

VETOES

21-322.

(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) IN THIS SECTION, "PERSON" SHALL INCLUDE A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION.

(2) The exemption provided for in this subsection does not apply to any person who:

(I) [donates] DONATES food to a nonprofit corporation, organization, or association that sells or offers for sale any donated food;

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

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

[(2)] (3) 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 IF THE PERSON IN GOOD FAITH:

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

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

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

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

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1989.