

1981 Assembly Bill 590

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## CHAPTER 219 , Laws of 1981

AN ACT to create 895.51 of the statutes, relating to excepting from civil liability persons who donate or sell at cost food products to charitable organizations and charitable organizations which distribute food products free of charge.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 895.51 of the statutes is created to read:

**895.51 Liability exemption: food product donations.** (1) In this section:

(a) "Food products" has the meaning specified in s. 93.01 (9).

(b) "Charitable organization" has the meaning specified in s. 71.04 (5) (d) 2.

(2) Any person engaged in the processing, distribution or sale of food products, for profit or not for profit, who donates or sells, at a price not to exceed overhead and transportation costs, food products to a charitable organization is immune from civil liability for the death of or injury to any person caused by the food products donated or sold by such person. This subsection applies only if the donor has complied with all applicable state and federal rules and regulations concerning the processing and handling of the donated food products, and if at the time of donation the donor reasonably inspects the food and finds it fit for human consumption.

(3) Any charitable organization which distributes free of charge food products to any person is immune from civil liability for the death of or injury to any person caused by the food products distributed by such organization, except that the charitable organization is liable to the injured person for health care costs that are paid by the person and are not reimbursable by any other person. This subsection applies only if at the time of distribution the charitable organization reasonably inspects the food and finds it fit for human consumption.

(4) This section does not apply if the death or injury was caused by wilful or wanton acts or omissions.

SECTION 2. **Initial applicability.** The creation of section 895.51 of the statutes by this act first applies to causes of action arising or offenses occurring on the effective date of this act.

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