

SECOND REGULAR SESSION

HOUSE BILL NO. 1632

92ND GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HAMPTON (Sponsor) AND CRAWFORD (Co-sponsor).

Read 1st time March 4, 2004, and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4889L.011

AN ACT

To repeal section 537.115, RSMo, and to enact in lieu thereof one new section relating to donated venison.

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Section A. Section 537.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.115, to read as follows: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

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

(2) "Perishable food", any food which may spoil or otherwise become unfit for human consumption because of its nature, type or physical condition.

This term includes, but is not limited to, fresh and processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits and vegetables, and foods which have been packaged, refrigerated, or frozen.

2. All other provisions of law notwithstanding, a good faith donor of canned or perishable food, which complies with chapter 196, RSMo, at the time it was donated and which is fit for human consumption at the time it is donated, to a bona fide charitable or not-for-profit organization for free distribution, shall not be subject to criminal or civil liability arising from an injury or death due to the condition of such food unless such injury or death is a direct result of the negligence, recklessness or intentional misconduct of such donor.

3. All other provisions of law notwithstanding, a bona fide charitable or not-for-profit organization which in good faith receives and distributes food, which complies with chapter 196, RSMo, at the time it was donated and which is fit for human consumption at the time it is distributed, without charge, shall not be subject to criminal or civil liability arising from an injury

19 or death due to the condition of such food unless such injury or death is a direct result of the
20 negligence, recklessness, or intentional misconduct of such organization.

21 4. Notwithstanding any other provision of law to the contrary, a good faith donor or a
22 charitable or not-for-profit organization, who in good faith receives or distributes frozen and
23 packaged venison without charge, shall not be subject to criminal or civil liability arising from
24 an injury or death due to the condition of such food, except as provided in this subsection. The
25 venison must:

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

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

30 (3) Be processed in a licensed facility that is subject to the United States Department of
31 Agriculture's mandated inspections during domesticated animal operations **or is approved by**
32 **the Missouri department of agriculture meat inspection program.** Except that, the
33 provisions of this subsection shall not apply if the injury or death is a direct result of the
34 negligence, recklessness or intentional misconduct of such donor or the deer was harvested
35 during a season that the deer in Missouri were found to have diseases communicable to humans.
36 Venison handled and processed in accordance with the provisions of this section and protected
37 by all reasonable means from foreign or injurious contamination is exempt from the provisions
38 of chapter 196, RSMo.

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