

Chapter 8

DONATION OF FOOD ACT

(Assented to March 19, 2013)

The Commissioner of Nunavut, by and with the advice and consent of the Legislative Assembly, enacts as follows:

Liability of donor

1. A person who donates food, or who distributes donated food, to another person is not liable for damages resulting from disease, injury, death or other harm 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 either
 - (i) intended to harm the recipient of the food, or
 - (ii) acted with reckless disregard for the safety of others.

Liability of director, agent, etc.

2. A director, officer, agent, employee or volunteer of a corporation or organization that donates food, or that distributes donated food, is not personally liable for damages resulting from disease, injury, death or other harm 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, agent, employee or volunteer
 - (i) did not act in good faith,
 - (ii) acted beyond the scope of his or her role as director, agent, employee or volunteer, and
 - (iii) either
 - (A) intended to harm the recipient of the food, or
 - (B) acted with reckless disregard for the safety of others.

Non-application

3. This Act does not apply to a person who distributes donated food for profit.