

IMMUNITY OF FOOD DONORS FROM CIVIL LIABILITY (EXCERPT)

Act 136 of 1993

691.1573 Inspection of food by nonprofit or charitable organization; civil liability; exceptions to immunity.

Sec. 3. (1) Except as provided in subsection (2), on or after July 1, 1993 a nonprofit corporation or charitable organization that in good faith receives food for free or nominal cost distribution and that reasonably inspects the food at the time of donation and finds the food apparently fit for human consumption is not 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 condition of the food.

(2) The immunity provided in subsection (1) does not apply if 1 of the following is shown:

(a) That the illness or disease resulted from the willful, wanton, or reckless acts of the nonprofit corporation or charitable organization.

(b) That the illness or disease resulted from prepared food if both of the following apply:

(i) The prepared food was a potentially hazardous food at the time it was donated.

(ii) A law of this state or a rule promulgated by an agency or department of this state concerning the preparation, transportation, storage, or serving of the prepared food was violated at any time before the ultimate user or recipient of the food actually received the food.

(c) That the illness or disease resulted from food in hermetically sealed containers that was not prepared by a commercial processor.

(d) That the corporation or organization had actual or constructive knowledge that the food was tainted, contaminated, or harmful to the health or well-being of the recipient of the donated food.

History: 1993, Act 136, Imd. Eff. Aug. 2, 1993.