

Sen. Jud.  
DO PASS 4-6-89 (P-1260)

MAR 8 1989

Judiciary & Law Enforcement  
DO PASS 3-14-89 (p.788)

HOUSE FILE 529  
BY SVOBODA

Passed House, Date 3-22-89 (p.941) Passed Senate, Date 4-27-89 (p.1724)  
Vote: Ayes 94 Nays 0 Vote: Ayes 42 Nays 3

Approved May 22 1989

Repassed the House 5-1-89 (p.2240)

Ayes 100 Nays 0 A BILL FOR

- 1 An Act relating to the exemption from civil and criminal
- 2 liability arising from the donation of food.
- 3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

HOUSE FILE 529

S-3730

- 1 Amend House File 529, as passed by the House, as
- 2 follows:
- 3 1. Page 1, line 3, by inserting after the word
- 4 "restaurant," the following: "food establishment,
- 5 food service establishment,".

By RICHARD VARN

S-3730 FILED APRIL 17, 1989

Adopted 4-27-89 (p.1723)

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1 Section 1. Section 122B.1, subsection 2, Code 1989, is  
2 amended to read as follows:

A-2730 3 2. A gleaner, or a restaurant, school, manufacturer of  
4 foodstuffs, or other person who, in good faith, donates food  
5 to a charitable or nonprofit organization for ultimate free  
6 distribution to needy individuals is not subject to criminal  
7 or civil liability arising from the condition of the food if  
8 the donor reasonably inspects the food at the time of the  
9 donation and finds the food fit for human consumption. The  
10 immunity provided by this subsection does not extend to a  
11 donor or gleaner if damages result from the negligence,  
12 recklessness, or intentional misconduct of the donor, or if  
13 the donor or gleaner has, or should have had, actual or  
14 constructive knowledge that the food is tainted, contaminated,  
15 or harmful to the health or well-being of the ultimate  
16 recipient.

17 EXPLANATION

18 This bill extends the exemption from civil and criminal  
19 liability arising from the condition of donated food in  
20 certain instances, to include restaurants, schools,  
21 manufacturers of food stuffs, and other persons who donate  
22 food in good faith.

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27 SENATE AMENDMENT TO HOUSE FILE 529

H-4312

28 1 Amend House File 529, as passed by the House, as  
29 2 follows:

30 3 1. Page 1, line 3, by inserting after the word  
31 4 "restaurant," the following: "food establishment,  
32 5 food service establishment,".

RECEIVED FROM THE SENATE

33 H-4312 FILED APRIL 27, 1989

34 *House concurred 5-1-89 (p.2240)*

knowledge that the food is tainted, contaminated, or harmful to the health or well-being of the ultimate recipient.

HOUSE FILE 529

AN ACT

RELATING TO THE EXEMPTION FROM CIVIL AND CRIMINAL LIABILITY ARISING FROM THE DONATION OF FOOD.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 122B.1, subsection 2, Code 1989, is amended to read as follows:

2. A gleaner, or a restaurant, food establishment, food service establishment, school, manufacturer of foodstuffs, or other person who, in good faith, donates food to a charitable or nonprofit organization for ultimate free distribution to needy individuals is not subject to criminal or civil liability arising from the condition of the food if the donor reasonably inspects the food at the time of the donation and finds the food fit for human consumption. The immunity provided by this subsection does not extend to a donor or gleaner if damages result from the negligence, recklessness, or intentional misconduct of the donor, or if the donor or gleaner has, or should have had, actual or constructive

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DONALD D. AVENSON  
Speaker of the House

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JO ANN ZIMMERMAN  
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 529, Seventy-third General Assembly.

Approved May 22, 1989  
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JOSEPH O'HERN  
Chief Clerk of the House

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TERRY E. BRANSTAD  
Governor