

By: White of Tyler

H.B. No. 1050

A BILL TO BE ENTITLED

AN ACT

relating to liability of food donors.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 76.004(a) and (c), Civil Practice and Remedies Code, are amended to read as follows:

(a) A person or gleaner is not subject to civil or criminal liability arising from the condition of apparently wholesome food that the person or gleaner donates to a church, a not-for-profit organization or a nonprofit organization for distribution to the needy, if the food is apparently wholesome at the time of donation.

This subsection does not apply to an injury or death that results from an act or omission of the donor constituting gross negligence, recklessness, or intentional misconduct.

(c) A nonprofit organization is not subject to civil or criminal liability arising from the condition of apparently wholesome food that it distributes to the needy at no charge in substantial compliance with applicable local, county, state, and federal laws and rules regarding the storage and handling of food for distribution to the public, if the food is apparently wholesome

at the time of distribution. This subsection does not apply to an injury or death that results from an act or omission of the organization constituting gross negligence, recklessness, or intentional misconduct.

SECTION 2. The change in law made by this Act applies only

1 to the donation or distribution of food on or after the effective
2 date of this Act. The donation or distribution of food before the
3 effective date of this Act is governed by the law applicable to the
4 donation or distribution immediately before the effective date of
5 this Act, and that law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2015.