

In the Senate of the United States,

August 2, 1996.

Resolved, That the bill from the House of Representatives (H.R. 2428) entitled “An Act to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law”, do pass with the following

AMENDMENTS:

1 **(1)**Page 2, line 8, after “striking” insert: *the title heading*
2 *and*

3 **(2)**Page 2, strike out line 15 and insert:

4 *Samaritan*”;

5 *(C) in subsection (b)(7), to read as follows:*

6 *“(7) GROSS NEGLIGENCE.—The term ‘gross neg-*
7 *ligence’ means voluntary and conscious conduct (in-*
8 *cluding a failure to act) by a person who, at the time*
9 *of the conduct, knew that the conduct was likely to be*

1 *harmful to the health or well-being of another per-*
2 *son.”;*

3 **(3)**Page 2, strike out all after line 15, over to and includ-
4 ing line 11 on page 3 and insert:

5 *(D) by striking subsection (c) and inserting*
6 *the following:*

7 “(c) *LIABILITY FOR DAMAGES FROM DONATED FOOD*
8 *AND GROCERY PRODUCTS.—*

9 “(1) *LIABILITY OF PERSON OR GLEANER.—A*
10 *person or gleaner shall not be subject to civil or*
11 *criminal liability arising from the nature, age, pack-*
12 *aging, or condition of apparently wholesome food or*
13 *an apparently fit grocery product that the person or*
14 *gleaner donates in good faith to a nonprofit organiza-*
15 *tion for ultimate distribution to needy individuals.*

16 “(2) *LIABILITY OF NONPROFIT ORGANIZATION.—*
17 *A nonprofit organization shall not be subject to civil*
18 *or criminal liability arising from the nature, age,*
19 *packaging, or condition of apparently wholesome food*
20 *or an apparently fit grocery product that the non-*
21 *profit organization received as a donation in good*
22 *faith from a person or gleaner for ultimate distribu-*
23 *tion to needy individuals.*

24 “(3) *EXCEPTION.—Paragraphs (1) and (2) shall*
25 *not apply to an injury to or death of an ultimate*

1 *user or recipient of the food or grocery product that*
2 *results from an act or omission of the person, gleaner,*
3 *or nonprofit organization, as applicable, constituting*
4 *gross negligence or intentional misconduct.”; and*

5 **(4)**Page 3, after line 11 insert:

6 *(E) in subsection (f), by adding at the end*
7 *the following: “Nothing in this section shall be*
8 *construed to supercede State or local health regu-*
9 *lations.”.*

10 **(5)**Page 4, after line 1 insert:

11 *(c) CONFORMING AMENDMENT.—The table of contents*
12 *for the National and Community Service Act of 1990 is*
13 *amended by striking the items relating to title IV.*

Attest:

Secretary.

104TH CONGRESS
2^D SESSION

H. R. 2428

AMENDMENTS