Food Donor Protection

Issue
700,000 Kentuckians, or 1 in 6, lack consistent access to enough nutritious food for a healthy, active lifestyle. Food banks across the Commonwealth have experienced an unprecedented increase in requests for food assistance. While demand for emergency food is up, the supply of food available for distribution by the food bank network is down.

To encourage companies and organizations to donate food that would otherwise go to waste, protection from criminal and civil liability is provided under the federal Good Samaritan Food Donation Act. While the federal law sets a floor, potential donors in Kentucky have expressed concern about ambiguity in the federal law as well as the need for enhanced immunity from liability.

Solution
HB 237, enacted in 2017, established enhanced immunity for donors to and representatives of nonprofit organizations.

- Immunity from civil or criminal liability is provided to a donor or gleaner, or a paid or unpaid representative of a nonprofit organization, unless there is intentional misconduct.
- “Apparently fit grocery product” is defined, among other conditions, as a product that meets all consumer safety standards even though the food may not be readily marketable due to date labeling.
- Protection is provided from liability arising from the nature, age, packaging or condition of the food or grocery product donated.

Feeding Kentucky
FeedingKy.org
859-986-7422