

1-1 By: White of Tyler, et al. H.B. No. 1050
 1-2 (Senate Sponsor - Taylor of Collin)
 1-3 (In the Senate - Received from the House April 27, 2015;
 1-4 May 4, 2015, read first time and referred to Committee on State
 1-5 Affairs; May 18, 2015, reported favorably by the following vote:
 1-6 Yeas 8, Nays 0; May 18, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13			X	
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to liability of food donors.
 1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-22 SECTION 1. Sections 76.004(a) and (c), Civil Practice and
 1-23 Remedies Code, are amended to read as follows:
 1-24 (a) A person or gleaner is not subject to civil or criminal
 1-25 liability arising from the condition of apparently wholesome food
 1-26 that the person or gleaner donates to a church, a not-for-profit
 1-27 organization or a nonprofit organization for distribution to the
 1-28 needy, if the food is apparently wholesome at the time of donation.
 1-29 This subsection does not apply to an injury or death that results
 1-30 from an act or omission of the donor constituting gross negligence,
 1-31 recklessness, or intentional misconduct.
 1-32 (c) A nonprofit organization is not subject to civil or
 1-33 criminal liability arising from the condition of apparently
 1-34 wholesome food that it distributes to the needy at no charge in
 1-35 substantial compliance with applicable local, county, state, and
 1-36 federal laws and rules regarding the storage and handling of food
 1-37 for distribution to the public, if the food is apparently wholesome
 1-38 at the time of distribution. This subsection does not apply to an
 1-39 injury or death that results from an act or omission of the
 1-40 organization constituting gross negligence, recklessness, or
 1-41 intentional misconduct.
 1-42 SECTION 2. The change in law made by this Act applies only
 1-43 to the donation or distribution of food on or after the effective
 1-44 date of this Act. The donation or distribution of food before the
 1-45 effective date of this Act is governed by the law applicable to the
 1-46 donation or distribution immediately before the effective date of
 1-47 this Act, and that law is continued in effect for that purpose.
 1-48 SECTION 3. This Act takes effect immediately if it receives
 1-49 a vote of two-thirds of all the members elected to each house, as
 1-50 provided by Section 39, Article III, Texas Constitution. If this
 1-51 Act does not receive the vote necessary for immediate effect, this
 1-52 Act takes effect September 1, 2015.

1-53 * * * * *