

BILL ANALYSIS

Senate Research Center
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H.B. 1050
By: White, James; Miles (Taylor, Van)
State Affairs
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Interested parties are concerned that issues of liability surrounding the donation of certain foods may discourage food donations to charitable organizations and, consequently, negatively affect food insecurity in Texas. H.B. 1050 seeks to address these concerns by making clear that a person is not subject to civil or criminal liability arising from the donation of apparently wholesome food.

H.B. 1050 amends current law relating to liability of food donors.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 76.004(a) and (c), Civil Practice and Remedies Code, as follows:

(a) Provides that a person or gleaner is not subject to civil or criminal liability arising from the condition of apparently wholesome food that the person or gleaner donates to a church, a not-for-profit organization or a nonprofit organization for distribution to the needy, if the food is apparently wholesome at the time of donation.

(c) Provides that a nonprofit organization is not subject to civil or criminal liability arising from the condition of apparently wholesome food that it distributes to the needy at no charge in substantial compliance with applicable local, county, state, and federal laws and rules regarding the storage and handling of food for distribution to the public, if the food is apparently wholesome at the time of distribution.

SECTION 2. Provides that the change in law made by this Act applies only to the donation or distribution of food on or after the effective date of this Act. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2015.