

SENATE No. 848

The Commonwealth of Massachusetts

PRESENTED BY:

Ryan C. Fattman

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to direct food donations.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	
<i>Richard J. Ross</i>	<i>Norfolk, Bristol and Middlesex</i>	<i>1/30/2017</i>
<i>Kevin J. Kuros</i>	<i>8th Worcester</i>	<i>2/1/2017</i>
<i>William N. Brownsberger</i>	<i>Second Suffolk and Middlesex</i>	<i>2/2/2017</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>2/2/2017</i>
<i>Christopher M. Markey</i>	<i>9th Bristol</i>	<i>2/3/2017</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>2/3/2017</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>2/14/2017</i>

SENATE No. 848

By Mr. Fattman, a petition (accompanied by bill, Senate, No. 848) of Ryan C. Fattman, Richard J. Ross, Kevin J. Kuros, William N. Brownsberger and other members of the General Court for legislation relative to direct food donations. The Judiciary.

The Commonwealth of Massachusetts

**In the One Hundred and Ninetieth General Court
(2017-2018)**

An Act relative to direct food donations.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 328 of chapter 94 of the General Laws, as appearing in the 2014 Official Edition,
2 is hereby amended by inserting after the first paragraph the following:-

3 No food service entity or retail store who donates food, including open-dated food whose
4 date has passed, directly to an individual without charge or at a charge sufficient only to cover
5 the cost of handling such food, shall be liable for civil damages for any injury arising out of the
6 condition of such food; provided, however, that at the time of donation such food is not
7 misbranded and is not adulterated and has not been manufactured, processed, prepared, handled
8 or stored in violation of applicable regulations of the department of public health; and provided,
9 further, that such injury is not the result of gross negligence, recklessness or intentional
10 misconduct of the donor or any person employed by or under the control of the donor.