

No. 1990-27

AN ACT

HB 491

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the commencement of certain prosecutions; and providing for liability of donor for damages resulting from the condition of and collection of donated food.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 5551 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 5551. No limitation applicable.

A prosecution for the following offenses may be commenced at any time:

- (1) Murder.
- (2) Voluntary manslaughter.
- (3) Conspiracy to commit murder or solicitation to commit murder if a murder results from the conspiracy or solicitation.
- (4) Any felony alleged to have been perpetrated in connection with a murder of the first or second degree, as set forth in 18 Pa.C.S. § 2502(a) or (b) and (d) (relating to murder).
- (5) *A violation of 75 Pa.C.S. § 3742 (relating to accidents involving death or personal injury) or 3732 (relating to homicide by vehicle) if the accused was the driver of a vehicle involved in an accident resulting in the death of any person.*

Section 2. Title 42 is amended by adding a section to read:

§ 8338. *Liability for damages from donated food and grocery products.*

(a) *General rule.—A person is not subject to civil or criminal liability arising from the nature, age, packaging or condition of apparently wholesome food or of grocery products apparently fit for household consumption or use that the person donated in good faith to a nonprofit organization for ultimate free distribution to needy individuals. This section does not apply to an injury or death of the ultimate users or recipients of the food or grocery products that results from an act or omission of the donor constituting gross negligence, recklessness or intentional misconduct.*

(b) *Recklessness, gross negligence or intentional misconduct.—A person who permits gleaning on property owned or occupied by him is not subject to civil or criminal liability that arises due to the injury or death of any individual involved in the collection or gleaning of donations, unless the injury or death results from an act or omission of said person constituting gross negligence, recklessness or intentional misconduct.*

(c) *Nonliability.—This section does not create any liability.*

(d) *Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:*

“Donate.” *To give or distribute without requiring anything of monetary value from the ultimate recipient. For purposes of this section, a nonprofit organization may donate to another nonprofit organization, notwithstanding that the donor organization has charged a processing fee to the donee organization, provided the ultimate recipient or user is not required to give anything of monetary value.*

“Glean.” *To harvest for ultimate free distribution to needy individuals an agricultural crop that has been donated by any person.*

“Grocery products.” *Any nonfood grocery products, including, but not limited to, disposable paper and plastic products, household cleaning products, bottled water, laundry detergents and cleaning products and miscellaneous household items.*

“Nonprofit organization.” *An incorporated or unincorporated organization that has been incorporated or established and is operating for religious, charitable or education purposes and that does not distribute any of its income to its members, directors or officers.*

“Person.” *Any individual, corporation, partnership, organization, association or government entity, including, but not limited to, retail grocers, wholesalers, manufacturers, restaurants, caterers, farmers, nonprofit food distributors and hospitals. In the case of a corporation, partnership, organization, association or governmental entity, the term also includes, but is not limited to, the officers, directors, partners, deacons, trustees, council members or other elected or appointed individuals responsible for the governance of such entity.*

Section 3. This act shall take effect in 60 days.

APPROVED—The 5th day of April, A. D. 1990.

ROBERT P. CASEY