

4-104. RESERVED.

PART II. GENERAL PROVISIONS.

4-105. RULES AND REGULATIONS.

THE SECRETARY MAY ADOPT RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 209, as that section related to adopting rules and regulations.

4-106. INSPECTION AND HANDLING OF DONATED FOOD.

THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE AND THE STATE DEPARTMENT OF AGRICULTURE MAY:

(1) INSPECT FOR WHOLESOMENESS ANY FOOD DONATED TO A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION; AND

(2) ESTABLISH PROCEDURES FOR HANDLING FOOD DONATED TO ANY NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION.

REVISOR'S NOTE: This section is new language derived without substantive change from former Article 43, § 132C(c).

In item (2) of this section, the reference to the food being "donated" is new language added to clarify that the procedures established under this section may relate only to donated food.

4-107. EXEMPTION OF CERTAIN FOOD DONORS FROM LIABILITY.

(A) SCOPE OF SECTION.

THE EXEMPTION PROVIDED FOR IN THIS SECTION DOES NOT APPLY TO ANY PERSON WHO DONATES FOOD TO A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION THAT SELLS OR OFFERS FOR SALE ANY DONATED FOOD.

(B) EXEMPTION FROM LIABILITY.

UNLESS THE ACT OR OMISSION AMOUNTS TO GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCONDUCT, A PERSON WHO IN GOOD FAITH DONATES FOOD FOR USE OR DISTRIBUTION BY A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION IS NOT CIVILLY LIABLE FOR ANY ACT OR OMISSION THAT AFFECTS THE NATURE, AGE, CONDITION, OR PACKAGING OF THE DONATED FOOD.

REVISOR'S NOTE: This section formerly appeared as Article 43, § 132C(a) and (b).