

1 State of Arkansas
2 92nd General Assembly
3 Regular Session, 2019

A Bill

SENATE BILL 663

4
5 By: Senator Maloch

For An Act To Be Entitled

8 AN ACT TO AMEND THE LAW CONCERNING DONORS OF FOOD; TO
9 EXCLUDE LIABILITY FOR DONORS OF LIVE FOOD; AND FOR
10 OTHER PURPOSES.

Subtitle

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14 TO AMEND THE LAW CONCERNING DONORS OF
15 FOOD; AND TO EXCLUDE LIABILITY FOR DONORS
16 OF LIVE FOOD.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code § 20-57-103 is amended to read as follows:

22 20-57-103. Donors of ~~canned or~~ canned food, live food, or perishable
23 food not liable – Exception – Definitions.

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

25 (1) "Canned food" means any food commercially processed and
26 prepared for human consumption; ~~and~~

27 (2) "Live food" means live or recently deceased animals, such as
28 wild game or farm stock, that may be legally processed for use as food for
29 human consumption; and

30 ~~(2)(3)(A)~~ "Perishable food" means any food which may spoil or
31 otherwise become unfit for human consumption because of its nature, type, or
32 physical condition.

33 ~~(B) This term includes, but is not limited to, "Perishable~~
34 food" includes without limitation fresh and processed meats, poultry,
35 seafood, dairy products, bakery products, eggs in the shell, fresh fruits and
36 vegetables, and foods which have been packaged, refrigerated, or frozen.



1 (b) The provisions of this section shall govern all good faith
2 donations of perishable food which is not readily marketable due to
3 appearance, freshness, grade, surplus, or other conditions, but nothing in
4 this section shall restrict the authority of any appropriate agency to
5 regulate or ban the use of the food for human consumption.

6 (c) All other provisions of law notwithstanding, a good faith donor of
7 ~~eanned or~~ canned food, live food, or perishable food which is apparently fit
8 for human consumption at the time it is donated to a bona fide charitable or
9 not-for-profit organization for free distribution or distribution at a
10 nominal cost ~~shall not be~~ is not subject to criminal or civil liability
11 arising from an injury or death due to the condition of the food unless the
12 injury or death is a direct result of the gross negligence, recklessness, or
13 intentional misconduct of the donor.

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