

AMENDMENT TO RULES COMMITTEE PRINT

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OFFERED BY MRS. KIM OF CALIFORNIA

At the end of subtitle B of title XVII, add the following new section:

1 SEC. 17____. LIABILITY FOR DAMAGES FROM GOOD FAITH
2 DONATIONS OF PET FOOD AND SUPPLIES.

3 (a) IN GENERAL.—

4 (1) LIABILITY OF PERSONS.—A person shall
5 not be subject to civil or criminal liability arising
6 from the nature, age, packaging, or condition of an
7 apparently fit pet-related product that the person
8 donates in good faith to a State or unit of local gov-
9 ernment or a nonprofit organization for ultimate dis-
10 tribution to qualified animals.

11 (2) LIABILITY OF NONPROFIT ORGANIZA-
12 TIONS.—A nonprofit organization shall not be sub-
13 ject to civil or criminal liability arising from the na-
14 ture, age, packaging, or condition of an apparently
15 fit pet-related product that the nonprofit organiza-
16 tion received as a donation from a person in good
17 faith for ultimate distribution to qualified animals.

1 (3) LIABILITY OF STATE AND LOCAL GOVERN-
2 MENTS.—A State or unit of local government shall
3 not be subject to liability arising from the nature,
4 age, packaging, or condition of an apparently fit pet-
5 related product that the State or unit of local gov-
6 ernment received as a donation from a person in
7 good faith for ultimate distribution to qualified ani-
8 mals.

9 (4) WAIVER NOT APPLICABLE TO GROSS NEG-
10 LIGENCE OR INTENTIONAL MISCONDUCT.—Para-
11 graphs (1), (2), and (3) shall not apply to an injury
12 to, or death of, an ultimate user or recipient of the
13 apparently fit pet-related product that results from
14 an act or omission of the person, nonprofit organiza-
15 tion, or State or unit of local government, as appli-
16 cable, constituting gross negligence or intentional
17 misconduct.

18 (b) PARTIAL COMPLIANCE.—If a person donates in
19 good faith pet food or pet supplies that do not meet all
20 quality and labeling standards imposed by Federal, State,
21 and local laws and regulations, such person shall not be
22 subject to civil or criminal liability in accordance with this
23 section if the State or unit of local government or non-
24 profit organization to which the food or supplies are do-
25 nated—

1 (1) is informed by such person of the distressed
2 or defective condition of the food or supplies;

3 (2) agrees to recondition such food or supplies
4 to comply with such quality and labeling standards
5 prior to distribution of such food or supplies; and

6 (3) is knowledgeable of such quality and label-
7 ing standards to properly recondition such food or
8 supplies.

9 (c) CONSTRUCTION.—Nothing in this section shall be
10 construed to—

11 (1) create any liability; or

12 (2) supercede State or local health regulations.

13 (d) DEFINITIONS.—In this section:

14 (1) The term “apparently fit pet-related prod-
15 uct” means any pet food or pet supply that meets
16 all quality and labeling standards imposed by Fed-
17 eral, State, and local laws and regulations even
18 though the product may not be readily marketable
19 due to appearance, age, freshness, grade, size, sur-
20 plus, or other conditions.

21 (2) The terms “donate”, “gross negligence”,
22 “intentional misconduct”, “nonprofit organization”,
23 and “person” have the meanings given such terms
24 in section 22(b) of the Child Nutrition Act of 1966
25 (42 U.S.C. 1791(b)).

1 (3) The term “emotional support animal”
2 means an animal that—

3 (A) is covered by the exclusion specified in
4 section 5.303 of title 24, Code of Federal Regu-
5 lations (or successor regulation); and

6 (B) is not a service animal.

7 (4) The term “pet” means a domesticated ani-
8 mal, such as a dog, cat, bird, rodent, fish, turtle, or
9 other animal that is kept for pleasure rather than
10 for commercial purposes.

11 (5) The term “pet food” means any raw,
12 cooked, processed, or prepared edible substance, ice,
13 beverage, or ingredient used or intended for use in
14 whole or in part for consumption by a qualified ani-
15 mal.

16 (6) The term “pet supply” means tangible per-
17 sonal property used for qualified animals, including
18 pet carriers, crates, kennels, houses, cages, clothing,
19 bedding, toys, collars, leashes, leads, tie-outs, feed-
20 ers, bowls, dishes, pet gates, or pet doors.

21 (7) The term “qualified animal” means a pet,
22 an emotional support animal, or a service animal.

1 (8) The term “service animal” has the meaning
2 given the term in section 36.104 of title 28, Code of
3 Federal Regulations (or successor regulation).

