

1 AN ACT relating to the donation of food.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 217.127 is amended to read as follows:

- 4 (1) The secretary shall adopt regulations for the effective administration and  
5 enforcement of KRS 217.005 to 217.215.
- 6 (2) The secretary shall adopt a state retail food code which shall include, among other  
7 things, provisions for regulating the issuance, suspension, and revocation of permits  
8 to operate; submission of plans for construction and equipment layout including  
9 plumbing, lighting, ventilation, water supply, sewage disposal, and other facilities;  
10 food supply source and protection; health, disease control and cleanliness of  
11 personnel; design, construction, installation, and cleanliness of equipment and  
12 utensils; toilet and hand-washing facilities; solid waste disposal and vermin control;  
13 and any other matters deemed necessary to insure a safe and sanitary operation of a  
14 retail food establishment. Standards for construction, plumbing, lighting, and  
15 ventilation of fixed retail food establishments shall be effective only if they are  
16 approved by the Department of Housing, Buildings and Construction and are  
17 included in the Uniform State Building Code, or if they conform to the State  
18 Plumbing Code in the case of plumbing fixtures. Any review of plans for  
19 construction, plumbing, lighting, and ventilation required before construction of a  
20 fixed retail food establishment shall be conducted by the Department of Housing,  
21 Buildings and Construction or authorized local building official pursuant to KRS  
22 Chapter 198B.
- 23 (3) The donation of safe and apparently wholesome food by a retail food establishment  
24 or any other entity regulated under subsections (1) and (2) of this section shall be  
25 exempt from any further inspection or regulation if the donated food has been  
26 inspected under subsections (1) and (2) of this section.

27 **(4) (a) As used in this subsection, "charitable food donor" means:**



- 1 (1) (a) A person, gleaner, or paid or unpaid representative of a nonprofit organization  
2 shall not be subject to any civil or criminal liability arising from the nature,  
3 age, packaging, or condition of apparently wholesome food or an apparently  
4 fit grocery product that the person or gleaner donates in good faith to a  
5 nonprofit organization for ultimate distribution to people, unless the acts  
6 constitute intentional misconduct.
- 7 (b) The protection from liability created by this subsection extends to an  
8 apparently wholesome food or apparently fit grocery product bearing a past-  
9 date expiration date, sell-by date, use-by date, or other date.
- 10 (2) (a) A nonprofit organization or paid or unpaid representative of a nonprofit  
11 organization shall not be subject to any civil or criminal liability arising from  
12 the nature, age, packaging, or condition of apparently wholesome food or an  
13 apparently fit grocery product that the nonprofit organization received as a  
14 donation in good faith from a person or gleaner for ultimate distribution to  
15 people, unless the acts constitute intentional misconduct.
- 16 (b) The protection from liability created by this subsection extends to an  
17 apparently wholesome food or apparently fit grocery product bearing a past-  
18 due expiration date, sell-by date, use-by date, or other date.
- 19 (3) A person who allows the collection or gleaning of donations on property owned or  
20 occupied by the person, by gleaners or by paid or unpaid representatives of a  
21 nonprofit organization for ultimate distribution to people, shall not be subject to  
22 civil or criminal liability that arises due to the injury or death of the gleaner or  
23 representative unless the acts constitute intentional misconduct.
- 24 **(4) A nonprofit or religious organization that is recognized as tax exempt under**  
25 **Section 501(c)(3) of the Internal Revenue Code or a home-based processor shall**  
26 **not be subject to any civil or criminal liability arising from the production or**  
27 **donation of safe and apparently wholesome foods to a homeless shelter or to**

1        *individuals displaced due to a declared natural disaster in accordance with*  
2        *subsection (4) of Section 1 of this Act.*