



CAPITAL AREA
FOOD NETWORK

SAVE THE FOOD
WAKE COUNTY

Liability Protections for Food Donors

In 1996, the Bill Emerson Good Samaritan Food Donation Act was passed providing legal protection to donors who donate food items to nonprofit organizations such as the Food Bank of Central & Eastern North Carolina (Food Bank CENC) and Inter-faith Food Shuttle (IFFS). Donors are not 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 is donated in good faith.

For food donors to be protected, the following requirements must be met:

1. The donor must donate to a nonprofit organization such as Food Bank CENC or IFFS
2. The donated food must meet all federal, state, and local quality and labeling requirements, even if it is not readily marketable due to appearance, age, freshness, grade, size, surplus, or other conditions.
 - a. If quality & labeling requirements are not met, the donor and Food Bank CENC or IFFS must discuss the details of the donation further.
3. Food Bank CENC or IFFS must distribute all donated food to those needy individuals.
4. The needy individuals receiving the food are not allowed to pay for it.
5. The donor must not act with gross negligence or intentional misconduct. Donations must be made in good faith.

As long as the five requirements above are met, the Good Samaritan Act protects the donor and does not hold the donor liable.

In North Carolina, the Immunity for Donated Food statute provides the same level of protections as the Good Samaritan Act.

Food Bank CENC, Inter-faith Food Shuttle, and our Partner Agencies meet or exceed the same federal food handling and safety regulations that govern the food & grocery industry.

To donate or learn more about what you can donate, please contact:
Please visit Food Bank CENC or Inter-Faith Food Shuttle (foodshuttle.org).