

(D) THE PROVISIONS OF THIS SECTION DO NOT APPLY TO THE CONSTRUCTION, REMODELING, OR ALTERATION OF ANY AREAS IN A FOOD ESTABLISHMENT USED SOLELY FOR OFFICE SPACE, OR RECREATIONAL AREAS.

4-322.

(A) 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.

(B) (1) THE EXEMPTION PROVIDED FOR IN THIS SUBSECTION 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.

(2) 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.

4-323.

(A) IN THIS SECTION, "GROUP HOME" MEANS A FOSTER HOME, EMERGENCY SHELTER, OR FAMILY TYPE RESIDENTIAL FACILITY FOR CHILDREN THAT IS:

(1) SPONSORED BY A PUBLIC OR PRIVATE AGENCY; AND

(2) SUPERVISED BY FOSTER PARENTS, HOUSE PARENTS, OR COUNSELORS.

(B) ANY GROUP HOME IS EXEMPT FROM ANY REGULATION GOVERNING FOOD SERVICE FACILITIES THAT IS ADOPTED BY THE DEPARTMENT OR A LOCAL GOVERNMENT, IF THE GROUP HOME:

(1) AT NO TIME HAS MORE THAN 14 RESIDENTS INCLUDING HOUSE PARENTS AND SUPERVISORY, PROFESSIONAL, AND CUSTODIAL STAFF MEMBERS; AND

(2) HAS AMONG ITS RESIDENT CHILDREN ONLY CHILDREN PLACED IN THE GROUP HOME BY A COURT, A LICENSED CHILD PLACEMENT AGENCY, OR A GOVERNMENT AGENCY, INCLUDING A LOCAL DEPARTMENT OF SOCIAL SERVICES.