

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 Arkansas Code § 20-57-103 is repealed.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,

1 organization, association, or governmental entity.

2 (B) "Person" includes:

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

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

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

18 (A) Makes the donation in good faith; and

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

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

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

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

1 (d) This section does not restrict:

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

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

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

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12 **APPROVED: 4/21/25**
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