

Good Samaritan Food Donation Bill

Bill No. 22/2024.

Read the first time on 2 July 2024.

GOOD SAMARITAN FOOD DONATION ACT 2024

(No. of 2024)

ARRANGEMENT OF SECTIONS

Section

1. Short title and commencement
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A BILL

intituled

An Act for the protection of certain food donors from liability for any death or personal injury resulting from the consumption of food donated by those food donors under certain conditions.

Be it enacted by the President with the advice and consent of the Parliament of Singapore, as follows:

Short title and commencement

1. This Act is the Good Samaritan Food Donation Act 2024 and comes into operation on a date that the Minister appoints by notification in the *Gazette*.

5 Interpretation

2. In this Act —

“donate” means —

- (a) a person giving to another any thing for a charitable, benevolent, or philanthropic purpose without receiving any money or money’s worth; or
- (b) a person giving for a charitable, benevolent, or philanthropic purpose, and without the person receiving any money or money’s worth, any thing donated by another;

15 “entity” means —

- (a) a body corporate (including a limited liability partnership);
- (b) an unincorporated association;
- (c) a partnership;
- (d) a business trust;
- (e) a body of individuals who together form a body; or
- (f) a person other than an individual;

“food” has the meaning given by the Sale of Food Act 1973;

“food donor” means any of the following:

- (a) any entity which donates food in the course of a business, regardless if the entity is a charity registered under the Charities Act 1994;
- (b) any other person who donates food;

“handling”, in relation to food, includes any one or more of the following:

- (a) cooking, defrosting, heating or preparing the food;
- (b) manufacturing, processing or preserving the food;
- (c) storing or packing the food; 5
- (d) transporting or delivering the food;
- (e) serving the food;

“recipient”, of food, means the person directly receiving the food from a food donor;

“unsafe” and “unsuitable”, in relation to food, have the meanings given respectively by sections 2C and 2D of the Sale of Food Act 1973. 10

Purpose of Act

3. The purpose of this Act is to encourage food donations —

- (a) to reduce food waste; and 15
- (b) to increase availability of food for redistribution to food-insecure communities.

Waiver of criminal and civil liability

4.—(1) A food donor who donates any food shall not be liable in any criminal or civil proceedings in respect of any death or personal injury that results from the consumption of the food if — 20

- (a) the food was not unsafe and not unsuitable at the time it left the possession or control of the food donor;
- (b) where the food was of a nature that required it to be handled in a particular way to ensure that it remained safe and suitable to consume after it left the possession or control of the food donor, the food donor informed the recipient of the food of those handling requirements; 25
- (c) where the food would only have remained safe and suitable to consume for a particular period of time after it left the 30

possession or control of the food donor, the food donor informed the recipient of the food of that time limit; and

- (d) the food donor, before donating the food, took all reasonably practicable measures to comply with any applicable requirement under any written law relating to food safety and food hygiene when handling the food.

(2) This section is additional to any other defence available to the defendant apart from this section.

Application

5 **5.**—(1) Section 4 does not apply in relation to liability arising before the commencement of that section.

(2) This Act does not apply to —

(a) any exchanging or giving of food between individuals as part of a personal relationship; or

15 (b) any supply of food together with accommodation to an individual residing at a private residence in exchange for services or labour by the individual.

EXPLANATORY STATEMENT

This Bill seeks to confer protection on certain food donors from liability for any death or personal injury resulting from the consumption of food donated by those food donors under certain conditions.

Clause 1 relates to the short title and commencement.

Clause 2 is a general interpretation provision containing definitions of terms used in the Bill.

The key terms in the Bill are “donate” and “food donor”.

To “donate” is defined to mean a person giving to another any thing for a charitable, benevolent, or philanthropic purpose. The term also extends to a person giving for a charitable, benevolent, or philanthropic purpose, a thing donated by another.

In each case, the thing must be given without any payment or exchange of consideration. If the thing is sold, or a logistic fee is imposed, even for a nominal

sum or a sum which is lower than market price, that giving will not be considered a donation.

Only donated food comes within the purview of the Bill.

“Food” is defined to have the same meaning as in the Sale of Food Act 1973. This may include pre-packed or sealed packaged food (like canned food, bottled food or food packed and sealed in plastic packaging), perishable food (like cakes or bread), cooked food, beverages, fruits and raw vegetables.

A “food donor” is defined to mean either a person who donates food or an entity which donates food in the course of a business.

The entity which donates food in the course of a business need not be a charity registered under the Charities Act 1994. The business also need not be that of a charity. For example, a food business giving away for free its surplus canned food products to an aged care establishment for consumption by residents at that establishment, will be a food donor under the Bill.

A food donor can be an entity or an individual. As defined in the Bill, a “food donor” will cover those who donate food directly to the needy as well as those who donate food to a non-profit organisation for ultimate distribution to the needy. Besides soup kitchens and non-profit organisations which donate food directly to the needy communities, local restaurants and grocery stores which allow needy individuals to pick up free food from their outlets will be covered by the Bill.

However, a non-profit organisation which creates meals from donated food and then sells the meals at extremely low prices to needy communities is not a “food donor” under the Bill.

The Bill does not apply to the following sort of giving (see clause 5(2)):

- (a) any exchanging or giving of food as part of a personal relationship between individuals;
- (b) any supply of food together with accommodation to an individual residing at a private residence in exchange for services or labour by the individual.

Clause 3 sets out the purposes of the Bill, which are to reduce food waste and to increase availability of food for redistribution to food-insecure communities.

Clause 4 protects a food donor from criminal or civil liability in respect of any death or personal injury that results from consuming the food donated.

The protection applies to all food donors regardless of whether the food is donated directly to consumers or given to an intermediary, such as a food bank. It also does not matter whether the intermediary is a charity or a profit-making social enterprise. What matters is whether the food is donated, not to whom it is donated.

In order to balance the interest of donors with those of the ultimate recipients, any liability protection should require donated food to meet food safety laws in the handling of the food. Under clause 4, the liability protection is denied if certain conditions are not met.

There are 4 conditions, all of which must be proved before the protection can apply to the defendant:

- (a) the food must not be unsafe and must not be unsuitable at the time it left the possession or control of the food donor;
- (b) where the food is the type that needs to be handled in a particular way to stay safe and suitable to consume, the food donor must have informed the food recipient of those handling requirements;
- (c) where the food would only have remained safe and suitable to consume for a particular period of time, e.g. the food has a date mark, the food donor informed the food recipient of that time limit;
- (d) the food donor took all reasonably practicable measures to comply with any requirement under any written law relating to food safety and food hygiene when handling the food before further donating it.

Under normal rules of evidence, the defendant seeking protection has the burden of proof.

Clause 4 is additional to any other defence available to the defendant under any other law, like those in the Sale of Food Act 1973 and the Penal Code 1871.

Clause 5 provides that the protection from liability applies only to liability arising on or after the operative date of clause 4.

EXPENDITURE OF PUBLIC MONEY

This Bill will not involve the Government in any extra financial expenditure.
