
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1999 Session of
2019

INTRODUCED BY SHUSTERMAN, ZABEL, SCHLOSSBERG, READSHAW, HILL-
EVANS, CALTAGIRONE, McNEILL, WILLIAMS, NEILSON, O'MARA AND
SANCHEZ, OCTOBER 25, 2019

REFERRED TO COMMITTEE ON AGRICULTURE AND RURAL AFFAIRS,
OCTOBER 25, 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.

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

8 Section 1. Section 4(b) of the act of July 10, 1981
9 (P.L.234, No.76), known as the Donated Food Limited Liability
10 Act, is amended to read:

11 Section 4. Donor immunity.

12 * * *

13 (b) Condition of food.--The immunity provided by this
14 section is applicable to the good faith donation of food not
15 readily marketable due to considerations not [effecting]
16 affecting its fitness for human consumption, including, but not
17 limited to, appearance, freshness, grade or surplus, but shall
18 not be deemed or construed to restrict the authority of any

1 authorized agency to otherwise regulate or ban the use of such
2 food for human consumption. The following shall apply:

3 (1) No person or food facility that donates food as
4 permitted by law may be subject to civil or criminal
5 liability or penalty for violation of any laws, regulations
6 or ordinances regulating the labeling or packaging of the
7 donated product or, with respect to any other laws,
8 regulations or ordinances, for a violation occurring after
9 the time of the donation.

10 (2) No person or food facility that donates perishable
11 food or nonperishable food that is fit for human consumption
12 but has exceeded the labeled shelf life date recommended by
13 the manufacturer may be subject to criminal or civil
14 liability arising from the condition of the food if the
15 person that distributes the food to the end recipient makes a
16 good faith evaluation that the food to be donated is
17 wholesome in accordance with this act.

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