



HARVEST SUPPORT NETWORK

Legal Liability Protection

Fears over legal liability often discourage would-be donors from giving their surplus, wholesome food to non-profit organizations that feed the hungry. In the U.S., the Federal Bill Emerson Good Samaritan Food Donation Law was signed into law by President Bill Clinton in 1996 to encourage food donation to non-profits by minimizing the liability of food donors and recipient organizations that feed the hungry, except in cases of gross negligence and/or intentional misconduct. In addition, each state has passed Good Samaritan laws that provide liability protection for good-faith donors. While these laws provide legal protection, all effective food donation and rescue programs should establish procedures to ensure safe food handling and storage. Laws that protect the good-faith donor are also in place in Australia and have been proposed in the United Kingdom (as of April, 2012).

Why the Bill Emerson Good Samaritan Law is Important

Each year, 14 billion pounds of food are sent to landfills in the U.S. Meanwhile, nearly 30 million Americans, including 12 million children, are at risk of hunger. Potential donors most often cite fear of liability as the reason they refuse to donate to feeding programs. Before passage of the national law, all 50 states and the District of Columbia had adopted laws protecting donors. Yet, differences in language and applicability between states often discouraged national and regional companies from donating. With the national law in place, regional and national donors have the uniform language that protects them from civil and criminal liability.

**Text of Emerson Good Samaritan Food Donation Act
PUBLIC LAW 104-210**

An Act

To encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals by giving the Model Good Samaritan Food Donation Act the full force and effect of law.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, ...

What does the law do?

The law protects good faith food donors from civil and criminal liability should the product later cause harm to its recipient. The Emerson Act gives uniform federal protection to donors who may cross state lines.

Who does the law protect?

The law protects a broad range of individuals and organizations acting in good faith that give and/or serve food donations to needy individuals. While exceptions are made for gross negligence and intentional misconduct, the law states that these individuals and organizations will not be subject to civil or criminal liability. For specifics on the Law's protections, use the link below to view the text of the Bill Emerson Good Samaritan Law.

What sort of food is protected?

The law provides protection for food and grocery products that meet all quality and labeling standards imposed by federal, state and local laws and regulations. This applies even though the food may not be "readily marketable due to appearance, age, freshness, grade, size, surplus or other conditions."

Additional Resources:

Text of the Bill Emerson Good Samaritan Act (Public Law 104-210):

<http://www.usda.gov/news/pubs/gleaning/appc.htm>

Additional information on Good Samaritan laws passed by various states:

<http://www.usda.gov/news/pubs/gleaning/appd.htm>

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