

# HOUSE BILL 257

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By: **Delegate R. Lewis**

Introduced and read first time: January 25, 2019

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Immunities – Donated Food**

3 FOR the purpose of providing that a nonprofit corporation, organization, or association may  
4 not be liable for certain acts or omissions relating to donated food; making stylistic  
5 changes; providing for the application of this Act; and generally relating to immunity  
6 from civil liability relating to donated food.

7 BY repealing and reenacting, with amendments,  
8 Article – Courts and Judicial Proceedings  
9 Section 5–634  
10 Annotated Code of Maryland  
11 (2013 Replacement Volume and 2018 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
13 That the Laws of Maryland read as follows:

14 **Article – Courts and Judicial Proceedings**

15 5–634.

16 (a) In this section, “person” has the meaning stated in § 21–322 of the Health –  
17 General Article.

18 [(b) The limitation on liability provided for in subsection (c) of this section does not  
19 apply to any person who:

20 (1) Donates food to a nonprofit corporation, organization, or association  
21 that sells or offers for sale any donated food;

22 (2) Prepares donated food for use or distribution by a nonprofit corporation,

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 organization, or association that sells or offers for sale any donated food; or

2 (3) Serves donated food distributed by a nonprofit corporation,  
3 organization, or association that sells or offers for sale any donated food.]

4 **[(c)] (B)** Unless the act or omission amounts to gross negligence or willful and  
5 wanton misconduct, a person is not civilly liable for **[any] AN** act or omission that affects  
6 the nature, age, condition, or packaging of **[the]** donated food if the person in good faith:

7 (1) Donates food for use or distribution by a nonprofit corporation,  
8 organization, or association;

9 (2) Prepares donated food for use or distribution by a nonprofit corporation,  
10 organization, or association;

11 (3) Serves donated food distributed by a nonprofit corporation,  
12 organization, or association; or

13 (4) Dispenses donated food distributed by a nonprofit corporation,  
14 organization, or association.

15 **(C) UNLESS THE ACT OR OMISSION AMOUNTS TO GROSS NEGLIGENCE OR**  
16 **WILLFUL AND WANTON MISCONDUCT, A NONPROFIT CORPORATION, ORGANIZATION,**  
17 **OR ASSOCIATION IS NOT CIVILLY LIABLE FOR AN ACT OR OMISSION THAT AFFECTS**  
18 **THE NATURE, AGE, CONDITION, OR PACKAGING OF DONATED FOOD IF THE**  
19 **NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION IN GOOD FAITH AND**  
20 **WITHOUT CHARGE:**

21 **(1) DONATES FOOD FOR USE OR DISTRIBUTION;**

22 **(2) PREPARES DONATED FOOD FOR USE OR DISTRIBUTION;**

23 **(3) SERVES DONATED FOOD; OR**

24 **(4) DISPENSES DONATED FOOD.**

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
26 apply only prospectively and may not be applied or interpreted to have any effect on or  
27 application to any cause of action arising before the effective date of this Act.

28 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2019.