

Liability: Donated Food

Tex. Civ. Prac. & Rem. Code 76.004(a)

An individual who donates food, which appears edible and in good condition at the time of donation to a church or nonprofit organization, will not be held legally responsible. They can be held legally responsible if acting with extreme carelessness or intent to cause harm.

Liability for Damages from Donated Food

(a) A person or gleaner is not subject to civil or criminal liability arising from the condition of apparently wholesome food that the person or gleaner donates to a church, a not-for-profit organization or a nonprofit organization for distribution to the needy, if the food is apparently wholesome at the time of donation. This subsection does not apply to an injury or death that results from an act or omission of the donor constituting gross negligence, recklessness, or intentional misconduct.