



February 18, 2013

HOUSE BILL No. 1519

DIGEST OF HB 1519 (Updated February 18, 2013 2:28 pm - DI 107)

Citations Affected: IC 34-6; IC 34-30.

Synopsis: Donations of agricultural products and livestock. Adds agricultural products and livestock to the items for which a person, who in good faith donates the item to a charitable entity, is not liable for civil damages unless the damages are the result of that person's intentional, knowing, or reckless misconduct. Provides that the immunity for a gift of a food item to a charitable entity does not apply to a person who makes the gift if the use, condition, or quality of the food results in damages from the person's intentional, knowing, or reckless violation of food safety laws. Provides that 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 its use, condition, quality, or content unless the damages are the result of that entity's intentional, knowing, or reckless misconduct.

Effective: July 1, 2013.

Smith M, Bauer, Steuerwald

January 22, 2013, read first time and referred to Committee on Judiciary.
February 18, 2013, amended, reported — Do Pass.

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HB 1519—LS 7145/DI 77+



February 18, 2013

First Regular Session 118th General Assembly (2013)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2012 Regular Session of the General Assembly.

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HOUSE BILL No. 1519

A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 34-6-2-8 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2013]: Sec. 8. "Agricultural product", for
3 purposes of IC 34-30-3 **and IC 34-30-5**, means a natural product of a
4 farm, a nursery, a grove, an orchard, a vineyard, a garden, or an apiary.
5 The term includes trees and firewood.
- 6 SECTION 2. IC 34-6-2-74.1 IS ADDED TO THE INDIANA CODE
7 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
8 1, 2013]: **Sec. 74.1. "Livestock" for purposes of IC 34-30-5, has the**
9 **meaning set forth in IC 15-19-5-3.**
- 10 SECTION 3. IC 34-30-5-1, AS AMENDED BY P.L.42-2011,
11 SECTION 70, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2013]: Sec. 1. **(a) Except as provided in subsection (b)**, a
13 person who in good faith makes a gift of a food item, **an agricultural**
14 **product, or livestock** to a charitable entity is not liable for civil
15 damages arising from the use, condition, quality, or content of that food
16 item, **agricultural product, or livestock**, unless the damages are the
17 result of that person's intentional, knowing, or reckless misconduct (in

HB 1519—LS 7145/DI 77+



1 accordance with the definitions of intentionally, knowingly, and
2 recklessly set out in IC 35-41-2-2(a) through IC 35-41-2-2(c)).

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

9 SECTION 4. IC 34-30-5-2 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2013]: **Sec. 2. A charitable entity that in good faith receives a gift**
12 **of a food item, an agricultural product, or livestock is not liable for**
13 **civil damages arising from the use, condition, quality, or content of**
14 **that food item, agricultural product, or livestock, unless the**
15 **damages are the result of that entity's intentional, knowing, or**
16 **reckless misconduct (in accordance with the definitions of**
17 **intentionally, knowingly, and recklessly set out in IC 35-41-2-2(a)**
18 **through IC 35-41-2-2(c)).**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1519, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 12, after "Sec. 1." insert "**(a) Except as provided in subsection (b),**".

Page 1, line 12, delete "A" and insert "a".

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"(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 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))."

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1519 as introduced.)

STEUERWALD, Chair

Committee Vote: yeas 9, nays 0.

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