DIGEST

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Hunter   HB No. 904

Abstract: Provides for limitation of liability of schools for damages from donated food.

<u>Present law</u> provides that no person shall have a cause of action against a food bank and its designated distributor or against any of the following entities who donate perishable, salvageable, or prepared food for gleaning or for free distribution by food banks for damages caused by the condition of donated food unless the damages result from an intentional act, omission, or gross negligence:

(1)   An individual.
(2)   A farmer.
(3)   A food service establishment.
(4)   A manufacturer.
(5)   A processor.
(6)   A packer.
(7)   A restaurant.
(8)   A wholesaler.
(9)   A retailer.

<u>Proposed law</u> retains <u>present law</u> and adds a school to the listing of entities which are granted such limitation of liability for damages from food donated to a food bank.

<u>Present law</u> provides that no person shall have a cause of action against a restaurant, or any of the entities listed above who donate perishable, salvageable food which is prepared and subsequently donated by the restaurant to a facility which operates an on-premises feeding program for the needy, the ill, the handicapped, infants, or individuals or needy families for damages caused by the condition of donated food unless the damages result from an intentional act, omission, or gross negligence. <u>Proposed law</u> retains <u>present law</u> and provides that in addition to a restaurant, a school is also granted such limitation of liability for damages resulting from the condition of prepared food it donates to a facility which operates an on-premises feeding program for the needy, the ill, the handicapped, infants, or individuals or needy families.

(Amends R.S. 9:2799(A)(1) and 2799.3)