

# The Food Donation Act Act of 2017

In 1996, Congress passed *The Bill Emerson Good Samaritan Act (the Emerson Act)*, which provides liability protections to food donors and nonprofit organizations. These protections are aimed at encouraging food donations, though donors are often unaware of the law. **H.R. 952, The Food Donation Act of 2017 amends the Emerson Act.** The bill expands liability protections to better align with the current food recovery landscape and directs the U.S. Department of Agriculture (USDA) to monitor administration of the law.



[www.fudge.house.gov](http://www.fudge.house.gov)  
[congress.gov](http://congress.gov)

## Designates the USDA

**Designates the USDA as the executive agency in charge of implementing, interpreting, and promoting awareness of the Emerson Act.**

Unlike many laws which delegate power to an agency to interpret and enforce them, Congress never assigned the Emerson act to a particular federal agency for enforcement.

## Protects Direct Donations

**Protects donations made directly from donors to needy individuals.**

Extending protections to direct donations will enable the timely use of perishable foods. This provision is limited to food service establishments and retail stores. These entities must comply with food service requirements like training and inspections.

## Retains Liability Protections

**Amends the Emerson Act to state that donors retain liability protection if the recipient pays a Good Samaritan Reduce Price for food, or the cost of simply handling, administering, and distributing food.**

Innovative new approaches, such as nonprofit grocery stores that sell surplus food at low cost, are currently excluded from liability coverage. These organizations can fill a need and help feed hungry families.

## Covers More Food

**Amends the Emerson Act to cover foods that comply or are reconditioned to comply with safety-related federal, state, and local labeling standards.**

Protecting the donations of food that is mislabeled in a way not relevant to safety could help prevent unnecessary waste.

## Allows for Safe Past-dated Food

**Amends the Act to explicitly state that donations of perfectly safe, past-date foods are protected from liability.**

The Secretary of Agriculture, in consultation with the Secretary of Health and Human Services (HHS), will issue regulations and guidance with respect to food safety and safety-related labeling standards.