



**House
Legislative
Analysis
Section**

Washington Square Building, Suite 1025
Lansing, Michigan 48909
Phone: 517/373-6466

DONATED FOOD: LIABILITY

RECEIVED

MAY 23 1989

House Bill 4544

Sponsor: Rep. Richard Bandstra
Committee: Judiciary

Michigan State Law Library

Complete to 4-28-89

A SUMMARY OF HOUSE BILL 4544 AS INTRODUCED 4-6-89

Under Public Act 339 of 1982, a person who donates food for use or distribution by a nonprofit organization is not liable for civil damages relating to the donated food, as long as reasonable standards of care are exercised. Under the bill, protection from civil liability would be given to those who donate food to "emergency food providers" and to the emergency food providers themselves. An "emergency food provider" would be a nonprofit organization that collected, stored, transported, and distributed food without charge or at a charge sufficient only to cover costs of collection, storage, transport, and distribution; the term would include, but not be limited to, food banks and food pantries. In addition, the bill would delete the language conditioning liability protection of the exercise of reasonable care; under the bill, the liability protection would apply as long as there was no gross negligence or willful and wanton misconduct. (Existing language excluding home-canned products from the liability protection would be retained.)

In addition, the bill would extend liability protections to farmers who allowed nonprofit gleaners upon their land. The farmer would not be liable for civil damages for injuries caused to an organization's volunteer or paid staff member unless the injuries were the result of gross negligence or willful and wanton misconduct on the part of the farmer or his or her employee or agent.

The bill would repeal a section that sets forth the conditions under which "reasonable care" (a standard being replaced by the bill) is presumed.

MCL 692.1531 et al.

House Bill 4544 (4-28-89)