

IC 34-30-5

Chapter 5. Charities: Immunity in Connection With the Gift of Food to Charitable Entities

IC 34-30-5-0.2

Application of certain amendments to prior law

Sec. 0.2. The amendments made to IC 34-4-12.5-1 and IC 34-4-13.5-2 (before their repeal, now codified at section 1 of this chapter and at IC 34-6-2) by P.L.144-1991 apply only to a gift of a food item made after June 30, 1991.

As added by P.L.220-2011, SEC.564.

IC 34-30-5-1

Immunity from liability for person who makes gift; exceptions

Sec. 1. (a) Except as provided in subsection (b), a person who in good faith makes a gift of a food item, an agricultural product, or livestock to a charitable entity is not liable for civil damages arising from the use, condition, quality, or content of that food item, agricultural product, or livestock, unless the damages are the result of that person's intentional, knowing, or reckless misconduct (in accordance with the definitions of intentionally, knowingly, and recklessly set out in IC 35-41-2-2(a) through IC 35-41-2-2(c)).

(b) This section does not apply to a person who makes a gift of a food item to a charitable entity if the use, condition, or quality of the food item results in damages from the person's intentional, knowing, or reckless violation of a food safety law under IC 15-17-5, IC 15-18-1, or IC 16-42 (in accordance with the definitions of intentionally, knowingly, and recklessly set out in IC 35-41-2-2(a) through IC 35-41-2-2(c)).

As added by P.L.1-1998, SEC.26. Amended by P.L.42-2011, SEC.70; P.L.155-2013, SEC.3.

IC 34-30-5-2

Immunity from liability for entity that receives gift; exceptions

Sec. 2. A charitable entity that in good faith receives a gift of a food item, an agricultural product, or livestock is not liable for civil damages arising from the use, condition, quality, or content of that food item, agricultural product, or livestock, unless the damages are the result of that entity's intentional, knowing, or reckless misconduct (in accordance with the definitions of intentionally, knowingly, and recklessly set out in IC 35-41-2-2(a) through IC 35-41-2-2(c)).

As added by P.L.155-2013, SEC.4.