

§ 76.001. DEFINITIONS.

In this chapter:

- (1) "Donate" means to give without requiring anything of monetary value from the recipient.
- (2) "Intentional misconduct" means conduct that the actor knows is harmful to the health or well-being of another person.
- (3) "Nonprofit organization" means an incorporated or unincorporated organization that has been established and is operating for religious, charitable, or educational purposes and that does not distribute any of its income to its members, directors, or officers.
- (4) "Person" means an individual, corporation, partnership, organization, association, or governmental entity.
- (5) "Gleaner" means a person who harvests for free distribution to the needy an agricultural crop that has been donated by the owner.

§ 76.002. SHORT TITLE.

This chapter may be cited as the Good Faith Donor Act.

§ 76.003. APPARENTLY WHOLESOME FOOD.

For the purposes of this chapter, food is apparently wholesome if the food meets all quality standards of local, county, state, and federal agricultural and health laws and rules, even though the food is not readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition. Canned goods that are leaking, swollen, dented on a seam, or no longer airtight are not apparently wholesome food.

§ 76.004. LIABILITY FOR DAMAGES FROM DONATED FOOD.

(a) A person or gleaner is not subject to civil or criminal liability arising from the condition of apparently wholesome food that the person or gleaner donates to a church, a not-for-profit organization or a nonprofit organization for distribution to the needy. This subsection does not apply to an injury or death that results from an act or omission of the donor constituting gross negligence, recklessness, or intentional misconduct.

(b) A person who is allowing his or her fields to be gleaned by volunteers for distribution to the needy is not subject to civil or criminal liability that arises due to the injury of a gleaner, unless an injury or death results from an act or omission of the person constituting gross negligence, recklessness, or intentional misconduct.

(c) A nonprofit organization is not subject to civil or criminal liability arising from the condition of apparently wholesome food that it distributes to the needy at no charge in substantial compliance with applicable local, county, state, and federal laws and rules regarding the storage and handling of food for distribution to the public. This subsection does not apply to an injury or death that results from an act or omission of the organization constituting gross negligence, recklessness, or intentional misconduct.

(d) This chapter does not create any liability.

Acts 1985, 69th Leg., ch. 959, § 1, eff. Sept. 1, 1985.
Amended by Acts 1989, 71st Leg., ch. 1093, § 2, eff. June 16, 1989.