

SECOND REGULAR SESSION  
[TRULY AGREED TO AND FINALLY PASSED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1559**  
**93RD GENERAL ASSEMBLY**

4662L.02T

2006

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**AN ACT**

To repeal section 192.081, RSMo, and to enact in lieu thereof one new section relating to donation of food.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 192.081, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 192.081, to read as follows:

192.081. 1. As used in this section, the following terms mean:

- (1) "Canned food", food that is commercially processed in hermetically sealed containers;
- (2) "Donor", any restaurant, cafeteria, fast food restaurant, delicatessen, or other facility principally engaged in selling food for consumption on the premises, **or any grocery store or convenience store**;
- (3) "Food", any raw, cooked, canned, perishable, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption;
- (4) "Hermetically sealed container", a container that is designed and intended to be secure against the entry of microorganisms and thereby to maintain the commercial sterility of its content after processing;
- (5) "Perishable food", any food having a significant risk of spoilage, loss of value, or loss of palatability within ninety days of the date of packaging;

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.

14 (6) "Prepared food", any food prepared, designed, or intended for human consumption  
15 including, without limitation, those foods prepared principally from agricultural, dairy, or  
16 horticultural produce or with meat, fish, or poultry.

17 2. Each potential donor, to the greatest extent possible and practicable, may make  
18 **surplus or excess canned or perishable food** available to any bona fide charitable or nonprofit  
19 organization, to any representative or volunteer acting on behalf of such organization, to an  
20 uncompensated person acting in a philanthropic manner providing services similar to those of  
21 such an organization, or to a transporter of any surplus or excess canned or perishable food for  
22 use by such organization or person to feed homeless persons or other persons who are in need  
23 of food and are otherwise unable to provide food for themselves. In achieving this intent, the  
24 following provisions shall apply:

25 (1) Each donor may contact charitable or nonprofit organizations in the community in  
26 which the donor operates in order to provide for the collection by such organizations of any  
27 surplus or excess canned food or perishable food from the donor;

28 (2) Each charitable or nonprofit organization in this state which provides to the  
29 community in which it operates food for persons who are in need of food or are otherwise unable  
30 to provide food for themselves, or which collects and transports such food to such organizations,  
31 shall make every reasonable effort to contact any donors within the organization's area of  
32 operations for purposes of collecting any surplus or excess canned food or perishable food for  
33 use in providing such services.

34 3. A good faith donor of any canned or perishable food, apparently fit for human  
35 consumption, to a bona fide charitable or nonprofit organization for free distribution shall not  
36 be subject to criminal penalty or civil damages arising from the condition of the food, unless an  
37 injury is caused by the gross negligence, recklessness, or intentional misconduct of the donor.

38 4. A bona fide charitable or nonprofit organization, or any representative or volunteer  
39 acting on behalf of such organization or an uncompensated person acting in a philanthropic  
40 manner providing services similar to those of such an organization or transporter of any surplus  
41 or excess canned or perishable food for use by such organization which in good faith accepts,  
42 collects, transports, or distributes any canned or perishable food for free distribution and which  
43 reasonably inspects the food at the time of the donation and finds the food apparently fit for  
44 human consumption shall not be subject to criminal penalty or civil damages arising from the  
45 condition of the food, unless an injury is caused by the gross negligence, recklessness, or  
46 intentional misconduct of an agent of the charitable or nonprofit organization.

47 5. The department of health and senior services shall make available information  
48 detailing the need of food-recovery programs, the benefit of food-recovery programs, the manner  
49 in which such organizations may become involved in food-recovery programs and the

50 food-recovery entities or food banks that exist in the state. This information must be updated  
51 annually.

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