

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1711

100TH GENERAL ASSEMBLY

3888H.02P

DANA RADEMAN MILLER, Chief Clerk

AN ACT

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

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Section A. Section 537.115, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 537.115, to read as follows: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

(3) "**Shelf stable**", any food that can be safely stored in a sealed package at room or ambient temperature for a usefully long shelf life. The term includes foods that would normally be stored refrigerated, but that have been processed or treated by heat or dried to destroy food-borne microorganisms that can cause illness or spoil food.

2. All other provisions of law notwithstanding, a good faith donor of canned ~~[or]~~ , perishable, or **shelf stable** food, which complies with chapter 196 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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 arising from an injury or death due to the condition of such food unless such injury or death is
18 a direct result of the negligence, recklessness, or intentional misconduct of such donor.

19 3. All other provisions of law notwithstanding, a bona fide charitable or not-for-profit
20 organization which in good faith receives and distributes food, which complies with chapter 196
21 at the time it was donated and which is fit for human consumption at the time it is distributed,
22 without charge, shall not be subject to criminal or civil liability arising from an injury or death
23 due to the condition of such food unless such injury or death is a direct result of the negligence,
24 recklessness, or intentional misconduct of such organization.

25 4. (1) Notwithstanding any other provision of law to the contrary, a good faith donor or
26 a charitable or not-for-profit organization, who in good faith receives or distributes frozen ~~and~~
27 **or shelf stable** packaged venison without charge, shall not be subject to criminal or civil liability
28 arising from an injury or death due to the condition of such food, except as provided in this
29 subsection.

30 (2) The venison must:

31 ~~[(1)]~~ (a) Come from a whitetail deer harvested in accordance with the rules and
32 regulations of the department of conservation;

33 ~~[(2)]~~ (b) Be field dressed and handled in a sanitary manner and the carcass of which
34 remains in sound condition;

35 ~~[(3)]~~ (c) Be processed in a licensed facility that is subject to the United States
36 Department of Agriculture's mandated inspections during domesticated animal operations or is
37 approved by the Missouri department of agriculture meat inspection program.

38 ~~[Except that,]~~ (3) The provisions of this subsection shall not apply if the injury or death
39 is a direct result of the negligence, recklessness, or intentional misconduct of such donor or the
40 deer was harvested during a season that the deer in Missouri were found to have diseases
41 communicable to humans. Venison handled and processed in accordance with the provisions
42 of this section and protected by all reasonable means from foreign or injurious contamination is
43 exempt from the provisions of chapter 196.

44 5. The provisions of this section shall govern all good faith donations of canned ~~[or]~~ ,
45 perishable, **or shelf stable** food which is not readily marketable due to appearance, freshness,
46 grade, surplus, or other conditions, but nothing in this section shall restrict the authority of any
47 appropriate agency to regulate or ban the use of such food for human consumption.

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