



PRINCE EDWARD ISLAND  
ÎLE-DU-PRINCE-ÉDOUARD

# **DONATION OF FOOD ACT**

## PLEASE NOTE

This document, prepared by the *Legislative Counsel Office*, is an office consolidation of this Act, current to November 1, 2003. It is intended for information and reference purposes only.

This document is ***not*** the official version of the Act. The Act and the amendments as printed under the authority of the King's Printer for the province should be consulted to determine the authoritative statement of the law.

For more information concerning the history of this Act, please see the *Table of Public Acts* on the Prince Edward Island Government web site ([www.princeedwardisland.ca](http://www.princeedwardisland.ca)).

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## DONATION OF FOOD ACT

### CHAPTER D-13.1

#### 1. Liability

- (1) A person who donates food or who distributes donated food to another person is not liable for damages resulting from injury or death caused by the consumption of the food unless
- (a) the food was adulterated, rotten or otherwise unfit for human consumption; and
  - (b) in donating or distributing the food, the person
    - (i) intended to injure or to cause the death of the recipient of the food, or
    - (ii) acted with reckless disregard for the safety of others.

#### *Idem, directors, agents, etc.*

- (2) A director, officer, agent, employee or volunteer of a corporation that donates food or that distributes donated food is not personally liable for any damages resulting from injury or death caused by the consumption of the food unless
- (a) the food was adulterated, rotten or otherwise unfit for human consumption; and
  - (b) in donating or distributing the food, the director, officer, agent, employee or volunteer acted beyond the scope of his or her role as director, officer, agent, employee or volunteer, and
    - (i) intended to injure or to cause the death of the recipient of the food, or
    - (ii) acted with reckless disregard for the safety of others. *1997,c.13,s.1.*

#### 2. Non-application

This Act does not apply to a person who distributes donated food for profit. *1997,c.13,s.2.*