



Food Facilities Donating Food



Food facilities that are interested in donating food should know that:

- Any food facility may donate food to a food bank or to another nonprofit charitable organization for distribution to persons free of charge.
- No food facility that donates food shall be subject to civil or criminal liability or penalty for violation of any laws, regulations, or ordinances for a violation occurring after the time of the donation.
- A facility that donates food will not be liable for any damage that results from the consumption of the donated food, regardless of compliance with any laws relating to the packaging, labeling, or storage after the donation.

These are legal references from the California Health & Safety Code. California law protects you while you are giving back to the community!

Related Legal References

Three sections in the Health and Safety Code reference Food Facility Donations, and an additional section gives the definition of a Nonprofit Charitable Organization:

- **114432 Food Facility Donations**—Any food facility may donate food to a food bank or to another nonprofit charitable organization for distribution to persons free of charge.
- **114433 Criminal liability**—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.
- **114434 Immunity**—The immunities provided in Section 114433 and by Section 1714.25 of the Civil Code are in addition to any other immunities provided by law, including those provided by Chapter 5 (commencing with Section 58501) of Part 1 of Division 21 of the Food and Agricultural Code.
- **113841 Nonprofit Charitable Organization (definition)**—"Nonprofit Charitable Organization" means either of the following:
 - a. A corporation incorporated pursuant to the Nonprofit Corporation law (Division 2 (commencing with Section 5000) of Title 1 of the Corporations Code), that is exempt from taxation pursuant to paragraphs (1) to (10), inclusive, and paragraph (19) of Section 501(c) of the Internal Revenue Code and Section 23701d of the Revenue and Taxation Code.
 - b. An organization that was organized and is in operation for charitable purposes and meets the requirements of Section 214 of the Revenue and Taxation Code.

The following sections of law, referred to above in the Health and Safety Code, address the immunities provided to entities that donate food to Non-Profit Charitable Organizations at no cost and are paraphrased below:

- **California Civil Code 1714.25** states that a facility that donates food will not be liable for any damage that results from the consumption of the donated food, regardless of compliance with any laws relating to the packaging, labeling, or storage after the donation.
- **Food and Agricultural Code 58501-58509** gives the definition of a food bank, and further details regarding food banks, distribution and protection from liability.