

## Food Facility Operators

# Guidelines for Safe Food Donation

Donating surplus food from hotels, restaurants, other food facilities, and catered events can be a great way to help local missions and other charitable organizations that serve those in need. Although a special public health permit is not required, donating or receiving surplus foods must be done in a way that minimizes food safety risks. The Los Angeles County Department of Public Health Environmental Health Division has prepared the following food safety guidelines to help facilitate safe food donations.

### Approved Source of Donated Foods

Prepared foods and meals must be donated only by permitted restaurants, hotels, food processing facilities, food distributors, or catered events. Donated foods are limited to foods or food portions which have not been previously served to a consumer. Individuals who wish to donate food should only provide uncooked, pre-packaged food products that can be prepared on site by approved food handlers.



### Facilities Receiving Donated Foods

Most missions or charitable organizations receiving donated foods operate under a public health permit so they are familiar with food handling requirements. If an organized event or charitable organization does not operate under a public health permit, the donated foods are to be immediately served and consumed.



### Temperature Control

Donated foods that require temperature control must always remain at 41°F or below for cold foods or 135°F or above for hot foods, prior to transportation. When refrigerated transport is available, foods should be held below 41°F, while in transport to the venue. If refrigerated transport is not available, the food items should be labeled “Process Immediately” and must not be out of temperature controls for more than 2 hours. Donations consisting of whole produce, canned goods, dry foods and other similar products can be delivered anytime with no requirement for temperature controls or delivery times.



The food donor must check to ensure proper temperatures at the time of the transfer to the receiving facility or food transporter. The person-in-charge at the receiving venue should also check the temperature of the food upon receipt and note the time that the food is received. See the attached sample Food Donation Delivery Form on page 3 for an outline of helpful information that should be captured upon delivering, transporting or receiving foods.

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## Food Donation Guidelines, continued

### Protection from Contamination

Food must be protected from potential contamination at all times through the use of sanitary, food-grade containers, and by ensuring that transport vehicles are clean and free of vermin.

### Questions?

For more information, please contact Environmental Health at (626) 430-5161 during business hours, 8:00 am to 5:00 pm, Monday through Friday; call the 24-hour Hotline at (888) 700-9995; or e-mail [ehmail@ph.lacounty.gov](mailto:ehmail@ph.lacounty.gov).

## State and Federal Food Donation Statutes

### 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 or donate food directly to end recipients for consumption.

### 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 intentional misconduct 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.

### United State 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 good faith to a nonprofit organization for ultimate distribution to needy individuals at zero cost or at a good Samaritan reduced price.

**(f)** This section shall not be construed to create any liability. Nothing in this section shall be construed to supercede State or local health regulations.