

By: Anderson of Dallas

H.B. No. 4250

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. Section 76.004, Civil Practice and Remedies Code, is amended by adding Subsection (6) and (7) to read as follows:

(6) "Canned food" means any food commercially processed and prepared for human consumption.

(7) "Perishable food" means any food which may spoil or otherwise become unfit for human consumption because of its nature, type, or physical condition. It includes, but is not limited to, fresh and processed meats, poultry, seafood, dairy products, bakery products, eggs, fresh fruits, and vegetables and foods which have been packaged, refrigerated, or frozen.

SECTION 2. Sections 76.003, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 76.003. APPARENTLY WHOLESOME FOOD. For the purposes of this chapter, canned food, perishable food, or any other type of food is apparently wholesome if the food 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. Canned ~~goods~~ food that ~~are~~ is leaking, swollen, dented on a seam, or no longer airtight ~~are~~ is not apparently

1 wholesome food.

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

8           SECTION 4. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2017.