

**FOOD  
BANK**



**OF CENTRAL  
& EASTERN  
NORTH  
CAROLINA**

## The Emerson Good Samaritan Food Donation Act

Federal Law – The Emerson Good Samaritan Food Act

On October 1, 1996 the Emerson Good Samaritan Food Donation Act (Emerson Act) was enacted. The Emerson Act is a federal law that provides national standards regarding food donations so that donors have consistent liability information for interstate donations. The law addresses the liability concerns of donors who contribute food in good faith and states the following:

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.

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, except that this paragraph shall not apply to an injury to or death of an ultimate user or recipient of the food or grocery product that results from an act or omission of the donor constituting gross negligence or intentional misconduct.

The term “apparently wholesome food” means food that meets 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.



**Please call or email with questions or donations...**

Carter Crain

[ccrain@foodbankcenc.org](mailto:ccrain@foodbankcenc.org)

Food Resources Manager

919.865.3019

• Durham

• Greenville

• New Bern

• Raleigh

• Sandhills

• Wilmington