

What is the Good Faith Donor Act?

Most of the food distributed by the San Antonio Food Bank comes from the food industry. Often the reason is overproduction or inventory control.

The San Antonio Food Bank's largest food donors include supermarket chains like H-E-B and hundreds of food manufacturers with brand names we see every time we shop for groceries.

These donors know that legal liability is not an issue because of state and federal laws known, respectively, as the "Good Faith Donor Act" and the "Good Samaritan Act".

These laws of the land state that a corporation, which donates apparently wholesome food to a nonprofit organization for distribution to the hungry, is not subject to civil or criminal liability that arises from the condition of the food.

Corporations, individuals, partnerships, organizations, and associations do not need to let liability worries prevent them from making donations as long as they donate "without intentional misconduct."

The Language: The Good Faith Donor Act

Section 1. This Act may be cited as the Good Faith Donor Act

Section 2. In this Act:

(1) "Apparently wholesome food" means food that meets all quality standards of local, county, state, and federal agricultural and health laws and rules, even though the food is not readily marketable due to appearance, age, freshness, grade, size, surplus, or other condition, but does not include canned goods that are leaking, swollen, dented on a seam, or no longer airtight.

(2) "Nonprofit organization" means an incorporated or unincorporated organization that has been established and is operating for religious, charitable, or educational purposes and that does not distribute any of its income to its members, directors, or officers.

(3) "Intentional misconduct" means conduct that the person acting knows is harmful to the health or well-being of another person.

(4) "Donate" means to give without requiring anything of monetary value from the donor.

(5) "Person" means an individual, corporation, partnership, organization or association.

Section 3.

(A) A person who donates apparently wholesome food to a nonprofit organization for distribution to the needy is not subject to civil criminal liability that arises from the condition of the food, unless an injury or death results from an act or omission of the person that constitutes gross negligence, recklessness, or intentional misconduct.

(B) A nonprofit organization that distributes apparently wholesome food to the needy at no charge and that substantially complies with applicable local, county, state, and federal laws and rules regarding the storage and handling of food for distribution to the public is not subject to civil or criminal liability that arise from the condition of the food, unless an injury or death results from an act or omission of the organization that constitutes gross negligence, recklessness, or intentional misconduct.

(C) The Act does not create any liability.

Section 4. This Act applies to liability for food donated on or after the effective date of this Act. Acts 1981, 67th Leg., p. 1003, ch. 381, eff. June 10, 1981