

Introduced: 1/27/84  
Referred: Health, Education and  
Social Services and  
Judiciary

BY FERGUSON, KELLY,  
RODEY, V. FISCHER,  
FAIKS AND JOSEPHSON

1 IN THE SENATE

2

SENATE BILL NO. 384

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6 For an Act entitled: "An Act relating to food banks."

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 \* Section 1. AS 17.20 is amended by adding new sections to read:

9 Sec. 17.20.345. LIABILITY OF FOOD DONOR. (a) Notwithstanding  
10 the provisions of AS 17.20.290 and 17.20.310, a donor of food for free  
11 distribution by a food bank is not subject to civil or criminal li-  
12 ability arising from an injury or death attributable to the condition  
13 of the donated food if

14 (1) the donor inspects the food in a reasonable manner at  
15 the time of the donation and finds the food apparently fit for human  
16 consumption at that time;

17 (2) the donor has no actual or constructive knowledge at  
18 the time of donation that the food is adulterated, tainted, contam-  
19 inated, or would be harmful to the health or well-being of an indivi-  
20 dual consuming it; and

21 (3) the injury or death is not a direct result of the  
22 negligence, recklessness, or intentional misconduct of the donor.

23 (b) Nothing in this section, AS 17.20.290, or 17.20.310 prohib-  
24 its the donation by a donor of food apparently fit for human consump-  
25 tion at the time of its donation solely because

26 (1) the label on the food is missing or the food is other-  
27 wise misbranded; or

28 (2) the food, if offered for sale commercially, would not  
29 be readily marketable because of appearance or grade, or because it is

1 surplus.

2 Sec. 17.20.346. LIABILITY OF FOOD BANK. (a) Notwithstanding  
3 the provisions of AS 17.20.290 and 17.20.310, a food bank that re-  
4 ceives and distributes food is not subject to civil or criminal lia-  
5 bility arising from an injury or death attributable to the condition  
6 of the food if

7 (1) the food bank inspects the food received in a reason-  
8 able manner and finds it to be apparently fit for human consumption at  
9 the time of distribution;

10 (2) the food bank has no actual or constructive knowledge  
11 at the time the food is distributed that it is adulterated, tainted,  
12 contaminated, or would be harmful to the health or well-being of an  
13 individual consuming it; and

14 (3) the injury or death is not a direct result of the  
15 negligence, recklessness, or intentional misconduct of the food bank.

16 (b) Nothing in this section, AS 17.20.290, or 17.20.310 pro-  
17 hibits the distribution by a food bank of food apparently fit for  
18 human consumption at the time of its distribution solely because

19 (1) the label on the food is missing or the food is other-  
20 wise misbranded; or

21 (2) the food, if sold commercially, would not be readily  
22 marketable because of appearance or grade, or because it is surplus.

23 Sec. 17.20.347. DEFINITIONS. In AS 17.20.345 and 17.20.346

24 (1) "donor"

25 (A) includes a person, farmer, retailer, freight com-  
26 pany, distributor, wholesaler, or similar entity;

27 (B) excludes a person who acts in a commercial capac-  
28 ity as a manufacturer, packer, processor, bottler, or similar  
29 entity, whether or not that activity is the person's sole or

1           primary activity;

2                   (2) "food bank" means an organization recognized by the  
3 state or federal government as a nonprofit organization and that  
4 operates principally to collect, inspect, and salvage donated food for  
5 free distribution to needy persons.