



Legal Protections for Edible Food Donors

Reference	Description
California Good Samaritan Food Donation Act (AB 1219)	<p>California Good Samaritan Food Donation Act (AB 1219) provides liability protections for entities that make good faith donations of surplus food. AB 1219 clarifies and expands liability protections for donated surplus food by:</p> <ul style="list-style-type: none"> Creating a more comprehensive list of entities covered by law Explicitly states that donation of past-date food is subject to liability protection Expands liability protection to donations made by food facilities, which are subject to food safety regulations and inspections, directly to individuals for consumption (direct donation).
California Health and Safety Code (amended under AB 1219)	<p>Section 114433- A person, gleaner, or food facility that donates food as permitted by Section 114432 shall not be subject to civil or criminal liability or penalty for violation of any laws, regulations, or ordinances regulating the labeling or packaging of the donated product or, with respect to any other laws, regulations, or ordinances, for a violation occurring after the time of the donation. The donation of nonperishable food that is fit for human consumption but that has exceeded the labeled shelf-life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act. The donation of perishable food that is fit for human consumption but that has exceeded the labeled shelf life recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.</p>
California Civil Code (amended under AB 1219)	<p>Section 1714.25 (a)- Except for injury resulting from gross negligence or intentional misconduct in the preparation or handling of donated food, no person, gleaner, or food facility that donates food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or food bank shall be liable for any damage or injury resulting from the consumption of the donated food, Food facilities may donate food directly to end recipients for consumption.</p>
California Food and Agriculture Code (amended under AB 1219)	<p>Section 58502- A person or gleaner engaged in the business of processing, distributing, or selling an agricultural product may donate, free of charge, a product that is in a condition that it may be used as food for human consumption to a nonprofit charitable organization within the state. Food facilities may donate food directly to end recipients for consumption. The donation of nonperishable food that is fit for human consumption, but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act. The donation of perishable food that is fit for human consumption, but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act if the person that distributed the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.</p>
California Food and Agriculture Code	<p>Section 58505- Except for injury resulting from gross negligence or willful act, no county or agency of a county established pursuant to this chapter and no person who donates any agricultural product shall be liable for any injury, including, but not limited to, injury resulting from the ingesting of such agricultural product, as a result of any act, or the omission of any act, in connection with any product pursuant to this chapter.</p>
United States Code, Bill Emerson Good Samaritan Food Donation Act	<p>Title 42, Chapter 13A, Section 1791- (c) Liability for damages from donated food and grocery products (1) Liability of person or gleaner: A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.</p>