

Liability: Donation of Food

KRS 413.248

An individual or organization that donates food or a nonprofit that distributes the food at no charge will not be held legally responsible for the condition of the food. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability of donor for damages resulting from condition of donated food

(1) A person, including an individual, corporation, partnership, organization, association, or retail food establishment, who donates apparently wholesome food to a nonprofit organization for distribution to the needy is not subject to civil or criminal liability that arises from the condition of the food, unless an injury or death results from an act or omission of the donor which constitutes gross negligence, recklessness, or intentional misconduct.

(2) A nonprofit organization that distributes apparently wholesome food to the needy at no charge and that substantially complies with applicable local, county, state, and federal laws and regulations regarding the storage and handling of food for distribution to the public is not subject to civil or criminal liability that arises from the condition of the food, unless an injury or death results from an act or omission of the organization that constitutes gross negligence, recklessness, or intentional misconduct.

(3) This section does not create any liability.