

Offered: 3/26/84
Referred: Judiciary

Original sponsors: Ferguson, Kelly,
Rodey, et al

1 IN THE SENATE

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

2

CS FOR SENATE BILL NO. 384 (HESS)

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 the injury or death is not a result of the
14 gross negligence, recklessness, or intentional misconduct of the
15 donor.

16 (b) Nothing in this section, AS 17.20.290, or 17.20.310 prohib-
17 its the donation by a donor of food apparently fit for human consump-
18 tion at the time of its donation 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 offered for sale commercially, would not
22 be readily marketable because of appearance or grade, or because it is
23 surplus.

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

29 (1) the food bank inspects the food received in a

1 reasonable manner and finds it to be apparently fit for human consump-
2 tion at the time of distribution;

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

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

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

12 (1) the label on the food is missing or the food is other-
13 wise misbranded; or

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

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

17 (1) "donor"

18 (A) includes a person, farmer, retailer, slaughter-
19 house under state supervision, freight company, distributor,
20 wholesaler, or similar entity;

21 (B) excludes a person who acts in a commercial capac-
22 ity as a manufacturer, packer, processor, bottler, or similar
23 entity, if that activity is the person's primary activity;

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