



100TH GENERAL ASSEMBLY

State of Illinois

2017 and 2018

SB3066

Introduced 2/15/2018, by Sen. Don Harmon

SYNOPSIS AS INTRODUCED:

New Act
745 ILCS 50/Act rep.

Repeals the Good Samaritan Food Donor Act. Creates the Good Samaritan Food Donation Act. Defines terms. Provides that, except in cases of gross negligence or intentional misconduct, a person, gleaner, or nonprofit organization is not subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that was donated or received for ultimate distribution to needy individuals. Provides that, except in cases of gross negligence or intentional misconduct, a person who allows the collection or gleaning of donations on property owned or occupied by the person by gleaners, or paid or unpaid representatives of a nonprofit organization, for ultimate distribution to needy individuals is not subject to civil or criminal liability that arises due to the injury or death of the gleaner or representative. Provides that if some or all of the donated food and grocery products do not meet all quality and labeling standards imposed by federal, State, and local laws and regulations, the person or gleaner who donates the food and grocery products are immune from civil or criminal liability if specified conditions are met. Provides that the Act shall not be construed to create any liability, and that nothing in the Act shall be construed to supersede State or local health regulations. Effective immediately.

LRB100 17999 HEP 35946 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the Good
5 Samaritan Food Donation Act.

6 Section 5. Definitions. As used in this Act:

7 "Apparently fit grocery product" means a grocery product
8 that meets all quality and labeling standards imposed by
9 Federal, State, and local laws and regulations even though the
10 product may not be readily marketable due to appearance, age,
11 freshness, grade, size, surplus, or other conditions.

12 "Apparently wholesome food" means food that meets all
13 quality and labeling standards imposed by Federal, State, and
14 local laws and regulations even though the food may not be
15 readily marketable due to appearance, age, freshness, grade,
16 size, surplus, or other conditions.

17 "Donate" means to give without requiring anything of
18 monetary value from the recipient, except that "donate"
19 includes giving by a nonprofit organization to another
20 nonprofit organization, notwithstanding that the donor
21 organization has charged a nominal fee to the donee
22 organization, if the ultimate recipient or user is not required
23 to give anything of monetary value.

1 "Food" means any raw, cooked, processed, or prepared edible
2 substance, ice, beverage, or ingredient used or intended for
3 use in whole or in part for human consumption.

4 "Gleaner" means a person who harvests for free distribution
5 to the needy, or for donation to a nonprofit organization for
6 ultimate distribution to the needy, an agricultural crop that
7 has been donated by the owner.

8 "Grocery product" means a nonfood grocery product,
9 including a disposable paper or plastic product, household
10 cleaning product, laundry detergent, cleaning product, or
11 miscellaneous household item.

12 "Gross negligence" means voluntary and conscious conduct
13 (including a failure to act) by a person who, at the time of
14 the conduct, knew that the conduct was likely to be harmful to
15 the health or well-being of another person.

16 "Intentional misconduct" means conduct by a person with
17 knowledge (at the time of the conduct) that the conduct is
18 harmful to the health or well-being of another person.

19 "Nonprofit organization" means an incorporated or
20 unincorporated entity that:

21 (1) is operating for religious, charitable, or
22 educational purposes; and

23 (2) does not provide net earnings to or operate in any
24 other manner that inures to the benefit of any officer,
25 employee, or shareholder of the entity.

26 "Person" means an individual, corporation, partnership,

1 organization, association, or governmental entity, including a
2 retail grocer, wholesaler, hotel, motel, manufacturer,
3 restaurant, caterer, farmer, and nonprofit food distributor or
4 hospital. In the case of a corporation, partnership,
5 organization, association, or governmental entity, "person"
6 includes an officer, director, partner, deacon, trustee,
7 council member, or other elected or appointed individual
8 responsible for the governance of the entity.

9 Section 10. Liability for damages from donated food and
10 grocery products.

11 (a) A person or gleaner is not subject to civil or criminal
12 liability arising from the nature, age, packaging, or condition
13 of apparently wholesome food or an apparently fit grocery
14 product that the person or gleaner donates in good faith to a
15 nonprofit organization for ultimate distribution to needy
16 individuals.

17 (b) A nonprofit organization is not subject to civil or
18 criminal liability arising from the nature, age, packaging, or
19 condition of apparently wholesome food or an apparently fit
20 grocery product that the nonprofit organization received as a
21 donation in good faith from a person or gleaner for ultimate
22 distribution to needy individuals.

23 (c) Subsections (a) and (b) do not apply to an injury to or
24 death of an ultimate user or recipient of the food or grocery
25 product that results from an act or omission of the person,

1 gleaner, or nonprofit organization, as applicable,
2 constituting gross negligence or intentional misconduct.

3 Section 15. Collection or gleaning of donations. A person
4 who allows the collection or gleaning of donations on property
5 owned or occupied by the person by gleaners, or paid or unpaid
6 representatives of a nonprofit organization, for ultimate
7 distribution to needy individuals is not subject to civil or
8 criminal liability that arises due to the injury or death of
9 the gleaner or representative, except that this Section does
10 not apply to an injury or death that results from an act or
11 omission of the person constituting gross negligence or
12 intentional misconduct.

13 Section 20. Partial compliance. If some or all of the
14 donated food and grocery products do not meet all quality and
15 labeling standards imposed by federal, State, and local laws
16 and regulations, the person or gleaner who donates the food and
17 grocery products are immune from civil or criminal liability if
18 the nonprofit organization that receives the donated food or
19 grocery products:

20 (1) is informed by the donor of the distressed or
21 defective condition of the donated food or grocery
22 products;

23 (2) agrees to recondition the donated food or grocery
24 products to comply with all the quality and labeling

1 standards prior to distribution; and

2 (3) is knowledgeable of the standards to properly
3 recondition the donated food or grocery product.

4 Section 25. Construction. This Act shall not be construed
5 to create any liability. Nothing in this Act shall be construed
6 to supersede State or local health regulations.

7 (745 ILCS 50/Act rep.)

8 Section 30. The Good Samaritan Food Donor Act is repealed.

9 Section 99. Effective date. This Act takes effect upon
10 becoming law.