

Part I ADMINISTRATION OF THE
GOVERNMENT

Title XV REGULATION OF TRADE

Chapter INSPECTION AND SALE OF FOOD,
DRUGS AND VARIOUS ARTICLES
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Section FOOD DONATIONS;
DISTRIBUTION, SERVICE AND
328 PREPARATION; CIVIL LIABILITY

Section 328. No person who donates food, including open-dated food whose date has passed, to a nonprofit corporation for distribution or serving by such nonprofit corporation without charge or at a charge

sufficient only to cover the cost of handling such food, shall be liable for civil damages for any injury arising out of the condition of such food; provided, however, that at the time of donation such food is not misbranded and is not adulterated and has not been manufactured, processed, prepared, handled or stored in violation of applicable regulations of the department of public health; and provided, further, that such injury is not the result of gross negligence, recklessness or intentional misconduct of the donor or any person employed by or under the control of the donor.

No nonprofit corporation shall distribute or serve food from any establishment unless that corporation has been inspected and is in compliance with all inspection or permit requirements of the department and board of health in the city or town in which food is to be distributed or served; provided, however, that no fee shall be charged for any such permit issued to such corporation.

No nonprofit corporation which distributes or serves food without charge or at a charge sufficient only to cover the cost of handling such food, including open-dated food whose date has passed, shall be liable for civil damages for any injury arising out of the condition of such food; provided, however, that at the time of distribution or serving such food is not misbranded or adulterated or has not been manufactured, processed, prepared, handled or stored in violation of applicable regulations of the department of public health, and provided, further, that such injury is not the result of gross negligence, recklessness or intentional misconduct of the nonprofit corporation or any person employed by or under the control of the nonprofit corporation.

The preparation of food in private homes for donation to a nonprofit corporation for distribution or serving by such corporation without charge or at a charge sufficient to cover the cost of handling such food shall not

be subject to licensure or regulation. The department of public health shall provide advisory guidelines and interpretations for the safe and sanitary preparation of such food.