

2020 Georgia Code

Title 51 - Torts

Chapter 1 - General Provisions

§ 51-1-31. Liability From Donation of Canned or Perishable Food to Charitable or Nonprofit Organizations for Use or Distribution

Universal Citation: [GA Code § 51-1-31 \(2020\)](#)

As used in this Code section, the term:

"Donor" includes, **but is not limited to**, a farmer, processor, distributor, commercial food service operator, wholesaler, or retailer of food.

"Perishable food" means any food that may spoil or otherwise become unfit for human consumption because of its nature, type, or physical condition. "Perishable food" includes, but is not limited to, table-ready food, cooked foods, fresh or processed meats . . . and foods that have been noncommercially or commercially packaged or that have been frozen or otherwise require temperature control to remain nonperishable for a reasonable length of time.

A good faith donor or gleaner of any canned or perishable food to a bona fide charitable or nonprofit organization for use or distribution shall not be subject to criminal penalty or civil damages arising from the condition of the food, unless an injury is caused by the recklessness or intentional misconduct of the donor or gleaner.

A bona fide charitable or nonprofit organization which accepts any canned or perishable food or gleaner for use or distribution shall not be subject to criminal penalty or civil damages arising from the condition of the food unless an injury is caused by the recklessness or intentional misconduct of the charitable or nonprofit organization.

The provisions of this Code section apply to the good faith donation of canned or perishable food not readily marketable due to appearance, freshness, grade, surplus, or other such considerations.