

# HB3496



## 101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB3496

by Rep. Michelle Mussman

### SYNOPSIS AS INTRODUCED:

745 ILCS 50/3

from Ch. 56 1/2, par. 2003

Amends the Good Samaritan Food Donor Act. Provides that no person or organization that distributes food from a particular event or function that has been paid for to the person who paid for the food and intends to consume such food for personal use shall be liable in any civil action based on the theory of warranty, negligence, or strict liability in tort for damages incurred resulting from any illness or disease contracted by the ultimate users or recipients of the food due to the nature, age, condition, or packaging of the food.

LRB101 06943 LNS 51976 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Good Samaritan Food Donor Act is amended by  
5 changing Section 3 as follows:

6 (745 ILCS 50/3) (from Ch. 56 1/2, par. 2003)

7 Sec. 3. Donor's immunity from liability.

8 (a) Except as provided in subsection (b), no wild game  
9 donor, farmer, food producer, processor, distributor,  
10 wholesaler, retailer, gleaner of food, any other person (if  
11 that other person donates food that has been inspected by  
12 either a State or federal authority and has not been altered  
13 after that inspection), a not for profit corporation or  
14 charitable organization whose members provide baked goods that  
15 are not potentially hazardous, or donor of day old bread, who  
16 in good faith donates perishable canned or farm food items,  
17 prepared food, day old bread, or wild game to a not for profit  
18 corporation or charitable organization for distribution to  
19 nursing homes, needy, or poor persons shall be liable in any  
20 civil action based on the theory of warranty, negligence or  
21 strict liability in tort, for damages incurred resulting from  
22 any illness or disease contracted by the ultimate users or  
23 recipients of the food due to the nature, age, condition, or

1 packaging of the food.

2 (a-3) The immunity provided under Section (a) shall apply  
3 to any person or organization that distributes food from a  
4 particular event or function that has been paid for to the  
5 person who paid for the food and intends to use the food for  
6 personal consumption.

7 (a-5) The immunity provided under subsection (a) shall  
8 apply to any person or organization that prepares and serves,  
9 for specific events, wild game that has not specifically been  
10 raised, harvested, dressed, or inspected for human consumption  
11 in accordance with existing rules and regulations of the U.S.  
12 or State Departments of Agriculture or any other state or  
13 federal agencies empowered to enforce health and safety  
14 requirements. Placards shall be displayed in a conspicuous  
15 location throughout the event identifying the food served as  
16 uninspected wild game.

17 (b) The immunity provided in subsection (a) shall not apply  
18 where the following is shown:

19 (1) that the illness or disease resulted from the  
20 willful, wanton, or reckless acts of the donor; or

21 (2) that the donor had actual or constructive knowledge  
22 that the food was tainted, contaminated, or harmful to the  
23 health or well-being of the recipient of such donated food;  
24 or

25 (3) where the food was in the form of canned goods,  
26 that the containers were rusted, leaky, swollen, or

1 otherwise defective to the extent that they could not be  
2 sold to members of the general public; provided, however,  
3 that the fact that the cans were simply dented does not, in  
4 itself, constitute such a defect so as to preclude the  
5 grant of immunity provided by subsection (a).

6 (Source: P.A. 91-720, eff. 1-1-01.)