



HHSA
Public Health

Environmental Health Services
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Donor Liability Information

The following laws provide donor liability protection:

United States Code, Bill Emerson Good Samaritan Food Donation Act, Title 42, Chapter 13A, Section 1791 (c)(1):

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 an apparently fit grocery product that the person or gleaner donates in goodfaith to a nonprofit organization for ultimate distribution to needy individuals. This section shall not be construed to create any liability. Nothing in this section shall be construed to supercede State or local health regulations.

California Health and Safety Code, Section 114432:

Any food facility may donate food to a food bank or to any other nonprofit charitable organization for distribution to persons free of charge.

California Health and Safety Code, Section 114433:

No food facility that donates food as permitted by Section 114432 shall 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 laws, regulations, or ordinances, for a violation occurring after the time of donation.

California Civil Code, Section 1714.25(a):

Except for injury resulting from negligence or a willful act in the preparation or handling of donated food, no food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or a food bank shall be liable for any damage or injury resulting from the consumption of the donated food. The immunity from civil liability provided by this subdivision applies regardless of compliance with any laws, regulations, or ordinances regulating the packaging or labeling of food, and regardless of compliance with any laws, regulations, or ordinances regulating the storage or handling of the food by the donee after the donation of food.