to read:

12 Section 4. Donor immunity.

13 (a) General rule.--Notwithstanding any other provision of  
14 law, any person, corporation, unincorporated business entity or  
15 operator of a farm, or an employee, agent, officer or volunteer  
16 thereof who, in good faith, donates food to a charitable or  
17 religious organization or any other person for ultimate [free]  
18 distribution to needy individuals, either for free or for a  
19 nominal fee sufficient only to cover the cost of handling the

1 food, shall not be subject to criminal or civil liability  
2 arising from the condition of such food, if the donor reasonably  
3 inspects the food at the time of donation and finds the food fit  
4 for human consumption. The immunity provided by this subsection  
5 shall not extend to donors where damages result from the  
6 negligence, recklessness or intentional misconduct of the donor,  
7 or if the donor has, or should have had, actual or constructive  
8 knowledge that the food is tainted, contaminated or harmful to  
9 the health or well-being of the ultimate recipient.

10 (b) Condition of food.--The immunity provided by this  
11 section is applicable to the good faith donation of food not  
12 readily marketable due to considerations not effecting its  
13 fitness for human consumption including but not limited to  
14 appearance, freshness, grade or surplus, or open-dated food with  
15 a date that has passed, but shall not be deemed or construed to  
16 restrict the authority of any authorized agency to otherwise  
17 regulate or ban the use of [such] the food for human  
18 consumption.

19 Section 5. Charitable or religious organization immunity.

20 (a) General rule.--Notwithstanding any other provision of  
21 law, except as provided in subsection (b), any bona fide  
22 charitable or religious organization which receives, in good  
23 faith, donated food for ultimate distribution to needy  
24 individuals, either for free or for a nominal fee sufficient  
25 only to cover the cost of handling the food, shall not be  
26 subject to criminal or civil liability arising from the  
27 condition of [such] the food, if the charitable or religious  
28 organization does all of the following:

29 (1) Reasonably inspects the food, at the time of  
30 donation and at the time of distribution, and finds the food

1 fit for human consumption.

2 (2) In the case of wildlife, reasonably processes,  
3 prepares and distributes the food.

4 \* \* \*

5 Section 2. This act shall take effect in 60 days.