

For Restaurants, Hotels, and Catered Events: Safety Recommendations for Food Donations

Donating surplus food from restaurants, hotels, and catered events can be a great way to help local missions and other charitable organizations who serve the needy. 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 recommendations to help facilitate food donations.

Approved Source of Donated Foods

Donated foods must come only from permitted restaurants, hotels, or catered events. Donated foods are limited to foods or food portions which have not been previously served.

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 remain below 41°F for cold foods or above 135°F for hot foods at all times, including prior to being transported, during transportation, and prior to being served at the receiving location. Appropriate equipment, such as insulated containers, must be used to ensure that food is maintained at proper temperatures during transport. The exception to this is if the transport time will be less than 30 minutes, then hot and cold foods can be held without temperature control during transportation.

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 to make sure food is at the proper temperature upon receipt. See the attached sample *Food Donation Delivery Form* on page 2.



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) 430-5200 during regular business hours, Monday-Friday, 8:00 a.m. to 5:00 p.m. Or send an email to ehmail@ph.lacounty.gov.

STATE AND FEDERAL FOOD DONATION STATUTES

California Health and Safety Code, Section 114433 – No food facility that donates food as permitted by Section 11432 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 willful act 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 States Code, Bill Emerson Good Samaritan Food Donation Act, Title 42, Chapter 13A, Section 1791 –

(c) Liability for damages from donated food and grocery products

(1) Liability of person or gleaner

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.

Food Donation Delivery Form

| List of Perishable Food Item(s) Donated (Continue Items on Back of This Page if Needed) | Temperature | Quantity (lbs.) | Accepted |
|--|-------------|--------------------|-----------|
| | | | YES or NO |
| | | | YES or NO |
| | | | YES or NO |
| | | | YES or NO |
| | | | YES or NO |

Food Donated By:

| | |
|-----------------------------------|------------------|
| Name of Facility or Event: | Permit #: |
| Address: | Phone #: |
| Delivered by (Print Name): | |

Food Transported By *(if other than by donor or recipient):*

| | | |
|---------------------------------------|-----------------------------|----------------------------------|
| Name of Delivery Organization: | | Permit # (if applicable): |
| Address: | | Phone #: |
| Delivered by (Print Name): | Delivery Start Time: | Delivery End Time: |

Donated Food Received By:

| | |
|--|----------------------------------|
| Name of Facility or Organization: | Permit # (if applicable): |
| Address: | Phone #: |
| Received by (Print Name): | |

I acknowledge that the food item(s) listed above meet the temperature holding requirements for potentially hazardous foods as defined in Section 113996 of the California Retail Food Code.

Donor Signature: _____ **Date:** _____

Recipient Signature: _____ **Date:** _____

