

ART. 4465-5c.

GOOD FAITH DONOR ACT

Section 1. This Act may be cited as the Good Faith Donor Act.

Section 2. In this Act:

- (1) "Apparently wholesome food" means food that meets all quality standards of local, county, state, and federal agricultural and health laws and rules, 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.
- (2) "Nonprofit organization" means an incorporated or unincorporated organization that has been established and is operating for religious, charitable, or educational purposes and that does not distribute any of its income to its members, directors, or officers.
- (3) "Intentional misconduct" means conduct that the person acting knows is harmful to the health or well-being of another person.
- (4) "Donate" means to give without requiring anything of monetary value from the donee.
- (5) "Person" means an individual, corporation, partnership, organization, or association.

- Section 3. (a) A person who donates apparently wholesome food to a nonprofit organization for distribution to the needy is not subject to civil or criminal liability that arises from the condition of the food, unless an injury or death results from an act or omission of the person that constitutes gross negligence, recklessness, or intentional misconduct.
- (b) A nonprofit organization that distributes apparently wholesome food to the needy at no charge and that substantially complies with applicable local, county, state, and federal laws and rules regarding the storage and handling of food for distribution to the public is not subject to civil or criminal liability that arises from the condition of the food, unless an injury or death results from an act or omission of the organization that constitutes gross negligence, recklessness, or intentional misconduct.
- (c) This Act does not create any liability.

Section 4. This Act applies to liability for food donated on or after the effective date of this Act.
Acts 1981, 67th Leg., p. 1003, ch. 381, eff. June 10, 1981.

Title of Act: An Act relating to liability for damages resulting from the condition of certain donated food.
Acts 1981, 67th Leg., p. 1003, ch. 381

Library References: Food --- 25. C.J.S. Food § 57 et seq.