

Food Recovery Liability

Many food establishments hesitate to donate their excess food because they fear that if they do, they will expose their business to liability risks for foodborne illnesses, allergen exposure, and other negative consequences for the consumers of recovered food.

However federal law, the Bill Emerson Good Samaritan Food Donation Act (the “Bill Emerson Act”) protects food donors from such liability. The Bill Emerson Act releases those who donate apparently wholesome food to nonprofit organizations for ultimate distribution to needy individuals from civil and criminal liability related to such donations. The Act extends the same liability protection to the nonprofit organizations that receive and distribute donated food.



The Bill Emerson Good Samaritan Food Donation Act of 1996 exempts those who make good faith donations of food and grocery products to nonprofit organizations that feed the hungry from liability for injuries arising from the consumption of the donated food.

Purposes of the Bill Emerson Act

To establish a uniform national law to protect organizations and individuals when they donate food and grocery items in good faith

To encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals

Covered persons **“shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition”** of the donated items so long as:

- the donated item is an *apparently wholesome food* or an *apparently fit grocery product*
- the item was donated in *good faith*
- to a non-profit organization
- which distributed the donated items to needy individuals.