

SECOND REGULAR SESSION

SENATE BILL NO. 662

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BERNSKOETTER.

Pre-filed December 1, 2019, and ordered printed.

ADRIANE D. CROUSE, Secretary.

3931S.02I

AN ACT

To repeal section 537.115, RSMo, and to enact in lieu thereof one new section relating to the liability for distribution of donated shelf stable packaged food.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 537.115, RSMo, is repealed and one new section
2 enacted in lieu thereof, to be known as section 537.115, to read as follows:

537.115. 1. As used in this section, the following terms mean:

2 (1) "Canned food", any food commercially processed and prepared for
3 human consumption;

4 (2) "Perishable food", any food which may spoil or otherwise become unfit
5 for human consumption because of its nature, type or physical condition. This
6 term includes, but is not limited to, fresh and processed meats, poultry, seafood,
7 dairy products, bakery products, eggs in the shell, fresh fruits and vegetables,
8 and foods which have been packaged, refrigerated, or frozen;

9 (3) **"Shelf stable packaged food", any packaged food that can be**
10 **safely stored in a sealed package at room or ambient temperature for**
11 **a usefully long shelf life, including packaged venison, that would**
12 **normally be stored refrigerated, but which has been processed or**
13 **treated by heat or dried to destroy foodborne microorganisms that can**
14 **cause illness or spoil food.**

15 2. All other provisions of law notwithstanding, a good faith donor of
16 canned or perishable food, which complies with chapter 196 at the time it was
17 donated and which is fit for human consumption at the time it is donated, to a
18 bona fide charitable or not-for-profit organization for free distribution, shall not
19 be subject to criminal or civil liability arising from an injury or death due to the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

20 condition of such food unless such injury or death is a direct result of the
21 negligence, recklessness or intentional misconduct of such donor.

22 3. All other provisions of law notwithstanding, a bona fide charitable or
23 not-for-profit organization which in good faith receives and distributes food, which
24 complies with chapter 196 at the time it was donated and which is fit for human
25 consumption at the time it is distributed, without charge, shall not be subject to
26 criminal or civil liability arising from an injury or death due to the condition of
27 such food unless such injury or death is a direct result of the negligence,
28 recklessness, or intentional misconduct of such organization.

29 4. Notwithstanding any other provision of law to the contrary, a good faith
30 donor or a charitable or not-for-profit organization, who in good faith receives or
31 distributes frozen [and] **or shelf stable packaged food, including** venison,
32 without charge, shall not be subject to criminal or civil liability arising from an
33 injury or death due to the condition of such food, except as provided in this
34 subsection. The venison must:

35 (1) Come from a whitetail deer harvested in accordance with the rules and
36 regulations of the department of conservation;

37 (2) Be field dressed and handled in a sanitary manner and the carcass of
38 which remains in sound condition;

39 (3) Be processed in a licensed facility that is subject to the United States
40 Department of Agriculture's mandated inspections during domesticated animal
41 operations or is approved by the Missouri department of agriculture meat
42 inspection program.

43 Except that, the provisions of this subsection shall not apply if the injury or death
44 is a direct result of the negligence, recklessness or intentional misconduct of such
45 donor or the deer was harvested during a season that the deer in Missouri were
46 found to have diseases communicable to humans. Venison handled and processed
47 in accordance with the provisions of this section and protected by all reasonable
48 means from foreign or injurious contamination is exempt from the provisions of
49 chapter 196.

50 5. The provisions of this section shall govern all good faith donations of
51 canned or perishable food which is not readily marketable due to appearance,
52 freshness, grade, surplus or other conditions, but nothing in this section shall
53 restrict the authority of any appropriate agency to regulate or ban the use of such
54 food for human consumption.