

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1682

By: Representatives Puryear, Painter, Barker, Bentley, Breaux, Brooks, M. Brown, R. Burkes, Joey Carr, Childress, Cavanaugh, Crawford, Duffield, Eaton, Gramlich, Hall, Holcomb, J. Mayberry, McClure, Milligan, J. Moore, Nazarenko, Ray, R. Scott Richardson, Richmond, Rose, Rye, Unger, Vaught, Walker, Wing

By: Senators B. Davis, D. Wallace

For An Act To Be Entitled

AN ACT TO CREATE THE GOOD NEIGHBOR ACT; TO CLARIFY FOOD DONATION LIABILITY AND IMMUNITY; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE GOOD NEIGHBOR ACT; AND TO CLARIFY FOOD DONATION LIABILITY AND IMMUNITY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 20-57-103 is repealed.

~~20-57-103. Donors of canned food, live food, or perishable food not liable—Exception—Definitions.~~

~~(a) As used in this section, unless the context otherwise requires:~~

~~(1) “Canned food” means any food commercially processed and prepared for human consumption;~~

~~(2) “Live food” means live or recently deceased animals, such as wild game or farm stock, that may be legally processed for use as food for human consumption; and~~

~~(3)(A) “Perishable food” means any food which may spoil or otherwise become unfit for human consumption because of its nature, type, or physical condition.~~

~~(B) “Perishable food” includes without limitation fresh~~



~~and processed meats, poultry, seafood, dairy products, bakery products, eggs in the shell, fresh fruits and vegetables, and foods which have been packaged, refrigerated, or frozen.~~

~~(b) The provisions of this section shall govern all good faith donations of perishable food which is not readily marketable due to appearance, freshness, grade, surplus, or other conditions, but nothing in this section shall restrict the authority of any appropriate agency to regulate or ban the use of the food for human consumption.~~

~~(c) All other provisions of law notwithstanding, a good faith donor of canned food, live food, or perishable food which is apparently fit for human consumption at the time it is donated to a bona fide charitable or not-for-profit organization for free distribution or distribution at a nominal cost is not subject to criminal or civil liability arising from an injury or death due to the condition of the food unless the injury or death is a direct result of the gross negligence, recklessness, or intentional misconduct of the donor.~~

SECTION 2. Arkansas Code Title 20, Chapter 57, Subchapter 1, is amended to add an additional section to read as follows:

20-57-105. Arkansas Good Neighbor Act – Food donation liability and immunity – Definitions.

(a) This section shall be known and may be cited as the "Arkansas Good Neighbor Act".

(b) As used in this section:

(1) "Food" means any raw, cooked, processed, or prepared edible substance, ice, beverage, or ingredient used or intended for use in whole or in part for human consumption;

(2) "Food product" means any substance in liquid, concentrated, solid, frozen, dried, dehydrated, or other form that is sold for ingestion or chewing by humans and is consumed for its taste, nutritional value, or both;

(3) "Gleaner" means a person who harvests an agriculture crop that has been donated by the owner for:

(A) Free distribution to people; or

(B) Donation to a church, religious organization, or other nonprofit organization for ultimate distribution to people; and

(4)(A) "Person" means an individual, corporation, partnership,

organization, association, or governmental entity.

(B) "Person" includes:

(i) A retail grocer, wholesaler, hotel, motel, restaurant, caterer, farmer, nonprofit food distributor, school, church, religious organization, or hospital; and

(ii) An officer, director, partner, deacon, trustee, council member, or other elected or appointed individual responsible for the governance of a corporation, partnership, organization, association, or governmental entity.

(c)(1) If a food or food product donated by a person or gleaner to a church, religious organization, or other nonprofit organization for the purpose of consumption by individuals the church, religious organization, or other nonprofit organization serves does not meet consumer safety standards imposed by federal, state, or local laws, rules or regulations or is not readily marketable due to appearance, freshness, grade, surplus, or other conditions, the person or the gleaner who donates the food or food product is not subject to civil or criminal liability if the person or gleaner:

(A) Makes the donation in good faith; and

(B) Informs the church, religious organization, or other nonprofit organization of the condition of the food or food product at the time of donation to the best of his or her knowledge.

(2) If a food or food product donated to and distributed by a church, religious organization, or other nonprofit organization for the purpose of consumption by individuals the church, religious organization, or other nonprofit organization serves does not meet consumer safety standards imposed by federal law or regulation or state law or rule, or is not readily marketable due to appearance, freshness, grade, surplus, or other conditions, the church, religious organization, or other nonprofit organization is not subject to civil or criminal liability if the church, religious organization, or other nonprofit organization:

(A) Distributes the food or food product in good faith;
and

(B) Informs the individuals who receive the food or food product of the condition of the food or food product at the time of serving or distribution to the best of the church's, religious organization's, or other nonprofit's knowledge.

(d) This section does not restrict:

(1) Criminal or civil liability that is a direct result of gross negligence, recklessness, or intentional misconduct; or

(2) The authority of any appropriate agency to regulate or ban the use of a food or food product that is known to not be fit for human consumption.

(e) All producers or distributors of food or food products that are licensed or permitted by the state shall be provided notice of the food donation liability and immunity under this section.