

Legal Liability Associated with Petite Pantry

The opinion provided below is for educational purposes only, and is not intended as legal advice. If you are concerned about potential liability associated with donating food or maintaining a Petite Pantry, please consult with your own attorney.

The legal landscape associated with donating food to those in need was simplified tremendously in 1996. In short, as long as you do not do anything intentionally dangerous or completely ignore the risks associated with spoiled or contaminated food, you should not be liable for any damages arising from the consumption of that food. Of course, this is an oversimplification of a number of legal concepts.

The Federal Bill Emerson Good Samaritan Food Donation Act was signed into law on October 1, 1996, by President Clinton.

The complete text of this law, which is only a few pages, is found at:

<https://www.law.cornell.edu/uscode/text/42/1791>

The stated purpose of this legislation was to encourage donation of food and grocery products to non-profit organizations for distribution to individuals in need. This law:

- Protects you from liability when you donate to a non-profit organization;
- Protects you from civil and criminal liability should the product donated in good faith later cause harm to the recipient;
- Standardizes donor liability exposure. You or your legal counsel do not need to investigate liability laws in 50 states; and
- Sets a floor of "gross negligence" or intentional misconduct for persons who donate grocery products. According to the law, gross negligence is defined as "voluntary and conscious conduct by a person with knowledge (at the time of conduct) that the conduct is likely to be harmful to the health or well-being of another person."

While everyone has a different risk tolerance, the existence of this legislation should ease the concerns of those that are unsure about this area of the law, and should help those weighing such risks to make a decision.