

# DONATION GUIDELINES

Retail and Foodservice Partnerships Program



## GOOD SAMARITAN LAWS

### THE GOOD NEWS ABOUT “GOOD SAM” LAWS

Good Samaritan Laws that protect donors, nonprofit food banks and meal programs from liability for the foods and other essentials they donate and provide are now uniform throughout the country. For many years, Washington State has given donors and nonprofit food providers great protection from liability, and The Bill Emerson Good Samaritan Food Donation Act of 1996 makes it even easier to donate. You and your company can donate without fear of liability in the unlikely event something happens to the donated product once it leaves your control.

### THE BILL EMERSON GOOD SAMARITAN FOOD DONATION LAW:

- Protects donors from liability when donating to nonprofit organizations
- Protects donors from civil or criminal liability if the donor believes, in good faith, that the product is okay at the time it is donated
- Requires establishment of “gross negligence” or intentional misconduct before a donor is considered liable for harm caused by a donation
- Establishes a minimum standard throughout the country (no more multi-state research for companies doing business in more than one state)
- Recognizes that donation of food close to the date of recommended retail sale is not, in and of itself, grounds for finding gross negligence

### STATE LAW ALSO COVERS:

- Non-food grocery products
- Prepared and perishable food donations

Food Lifeline is prepared to handle your donation safely and efficiently under the state and federal Good Samaritan laws. In fact, our Product Recovery Center was designed and operates in compliance with standards set by the National Food Processors Association. Our prepared and perishable programs also meet federal food handling and safety regulations.

# DONATION GUIDELINES

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## BAKERY

DOP = Date on Package (may be expiration, use by, best by, sell by)

### INELIGIBLE LIST

- Product that has damaged or compromised interior packaging
- Product that has insect activity, mold, fungus, discoloration, or odor
- Product that has been served or placed in self-serve areas
- Product that is not in food-grade packaging or labeled with ingredients
- Product that is not in original sealed packaging
- Product that is stale or dried out
- Product that has been recalled
- Refrigerated/Frozen required product that is out of temperature
- Frozen required product that was unfrozen past the DOP (date on package)
- Frozen product that has been defrosted and refrozen
- Frozen product that has severe freezer burn
- Cans that have extreme dents or dents near the lid

PRODUCT	TIMELINE	STORAGE	DO NOT DONATE IF
Baked Goods: Shelf-Stable Breads, bagels, rolls, pastries	Fresh or day old only	Cool, dry, and clean area	Refer to Ineligible List
Baked Goods: Non-Shelf Stable All cream or dairy based	Freeze within 24 hours past the DOP	Frozen at 0°F or below	Product unfrozen 24 hours past the DOP  Refer to Ineligible List
Bulk Product Customer facing or self-serve	Donor Policy		



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## BEVERAGES

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- Product that has been served or placed in self-serve areas
- Product that is not in food-grade packaging or labeled with ingredients
- Product that is not in original sealed packaging
- Product that is stale or dried out
- Product that has been recalled
- Refrigerated/Frozen required product that is out of temperature
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PRODUCT	TIMELINE	STORAGE	DO NOT DONATE IF
Fresh: Refrigerated, Pasteurized Orange juice, apple juice	Up to 7 days past the DOP	Chilled at 40°F or below	Refer to Ineligible List
Shelf-Stable Plastic bottle, glass bottle, aluminum can	Up to 2 years past DOP	Cool, dry, and clean area	Glass is broken or chipped  Refer to Ineligible List
Shelf-Stable Stimulant Drinks	Up to 4 Months past DOP		Refer to Ineligible List



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### DAIRY

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- Product that has insect activity, mold, fungus, discoloration, or odor
- Product that has been served or placed in self-serve areas
- Product that is not in food-grade packaging or labeled with ingredients
- Product that is not in original sealed packaging
- Product that is stale or dried out
- Product that has been recalled
- Refrigerated/Frozen required product that is out of temperature
- Frozen required product that was unfrozen past the DOP (date on package)
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PRODUCT	TIMELINE	STORAGE	DO NOT DONATE IF
Dairy: Liquid Milk, half & half, whipping cream, eggnog	Up to 10 days past the DOP	Chilled at 40°F or below	Refer to Ineligible List
Non-Dairy Products: Refrigerated Soy milk, soy yogurt			
Dairy: Solid Yogurt, sour cream, cottage cheese, butter	Up to 7 days past the DOP		
Cheese	Up to 14 days past the DOP	Frozen at 0°F or below	Dirty or cracked eggs
Eggs Pasteurized eggs or egg substitute	Up to 7 days past the DOP		
Eggs In shell, hard-cooked			Chilled at 40°F or below



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## FOODSERVICE (RESTAURANTS, CAFÉS, CATERERS)

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- Product that is not in original sealed packaging
- Product that is stale or dried out
- Product that has been recalled
- Refrigerated/Frozen required product that is out of temperature
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PRODUCT	TIMELINE	STORAGE	DO NOT DONATE IF
<b>Chilled Product: Not Served, Unopened</b> Entrees, salads, sandwiches, catered product	Up to 5 Days past date of preparation	Chilled at 40°F or below	Product unfrozen 24 hours past date of preparation  Refer to Ineligible List
	Up to 1 Month past date of preparation	Frozen at 0°F or below	
<b>Hot Prepared Product: Not Served, Unopened</b> Entrees, appetizers, starches soups, catered products	Up to 4 days past date of preparation	Chilled at 40°F or below	
	Up to 3 Months past date of preparation	Frozen within 24 hours of preparation at 0°F or below	
<b>Deli Product: Pre-packaged by the Manufacturer</b>	Refer to Donation Guidelines Deli Section		
<b>Previously Served or Opened Product</b> Entrees, soups, salads, sandwiches, catered products	<b>NOT ELIGIBLE FOR DONATION</b>		



# DONATION GUIDELINES

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### DELI

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- Product that has been served or placed in self-serve areas
- Product that is not in food-grade packaging or labeled with ingredients
- Product that is not in original sealed packaging
- Product that is stale or dried out
- Product that has been recalled
- Refrigerated/Frozen required product that is out of temperature
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PRODUCT	TIMELINE	STORAGE	DO NOT DONATE IF
<b>Processed Meats: Pre-packaged by the Manufacturer</b> Fully cooked lunch meats, hot dogs, cheeses	Freeze within 24 hours past the DOP	Frozen at 0°F or below  Refer to Donation Guidelines Meat Section	Refer to Ineligible List
<b>Cheese</b> Deli Cheeses	Up to 24 hours past DOP	Frozen at 0°F or below	
<b>Prepared Foods: Pre-packaged by the Manufacturer</b> Entrees, starches, side vegetables, chilled foods, home meal replacements	Up to 48 hours past the DOP	Chilled at 40°F or below	
<b>Prepared Foods: Packaged by the Retailer</b> Entrees, starches, side vegetables, chilled foods, home meal replacements prepared and packaged on-site	Up to 4 days past the DOP		



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## DRY & CANNED

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- Product that is not in original sealed packaging
- Product that is stale or dried out
- Product that has been recalled
- Refrigerated/Frozen required product that is out of temperature
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- Frozen product that has severe freezer burn
- Cans that have extreme dents or dents near the lid

PRODUCT	TIMELINE	STORAGE	DO NOT DONATE IF
Pre-packaged Foods: Shelf-Stable Beans, pasta, cereal, crackers, rice	Up to 1 year past the DOP	Cool, dry, and clean area	Refer to Ineligible List
Pre-packaged Foods: Shelf-Stable (Store Brands) Beans, pasta, cereal, crackers, rice			
Dressing/Mayonnaise: Shelf-Stable			
Non-Dairy Products: Shelf-Stable Rice milk, soy milk, oat milk			
Canned Foods			
Jarred Foods: Shelf-Stable			Glass is broken or chipped  Refer to Ineligible List



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## MEAT, POULTRY & SEAFOOD

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- Product that is not in original sealed packaging
- Product that is stale or dried out
- Product that has been recalled
- Refrigerated/Frozen required product that is out of temperature
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PRODUCT	TIMELINE	STORAGE	DO NOT DONATE IF
<b>Meat</b> Beef, pork, poultry, seafood	Freeze within 24 hours past the DOP	Frozen at 0°F or below	Product unfrozen 24 hours past the DOP  Refer to Ineligible List
<b>Processed Meats: Pre-packaged by the Manufacturer</b> Fully cooked lunch meats, hot dogs		Separate meat by species to avoid cross-contact  Separate processed and unprocessed meats	
<b>Alternative Meats</b> Tofu, tempeh, seitan	Up to 5 days past the DOP	Chilled at 40° F or below	Refer to Ineligible List
	If frozen on or before the DOP, donate up to 6 Months past the DOP	Frozen at 0°F or below	Product unfrozen 24 hours past the DOP  Refer to Ineligible List



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## PRODUCE

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PRODUCT	TIMELINE	STORAGE	DO NOT DONATE IF
Produce Whole, pre-bagged, pre-cut	Wholesome and consumable	Chilled at 40°F or below  (Ideal temperature may vary depending on type of produce)	Refer to Ineligible List
Produce: Fresh Cut	Up to 4 days past the DOP	Chilled at 40° F or below	Refer to Ineligible List
Salad Dressings, Fruit and Vegetable Dips	Up to 7 days past the DOP	<u>Refrigerated product</u> : Chilled at 40°F or below  <u>Unrefrigerated product</u> : Cool, dry, and clean area	



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### FROZEN

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PRODUCT	TIMELINE	STORAGE	DO NOT DONATE IF
Frozen Food Assorted	If frozen on or before the DOP, donate up to 1 year past the DOP	Frozen at 0°F or below	Refer to Ineligible List



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## NON-FOOD ITEMS

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INELIGIBLE LIST			
<ul style="list-style-type: none"> <li>• Product that has damaged or compromised interior packaging</li> <li>• Product that has insect activity, mold, fungus, discoloration, or odor</li> <li>• Product that has been served or placed in self-serve areas</li> <li>• Product that is not in food-grade packaging or labeled with ingredients</li> <li>• Product that is not in original sealed packaging</li> <li>• Product that is stale or dried out</li> <li>• Product that has been recalled</li> <li>• Refrigerated/Frozen required product that is out of temperature</li> <li>• Frozen required product that was unfrozen past the DOP (date on package)</li> <li>• Frozen product that has been defrosted and refrozen</li> <li>• Frozen product that has severe freezer burn</li> <li>• Cans that have extreme dents or dents near the lid</li> </ul>			
PRODUCT	TIMELINE	STORAGE	DO NOT DONATE IF
<b>General Merchandise</b> Paper products, household goods, toys, books	Up to 1 year past the DOP	Cool, dry, and clean area  Store consumables separately from non-consumables	Refer to Ineligible List  Refer to Donation Guidelines Non-Food Items Additional Info
<b>Health and Beauty Products</b> Body care, vitamins, supplements			
<b>Household Cleaning Products</b> Detergents, cleansers, bleach, fabric softeners			
<b>Pet Food and Pet Care</b>			
<b>Over-the-Counter Medicine, Alcohol</b>	<b>NOT ELIGIBLE FOR DONATION</b>		
<b>Opened Returned Items</b>	<b>NOT ELIGIBLE FOR DONATION</b>		



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## NON-FOOD ITEMS ADDITIONAL INFORMATION

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### PAPER GOODS AND FOODSERVICE ITEMS: EXAMINE

Paper products may generally be redistributed, but rules on contamination and infestation apply to them as well. A broken container can allow dirt in or provide harborage. **Examine carefully.** Tape all breakage and store away from food products.

### CLEANING SUPPLIES: DISCARD WHEN APPROPRIATE

Soaps and other cleaning supplies are important necessities for agencies. However, cleaning products are primary sources of cross contamination due to their toxic, abrasive, or liquid nature.

Discard if:

- Leaking or broken containers of liquid soaps and other cleaning supplies
- Torn containers of dry or powdered soap that cannot be taped

### PERSONAL CARE AND OTHER NON-FOOD ITEMS: DISCARD WHEN APPROPRIATE

Great care should be taken in evaluating these items.

Discard torn or broken containers of:

- Diapers
- Feminine hygiene products
- Toothpaste and mouthwash
- Aerosol cans or other containers that are pump-operated or pressurized, and are missing the outer cap

### PRESCRIPTION DRUGS, ALCOHOL, PESTICIDES, & OTHER TOXINS

These are never acceptable through the Retail and Foodservice Partnerships program