

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 817\*

Short Title: Immunity for Donated Food.

(Public)

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Sponsors: Senators Allran; Ballance, Barker, Block, Bryan, Carpenter, Chalk, Cobb, Cochrane, Conder, Daniel, Daughtry, Hardin, Harris, Hunt of Moore, Kincaid, Martin of Guilford, Murphy, Odom, Rauch, Raynor, Richardson, Sands, Shaw, Sherron, Simpson, Smith, Soles, Speed, Swain, Taft, Tally, and Walker.

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Referred to: Judiciary II.

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April 6, 1989

A BILL TO BE ENTITLED

1 AN ACT TO LIMIT CIVIL AND CRIMINAL LIABILITY OF DONORS WHO  
2 DONATE FOOD FOR USE OR DISTRIBUTION BY NONPROFIT  
3 ORGANIZATIONS UNLESS AN INJURY IS CAUSED BY THE GROSS  
4 NEGLIGENCE, RECKLESSNESS, OR INTENTIONAL MISCONDUCT OF THE  
5 DONOR.  
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7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 99B-10 reads as rewritten:

9 "**§ 99B-10. Immunity for donated food.**

10 (a) Notwithstanding the provisions of Article 12 of Chapter 106 of the General  
11 Statutes, or any other provision of law, any person, including but not limited to a seller,  
12 farmer, processor, distributor, wholesaler or retailer of food, who donates an item of  
13 food for use or distribution by a nonprofit organization or nonprofit corporation shall  
14 not be liable for civil damages or criminal penalties resulting from the nature, age,  
15 condition, or packaging of the donated food, unless ~~it is established that the donor knew or~~  
16 ~~had reasonable grounds to believe that the food was adulterated as defined in G.S. 106-129 at~~  
17 ~~the time the donor made the gift.~~ an injury is caused by the gross negligence, recklessness,  
18 or intentional misconduct of the donor.

19 (b) Nothing in this section limits the liability of the donee organization or  
20 corporation accepting the food."

21 Sec. 2. This act is effective upon ratification.