

Are You Liable?

The Bill Emerson Good Samaritan Food Donation Act

In 1996, President Clinton signed into law The Bill Emerson Good Samaritan Food Donation Act.

What does the law do?

The law protects good-faith donors from civil and criminal liability, should the product later cause harm to its recipient. The Emerson Act standardizes donor liability exposure. Donors and their legal council no longer have to investigate liability laws in 50 states.

Who is protected?

The law protects food donors, including individuals, and non-profit feeding programs who act in good faith. While exceptions are made for gross negligence or intentional misconduct, the law states that these groups will not be subject to civil or criminal liability.

More specifically, the law protects individuals, corporations, partnerships, organizations, associations, government entities, wholesalers, retailers, restaurateurs, caterers, farmers, gleaners, non-profit agencies, and more.

What sort of food is protected?

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