

217.127 Regulations -- State retail food code -- Donation of food -- Charitable food donor.

- (1) The secretary shall adopt regulations for the effective administration and enforcement of KRS 217.005 to 217.215.
- (2) The secretary shall adopt a state retail food code which shall include, among other things, provisions for regulating the issuance, suspension, and revocation of permits to operate; submission of plans for construction and equipment layout including plumbing, lighting, ventilation, water supply, sewage disposal, and other facilities; food supply source and protection; health, disease control and cleanliness of personnel; design, construction, installation, and cleanliness of equipment and utensils; toilet and hand-washing facilities; solid waste disposal and vermin control; and any other matters deemed necessary to insure a safe and sanitary operation of a retail food establishment. Standards for construction, plumbing, lighting, and ventilation of fixed retail food establishments shall be effective only if they are approved by the Department of Housing, Buildings and Construction and are included in the Uniform State Building Code, or if they conform to the State Plumbing Code in the case of plumbing fixtures. Any review of plans for construction, plumbing, lighting, and ventilation required before construction of a fixed retail food establishment shall be conducted by the Department of Housing, Buildings and Construction or authorized local building official pursuant to KRS Chapter 198B.
- (3) The donation of safe and apparently wholesome food by a retail food establishment or any other entity regulated under subsections (1) and (2) of this section shall be exempt from any further inspection or regulation if the donated food has been inspected under subsections (1) and (2) of this section.
- (4)
 - (a) As used in this subsection, "charitable food donor" means:
 1. A nonprofit or religious organization that is recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code; or
 2. A home-based processor;
that produces food solely for the purpose of distributing the food for free at a homeless shelter to individuals in need or for distribution to individuals displaced due to a declared natural disaster.
 - (b) A charitable food donor shall be exempt from the licensing requirements of KRS 217.005 to 217.215 and administrative regulations pertaining to the State Plumbing Code promulgated under subsections (1) and (2) of this section as long as:
 1. The donation is safe and apparently wholesome food as defined in KRS 411.240; and
 2. The charitable food donor is in compliance with any other applicable provisions of KRS 217.005 to 217.215 and administrative regulations promulgated thereunder.
 - (c) This subsection shall not be construed to exempt any other entity, including a retail food establishment or home-based microprocessor, from the requirements of KRS 217.005 to 217.215 and the state retail food code

adopted under subsection (2) of this section regulating the production of food for, or donation of food to, a homeless shelter or individuals displaced due to a declared natural disaster.

Effective: July 15, 2026

History: Amended 2026 Ky. Acts ch. 30, sec. 1, effective July 15, 2026. -- Amended 2010 Ky. Acts ch. 24, sec. 321, effective July 15, 2010. -- Amended 2006 Ky. Acts ch. 64, sec. 1, effective July 12, 2006. -- Created 1990, Ky. Acts ch. 458, sec. 4, effective July 13, 1990.

Legislative Research Commission Note (6/29/2017). 2017 Ky. Acts ch. 169, a reorganization of the Department of Housing, Buildings and Construction, in part abolished the Board of Housing, Buildings and Construction and transferred all of the board's duties to the department. This statute was not included in 2017 Ky. Acts ch. 169, but contained a reference to the board that was changed in codification by the Reviser of Statutes to reference the department under the authority of KRS 7.136(2).