

SUBSTANCE AS OF THE TIME THE ACTION WAS TAKEN AGAINST THE SUBSTANCE.

(C) THE RIGHT OF ACTION CREATED BY § 21-254 OF THE HEALTH - GENERAL ARTICLE LIES ONLY AGAINST THE SECRETARY OF HEALTH AND MENTAL HYGIENE IN THE SECRETARY'S OFFICIAL CAPACITY, AND THE SECRETARY SHALL HAVE NO PERSONAL LIABILITY FOR THE PAYMENT OF ANY JUDGMENT THAT IS ENTERED IN ANY ACTION BROUGHT UNDER § 21-254 OF THE HEALTH - GENERAL ARTICLE.

(D) UNDER § 21-254 OF THE HEALTH - GENERAL ARTICLE, THE STATE WAIVES ITS SOVEREIGN IMMUNITY TO THE EXTENT OF THE RIGHT OF ACTION THAT IS EXPRESSLY CREATED, BUT IN NO FURTHER OR OTHER RESPECT.

~~5-378.~~ 5-377.

(A) IN THIS SECTION "PERSON" HAS THE MEANING STATED IN § 21-322 OF THE HEALTH - GENERAL ARTICLE.

(B) THE LIMITATION ON LIABILITY PROVIDED FOR IN SUBSECTION (C) OF THIS SECTION DOES NOT APPLY TO ANY PERSON WHO:

(1) DONATES FOOD TO A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION THAT SELLS OR OFFERS FOR SALE ANY DONATED FOOD;

(2) PREPARES DONATED FOOD FOR USE OR DISTRIBUTION BY A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION THAT SELLS OR OFFERS FOR SALE ANY DONATED FOOD; OR

(3) SERVES DONATED FOOD DISTRIBUTED BY A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION THAT SELLS OR OFFERS FOR SALE ANY DONATED FOOD.

(C) UNLESS THE ACT OR OMISSION AMOUNTS TO GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT, A PERSON IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION THAT AFFECTS THE NATURE, AGE, CONDITION, OR PACKAGING OF THE DONATED FOOD IF THE PERSON IN GOOD FAITH:

(1) DONATES FOOD FOR USE OR DISTRIBUTION BY A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION;

(2) PREPARES DONATED FOOD FOR USE OR DISTRIBUTION BY A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION;

(3) SERVES DONATED FOOD DISTRIBUTED BY A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION; OR

(4) DISPENSES DONATED FOOD DISTRIBUTED BY A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION.