



Legal Protections



COUNTY OF SAN MATEO
HEALTH SYSTEM

REFERENCE	DESCRIPTION
California Health and Safety Code	<u>Section 114433</u> - 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 other laws, regulations, or ordinances, for a violation occurring after the time of the donation.
California Civil Code (See back for more information)	<u>Section 1714.25 (a)</u> - Except for injury resulting from negligence or 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 food after the donation of the food.
California Food and Agriculture Code	<u>Section 58505</u> - 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.
United States Code, Bill Emerson Good Samaritan Food Donation Act	<u>Title 42, Chapter 13A, Section 1791- (c)</u> 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.



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California Civil Code, Section 1714.25

Type of Protection	Civil
When protection will not apply:	For the original donor, there is no protection for negligence or a willful act; for the ultimate distributor, there is no protection for negligence, recklessness, or intentional misconduct
Who it protects:	DONOR: Any food facility, nonprofit charitable organization, or food bank DISTRIBUTOR: Nonprofit/charitable organization or food bank
Standards for Donated Food:	Fit for human consumption – provides protection regardless of compliance with packaging and labeling laws
Protections Apply When End Recipient Pays for Food:	No
Protections Apply to Direct Donations:	No See link for updates on the CA Good Samaritan Law: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=20172080AB1219

Adapted from ReFed- <http://www.refed.com/tools/food-waste-policy-finder/california>

FOR MORE INFORMATION:



<http://media.law.uark.edu/arklawnotes/2013/08/08/the-legal-guide-to-the-bill-emerson-good-samaritan-food-donation-act/>

FOR MORE INFORMATION CONTACT:

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