

Regular Session, 2012

HOUSE BILL NO. 904

BY REPRESENTATIVE HUNTER

LIABILITY: Provides for limitation of liability of schools for damages from donated food

1 AN ACT

2 To amend and reenact R.S. 9:2799(A)(1) and 2799.3, relative to limitation of liability for  
3 damages from donated food; to provide for limitation of liability of schools; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 9:2799(A)(1) and 2799.3 are hereby amended and reenacted to read  
7 as follows:

8 §2799. Limitation of liability for damages from donated food

9 A.(1) No person shall have a cause of action against a food bank and its  
10 designated distributor or against any individual, farmer, food service establishment,  
11 school, manufacturer, processor, packer, restaurant, wholesaler, or retailer of food,  
12 or vitamins, who donates to food banks perishable, salvageable, or prepared food for  
13 gleaning or for free distribution by food banks, for damages caused by the condition  
14 of the food or vitamins, unless the damages result from the intentional act or  
15 omission or the gross negligence of the food bank, its designated distributor, or  
16 donor.

17 \* \* \*

1           §2799.3. Limitation of liability of ~~a restaurant, restaurants, schools,~~ and certain food  
 2                   donors for damages from donated food

3           No person shall have a cause of action against a restaurant or school, or  
 4           against any individual, farmer, manufacturer, processor, packer, wholesaler, or  
 5           retailer of food who donates perishable, salvageable food which is prepared and  
 6           subsequently donated by the restaurant or school to a facility which operates an  
 7           on-premises feeding program for the needy, the ill, the handicapped, infants, or  
 8           individuals or families in need of assistance for damages caused by the condition of  
 9           the food, unless the damages result from the intentional act or omission or the  
 10          negligence of the restaurant or donor.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Hunter

HB No. 904

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

Present law 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.

Proposed law retains present law 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.

Present law 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. Proposed law retains present law 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)