



Good Samaritan Act

In 1996, Congress created a federal Good Samaritan Act to protect food banks and their donors. The Act was named for Rep. Bill Emerson, R-Missouri, who fought for the proposal but died of cancer before it was passed. On October 1, 1996, President Clinton signed the Bill Emerson Good Samaritan Food Donation Act to encourage the donation of food and grocery products to nonprofit organizations for distribution to needy individuals.

This law makes it easier to donate. Here's how:

- It protects donors from liability when donating to a nonprofit organization.
- It protects donors from civil and criminal liability should the product donated in good faith later cause harm to the needy recipient.
- It standardizes donor liability exposure. Donors and their legal counsel no longer have to investigate liability laws in 50 states.
- It sets a liability floor of “gross negligence” or intentional misconduct for persons who donate grocery products.
- It recognizes that the provision of food close to recommended date of sale is, in and of itself, not grounds for finding gross negligence. For example, cereal can be donated if it is marked close to code date for retail sale.

The Good Samaritan Act is Public Law 104-210-Oct. 1,1996, enacted by the 104th Congress.