

**1996 Legislative Session: 1st Session, 36th Parliament
FIRST READING**

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MS. CHONG

BILL M 203 -- 1996

DONATION OF FOOD ACT

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

Liability of donor

1 A person who donates food or who distributes donated food to another person is not liable for damages resulting from injuries or death caused by the consumption of the food unless

(a) the food was adulterated, rotten or otherwise unfit for human consumption; and

(b) in donating or distributing the food, the person intended to injure or to cause the death of the recipient of the food or acted with reckless disregard for the safety of others.

Liability of director, agent, etc.

2 The director, agent, employee or volunteer of a corporation that donates food or that distributes donated food is not personally liable for any damages resulting from injuries or death caused by the consumption of the food unless,

(a) the food was adulterated, rotten or otherwise unfit for human consumption; and

(b) in donating or distributing the food, the director, agent, employee or volunteer,

(i) did not act in good faith,

(ii) acted beyond the scope of his or her role as director, agent, employee or volunteer, and

(iii) intended to injure or to cause the death of the recipient of the food or acted with reckless disregard for the safety of others.

Non-application

3 This Act does not apply to a person who distributes donated food for profit.

Commencement

4 This Act comes into force by regulation of the Lieutenant Governor in Council.

Explanatory Note

This Bill provides that a person who donates food or who distributes donated food is not liable for injuries or death resulting from the consumption of the donated food unless the person intended to injure the recipient of the food or acted recklessly in donating or distributing the food.

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