

TITLE 6
ACTIONS IN PARTICULAR CASES

CHAPTER 13
RESPONSIBILITIES FOR DONORS AND GLEANERS OF FOOD

6-1301. DEFINITIONS. As used in this chapter:

(1) "Donor" includes, but is not limited to, any food establishment, farmer, processor, distributor, wholesaler or retailer of perishable or nonperishable food.

(2) "Gleaner" means a person who harvests for free distribution perishable food that has been donated by the owner.

(3) "Perishable food" means any food that may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition. "Perishable food" includes, but is not limited to, fresh or processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits or vegetables, foods that have been packaged, refrigerated or frozen and unserved food of any kind which has been prepared by or for a food establishment. "Perishable food" does not include foods that have been canned and which remain in a sealed canning container.

[6-1301, added 1980, ch. 93, sec. 1, p. 203; am. 1995, ch. 85, sec. 1, p. 250.]

6-1302. DONORS AND GLEANERS EXEMPT FROM LIABILITY. Notwithstanding any other provision of law, the good faith donor of any perishable or nonperishable food, apparently fit for human consumption, to a bona fide charitable or nonprofit organization for free distribution, or a gleaner of any perishable food apparently fit for human consumption, shall not be subject to criminal penalty or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness or intentional misconduct of the donor or gleaner.

Nothing in this section is intended to limit any liability on the part of a donee charitable or nonprofit organization accepting perishable food items.

This section includes the good faith donation of perishable or nonperishable food not readily marketable due to appearance, freshness, grade, surplus or other consideration, but does not restrict the authority of any appropriate agency to regulate or ban the use of such food for human consumption.

[6-1302, added 1980, ch. 93, sec. 1, p. 203.]