

LEGISLATIVE BILL 17

Approved by the Acting Governor January 24, 1989

Introduced by Labeledz, 5, Chairperson, Executive Board

AN ACT relating to food donations; to amend section 25-21,189, Revised Statutes Supplement, 1988; to eliminate a reference to a repealed definitional section; to define terms; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 25-21,189, Revised Statutes Supplement, 1988, be amended to read as follows:

25-21,189. (1) For purposes of this section:

(a) Food shall mean articles used for food or drink for humans or animals and articles used for components of any such article; and

(b) Raw agricultural product shall mean any food in its raw or natural state, including all fruits that are washed, colored, or otherwise treated in their unpeeled natural form prior to marketing. For the purposes of this section, the definitions provided in section 81-217-12 shall apply:

(2) Notwithstanding any other provisions of the law of this state, any person who makes a good faith donation to a charitable or nonprofit organization of prepared or perishable food or raw agricultural products which appear to be fit for human consumption ~~at the time it is when~~ donated shall not be liable for damages in any civil action for any injury or death because of the condition of such food unless the injury or death is a direct result of the gross negligence, recklessness, or intentional misconduct of the donor.

(3) Notwithstanding any other provisions of the law of this state, a charitable or nonprofit organization which in good faith receives and distributes, without charge, food which the organization reasonably determines to be fit for human consumption ~~at the time it is when~~ distributed shall not be liable for damages in any civil action based on the doctrine of strict liability in tort for any injury or death because of the condition of such food.

(4) This section shall apply to all good faith donations of perishable food or raw agricultural products which are not readily marketable because of

appearance, freshness, grade, surplus supply, or other conditions.

Sec. 2. That original section 25-21,189, Revised Statutes Supplement, 1988, is repealed.