

HOUSE BILL 2223

By Lamberth

AN ACT to amend Tennessee Code Annotated, Title 53,  
Chapter 13, relative to food donation.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 53-13-101(1), is amended by deleting the language "the standards and procedures promulgated and enforced pursuant to § 53-7-213(e)" and substituting instead the language "applicable standards, requirements, and procedures established by the department of agriculture".

SECTION 2. Tennessee Code Annotated, Section 53-13-101(2), is amended by deleting the language "appearance, age, freshness, grade, size, surplus or other condition, but" and substituting instead the following language:

appearance; age; freshness, including bearing a past-due expiration date, sell-by date, use-by date, or other date; grade; size; surplus; or other condition. "Apparently wholesome food"

SECTION 3. Tennessee Code Annotated, Section 53-13-102(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a)

(1) The good-faith donor of any apparently wholesome food fit for human consumption shall not be subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness, or intentional conduct of the donor. This subdivision (a)(1) applies if the donor donates the food:

(A) Directly to an individual for personal use; or

(B) To a bona fide charitable or nonprofit organization for free distribution.

(2) Any local education agency may donate any apparently wholesome food fit for human consumption to a county jail, directly to an individual for personal use, or to a bona fide charitable or nonprofit organization for free distribution, and shall not be subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness, or intentional conduct of the agency.

(3) A gleaner of any apparently wholesome food fit for human consumption shall not be subject to criminal penalty for violation of unfair trade practice laws or civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness, or intentional conduct of the gleaner.

SECTION 4. Tennessee Code Annotated, Section 53-13-102(b)(1), is amended by deleting the subdivision in its entirety and substituting instead the following:

(1) The good-faith donor of any apparently wholesome deer meat, fit for human consumption, directly to an individual for personal use, to a bona fide charitable or nonprofit organization for free distribution, or to an on-site feeding program, shall not be subject to civil damages arising from the condition of the food, unless an injury is caused by the gross negligence, recklessness, or intentional conduct of the donor.

SECTION 5. Tennessee Code Annotated, Section 53-13-102(b)(2), is amended by deleting the language "pursuant to § 53-7-213(e)" and substituting instead the language "by the department of agriculture".

SECTION 6. Tennessee Code Annotated, Section 53-13-102(c), is amended by inserting the language "directly to an individual for personal use or" immediately following the language "food fit for human consumption,".

SECTION 7. Tennessee Code Annotated, Section 53-13-103, is amended by deleting the language "negligence" wherever it appears and substituting instead the language "gross negligence".

SECTION 8. Tennessee Code Annotated, Section 53-13-103(b)(2), is amended by deleting the language "pursuant to § 53-7-213(e)" and substituting instead the language "by the department of agriculture".

SECTION 9. This act shall take effect upon becoming a law, the public welfare requiring it.