

HOUSE BILL 2805

By McDonald

AN ACT to amend Tennessee Code Annotated, Title 49
and Title 53, Chapter 13, Part 1, relative to
donations of food.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-13-101, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) As used in this chapter, unless the context otherwise requires:

(1) "Apparently wholesome deer meat" means deer meat that complies with the standards and procedures promulgated and enforced pursuant to § 53-7-213;

(2) "Apparently wholesome food" means food that meets all standards of quality established by local, county, state and federal agricultural and health laws and regulations, even though the food is not readily marketable due to appearance, age, freshness, grade, size, surplus or other condition, but does not include canned goods that are leaking, swollen, dented on a seam, or no longer airtight;

(3) "Charitable or nonprofit organization" means a bona fide charitable or nonprofit organization that operates a food bank, on-site feeding program, or other program designed to distribute food donations for free;

(4) "Correctional facility" means a facility or institution which houses an inmate population;

(5) "Donee" means a charitable or nonprofit organization, a gleaner of any apparently wholesome food fit for human consumption, or a correctional facility;

(6) "Gleaner" means a person who harvests for free distribution an agricultural crop that has been donated by the owner;

SECTION 2. Tennessee Code Annotated, Section 53-13-102, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) No good-faith donor of any apparently wholesome food fit for human consumption, to a donee, shall be subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the condition of the food, unless an injury is caused by the negligence, recklessness or intentional conduct of the donor or gleaner.

(b)

(1) No good-faith donor of any apparently wholesome deer meat, fit for human consumption, to a charitable or nonprofit organization shall be subject to civil damages arising from the condition of the food, unless an injury is caused by the negligence, recklessness or intentional conduct of the donor.

(2) As used in subdivision (b)(1), "good-faith donor" means deer hunters, deer meat inspectors, and processing facilities acting in compliance with applicable standards, requirements, and procedures established pursuant to § 53-7-213.

(c) No restaurant, convention center, or other food service establishment that serves food and is regulated pursuant to title 68, chapter 14, when acting as a good faith donor of any apparently wholesome food fit for human consumption, to a charitable or nonprofit organization shall be subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the condition of the donated food, unless an

injury is caused by the gross negligence, recklessness, or intentional conduct of the donor.

(d) No school that serves food and is regulated pursuant to title 49, when acting as a good faith donor of any apparently wholesome food fit for human consumption, to a donee, shall be subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the condition of the donated food, unless an injury is caused by the gross negligence, recklessness, or intentional conduct of the school.

SECTION 3. Tennessee Code Annotated, Section 53-13-103, is amended by deleting the section in its entirety and by substituting instead the following language:

(a) No charitable or nonprofit organization that in good faith receives apparently wholesome food, fit for human consumption, and distributes it, shall be subject to criminal penalty for violation of unfair trade practice laws or civil damages resulting from the condition of the food, unless an injury results from the negligence, recklessness or intentional conduct of the organization.

(b) No charitable or nonprofit organization that in good faith receives apparently wholesome deer meat, fit for human consumption, and distributes or serves it, shall be subject to civil damages resulting from the condition of the food, unless an injury results from the negligence, recklessness, or intentional conduct of the organization.

SECTION 4. The commissioners of agriculture, commerce and insurance, education, and corrections are hereby authorized to promulgate rules and regulations necessary to carry out the provisions of this chapter in accordance with the provisions of Tennessee Code Annotated, title 4, chapter 5.

SECTION 5. This act shall take effect July 1, 2010, the public welfare requiring it.