

FOOD DONORS PROTECTION BILL 2019

ARRANGEMENT OF CLAUSES

Clause

1. Short title and commencement
2. Interpretation
3. Protection of food donors

A BILL

i n t i t u l e d

An Act to provide for the protection for food donors from any civil liability and for matters connected therewith.

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ENACTED by the Parliament of Malaysia as follows:

Short title and commencement

1. (1) This Act may be cited as the Food Donors Protection Act 2019.

(2) This Act comes into operation on a date to be appointed by the Minister by notification in the *Gazette*.

Interpretation

2. In this Act, unless the context otherwise requires—

“food” means food used or intended for use in whole or in part for human consumption and includes—

(a) any raw, surplus, cooked, processed or prepared edible substance;

(b) any surplus, cooked, processed or prepared beverage; and

(c) any raw, surplus, processed or prepared ingredient;

“food donor” means any person who donates or distributes food to any person without any payment or any form of consideration and includes any corporation, partnership, enterprise, association, government entity, manufacturer, supplier, wholesaler, retailer, hypermarket, supermarket, hotel, restaurant, caterer, agricultural producer, charitable institution, charitable organization, foundation or other organization or entity and its director, agent, or employee, or volunteer.

Protection of food donors

3. A food donor shall not incur any civil liability in respect of any personal injury or disease suffered by any person, or the death of any person, resulting from the consumption of the food donated or distributed by the food donor unless it can be proven that—

(a) the personal injury, disease or death was caused by the negligence or the willful misconduct of the food donor;

(b) the food donor has not complied with any requirement in relation to food safety and food hygiene under any written law before donating or distributing the food;

(c) the food was not safe for consumption at the time it was donated or distributed to any person; and

(d) the donation or distribution of food was not made in good faith.

EXPLANATORY STATEMENT

The proposed Food Donors Protection Bill 2019 (“the proposed Act”) seeks to provide for the protection from civil liability to any person, corporation, partnership, enterprise, association, government entity, manufacturer, supplier, wholesaler, retailer, hypermarket, supermarket, hotel, restaurant, caterer, agricultural producer, charitable institution, charitable organization, foundation or other

organization or entity and its director, agent, or employee, or volunteer who donates or distributes food to any person without any payment or any form of consideration (“food donor”). This proposed Act also aimed to encourage the public to donate food without the fear of being sued as well as to support the Government’s proposed Food Bank Programme.

2. *Clause 1* contains the short title of the proposed Act and empowers the Minister to appoint the date of coming into operation of the proposed Act.

3. *Clause 2* contains the definitions of the words used in the proposed Act.

4. *Clause 3* seeks to provide for the protection of food donor from any civil liability. The proposed clause provides that the food donor shall not incur any civil liability in respect of any personal injury or disease suffered by any person or the death of any person resulting from the consumption of food donated or distributed by food donor unless it can be proven that—

- (a) the personal injury, disease or death was caused by the negligence or the willful misconduct of the food donor;
- (b) the food donor has not complied with any requirement in relation to food safety and food hygiene under any written law before donating or distributing the food;
- (c) the food was not safe for consumption at the time it was donated or distributed to any person; and
- (d) donation or distribution of food was not made in good faith.

FINANCIAL IMPLICATIONS

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

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