

House Bill 1049

By: Representatives Frye of the 122nd, Evans of the 57th, Gisler of the 121st, Sanchez of the 42nd, Bell of the 75th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to
2 general provisions regarding torts, so as to limit criminal penalties and civil damages of
3 donors and gleaners that donate food and organizations that accept food; to provide for
4 construction; to provide for definitions; to provide for a short title; to provide for related
5 matters; to provide for an effective date and applicability; to repeal conflicting laws; and for
6 other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as the "Donation Without Hesitation Act."

10 **SECTION 2.**

11 Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general
12 provisions regarding torts, is amended by revising Code Section 51-1-31, relating to liability
13 from donation of canned or perishable food to charitable or nonprofit organizations for use
14 or distribution, as follows:

15 "51-1-31.

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16 (a) As used in this Code section, the term:

17 (1) ~~'Canned food' means any food which has been commercially processed and prepared~~
 18 ~~for human consumption and which has been commercially packaged in such a manner~~
 19 ~~as to remain nonperishable without refrigeration for a reasonable length of time.~~

20 (2) 'Donor' means an individual, corporation, governmental entity, or organization that
 21 has produced, purchased, or otherwise owns food to be provided to others for no
 22 consideration. Such term includes, but is not limited to, a farmer, processor, distributor,
 23 commercial food service operator, wholesaler, or retailer of food, caterer, hotel, motel,
 24 school, church, religious organization, nonprofit food distributor, or restaurant.

25 (3)(2) 'Food' means any substance, whether raw, cooked, processed, or prepared,
 26 intended for use in whole or in part for human consumption.

27 (3) 'Gleaner' means a person who harvests for use or distribution an agricultural crop that
 28 has been donated by the owner;

29 (A) For distribution to individuals for no consideration; or

30 (B) To a church, religious organization, or bona fide charitable or nonprofit
 31 organization with the ultimate objective of distribution to individuals for no
 32 consideration.

33 (4) ~~'Perishable food' means any food that may spoil or otherwise become unfit for human~~
 34 ~~consumption because of its nature, type, or physical condition. 'Perishable food' includes,~~
 35 ~~but is not limited to, table-ready food, cooked foods, fresh or processed meats, poultry,~~
 36 ~~seafood, dairy products, bakery products, eggs, fresh fruits or vegetables, and foods that~~
 37 ~~have been noncommercially or commercially packaged or that have been frozen or~~
 38 ~~otherwise require temperature control to remain nonperishable for a reasonable length of~~
 39 ~~time.~~

40 (b) A ~~good faith donor or gleaner of any canned or perishable food apparently fit for~~
 41 ~~human consumption who~~ that donates such food to a church, religious organization, or
 42 bona fide charitable or nonprofit organization for use or distribution shall not be subject to

43 criminal penalty or civil damages under the laws of this state arising from the condition of
44 the food, including if such food does not meet consumer safety standards imposed by
45 federal law or regulation or state law or rule, or is not readily marketable due to
46 appearance, freshness, grade, surplus, or other conditions, unless an injury is caused by the
47 gross negligence, recklessness, or intentional misconduct of the donor or gleaner and
48 provided that the donor or gleaner:

49 (1) Makes the donation in good faith; and

50 (2) Informs the church, religious organization, or bona fide charitable or nonprofit
51 organization of the condition of the food at the time of donation to the best of the donor's
52 or gleaner's knowledge.

53 (c) A church, religious organization, or bona fide charitable or nonprofit organization
54 which accepts any ~~canned or perishable~~ food apparently fit for human consumption from
55 a ~~good faith~~ donor or gleaner for use or distribution shall not be subject to criminal penalty
56 or civil damages under the laws of this state arising from the condition of the food,
57 including if such food does not meet consumer safety standards imposed by federal law or
58 regulation or state law or rule, or is not readily marketable due to appearance, freshness,
59 grade, surplus, or other conditions, unless an injury is caused by the gross negligence,
60 recklessness, or intentional misconduct of the church, religious organization, or bona fide
61 charitable or nonprofit organization and provided that the church, religious organization,
62 or bona fide charitable or nonprofit organization has accepted or further distributed the
63 donation in good faith.

64 (d) ~~The provisions of this Code section apply to the good faith donation of canned or~~
65 ~~perishable food not readily marketable due to appearance, freshness, grade, surplus, or~~
66 ~~other such considerations.~~

67 (e) The provisions of this Code section shall not be construed to restrict the authority of
68 any lawful agency otherwise to regulate or ban the use of food for human consumption."

69 **SECTION 3.**

70 This Act shall become effective on July 1, 2026, and shall be applicable to causes of action
71 accruing on or after July 1, 2026.

72 **SECTION 4.**

73 All laws and parts of laws in conflict with this Act are repealed.