

411.241 Immunity from liability for person, gleaner, or representative of nonprofit organization for donation of apparently wholesome food or apparently fit grocery product made in good faith to a nonprofit organization -- Exception -- Immunity from liability for 501(c)(3) tax-exempt nonprofit or religious organization or home-based processor -- Conditions.

- (1) (a) A person, gleaner, or paid or unpaid representative of a nonprofit organization shall not be subject to any civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to people, unless the acts constitute intentional misconduct.
- (b) The protection from liability created by this subsection extends to an apparently wholesome food or apparently fit grocery product bearing a past-date expiration date, sell-by date, use-by date, or other date.
- (2) (a) A nonprofit organization or paid or unpaid representative of a nonprofit organization shall not be subject to any civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the nonprofit organization received as a donation in good faith from a person or gleaner for ultimate distribution to people, unless the acts constitute intentional misconduct.
- (b) The protection from liability created by this subsection extends to an apparently wholesome food or apparently fit grocery product bearing a past-due expiration date, sell-by date, use-by date, or other date.
- (3) A person who allows the collection or gleaning of donations on property owned or occupied by the person, by gleaners or by paid or unpaid representatives of a nonprofit organization for ultimate distribution to people, shall not be subject to civil or criminal liability that arises due to the injury or death of the gleaner or representative unless the acts constitute intentional misconduct.
- (4) A nonprofit or religious organization that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code or a home-based processor shall not be subject to any civil or criminal liability arising from the production or donation of safe and apparently wholesome food to a homeless shelter or to individuals displaced due to a declared natural disaster in accordance with KRS 217.127(4).

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