

# Good Samaritan Food Donation Act: Legal Guide

*Understanding Liability Protections for Food Donors*

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## 1. Overview of the Law

The **Bill Emerson Good Samaritan Food Donation Act** (1996, U.S. federal law) encourages food donation by protecting donors from liability when donating in good faith.

### Key Protections

- ✓ **No civil or criminal liability** for donated food that later causes harm (unless gross negligence or intentional misconduct).
  - ✓ Applies to **businesses, farms, grocery stores, restaurants, and nonprofits**.
  - ✓ Covers **perishable, non-perishable, and prepared foods**.
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## 2. Who Is Protected?

### Protected Donors

- Restaurants, caterers, and food retailers
- Farms and food manufacturers
- Schools, hospitals, and nonprofits
- Individual donors

### Protected Recipients

- 501(c)(3) nonprofits (food banks, shelters, etc.)
  - Religious organizations distributing food
  - Government agencies assisting low-income populations
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## 3. Conditions for Protection

- ✓ **Food must be donated in good faith** (no intentional harm).
- ✓ **Given to a nonprofit** (not directly to individuals).
- ✓ **Meets basic safety standards** (not knowingly spoiled or contaminated).

✗ **Not protected if:**

- Gross negligence (e.g., donating visibly moldy food).
- Intentional misconduct (e.g., tampering with food).

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## 4. State-Specific Variations

Some states have **additional protections** or **expanded definitions** of donors/recipients.

- Example: Cape Town (2017) extends protections to direct donations to individuals.

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## 5. Donor Best Practices

- **Label food** with date and storage instructions.
- **Maintain safe temperatures** ( $\leq 40^{\circ}\text{F}$  for cold;  $\geq 140^{\circ}\text{F}$  for hot).
- **Partner with reputable nonprofits** (ask for tax ID to verify 501(c)(3) status).

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## 6. Frequently Asked Questions

### Q: Can I donate food past its "sell by" date?

A: Yes! The USDA confirms that many foods are safe after these dates (except infant formula).

### Q: What if a recipient gets sick?

A: You are protected unless **gross negligence** is proven (e.g., donating food you knew was unsafe).

### Q: Does this law apply to homemade food?

A: Only if prepared in a **licensed kitchen** (state laws vary).