

Liability: Food Donation

16 Del. C. 6820

An individual who, in good faith, donates food for use or distribution by a nonprofit organization will not be held legally responsible for the nature, age, condition, or packaging of the food.

This section does not apply when the food is being sold by the nonprofit.

Food donors exempt from liability

A person, including a farmer, processor, distributor, wholesaler or retailer of food, who, in good faith, donates an item of food for use or distribution by a nonprofit organization shall not be liable for civil damages or criminal penalties resulting from the nature, age, condition or packaging of the donated food. This section does not apply if the nonprofit organization sells or offers for sale the donated items of food. Nothing in this section is intended to limit any liability on the part of the donee nonprofit organizations accepting food items under this section. The Division of Public Health is authorized to inspect donated food items upon the request of the donee nonprofit organization.