

# SENATE . . . . . No. 1025

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## 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:

*Ryan C. Fattman*

DISTRICT/ADDRESS:

*Worcester and Norfolk*

# SENATE . . . . . No. 1025

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By Mr. Fattman, a petition (accompanied by bill, Senate, No. 1025) of Ryan C. Fattman for legislation relative to direct food donations. The Judiciary.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE SENATE, NO. 934 OF 2019-2020.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
\_\_\_\_\_

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 2018 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, process, prepared, handled or  
8 stored in violation of applicable regulations of the department of public health; and provided,  
9 further, that such injury is not the result of negligence, recklessness or intentional misconduct of  
10 the donor or any person employed by or under the control of the donor.