



## Food Donation Guidelines for Licensed Food Facilities

Save food and help people in need



For more food safety information, please visit:

**Metro Public Health Department**

[www.nashville.gov/Health-Department.aspx](http://www.nashville.gov/Health-Department.aspx)



## Help your community and the environment

In the United States, as much as 40% of food goes uneaten. Grocery stores, restaurants and institutions combined are responsible for about 40% of this waste. Meanwhile, 16% percent of Davidson County residents don't have a steady supply of food to their tables. Donating surplus prepared food helps local hunger relief agencies serve those in need, including many children and seniors.



Donating food also helps the environment by preventing waste. Wasted food represents about 15% of all the material landfilled from Davidson County. When food is wasted, the water, energy, fertilizer and cropland that went into producing the food are also wasted.

### You are protected from liability

Food donors are protected by the Bill Emerson Good Samaritan Food Act, which was passed into federal law in 1996. Organizations that donate food in good faith to a non-profit for distribution to needy individuals are not subject to civil or criminal liability that arises from the condition of the food.

### Save money on your taxes

The federal tax code provides an enhanced deduction for donated food. Eligible businesses can deduct the lesser of either (a) twice the cost of producing the donated food or (b) the cost of producing the donated food plus one-half of the food's expected profit margin if it were sold at its fair market value. Contact your tax professional to determine its application to your business.

### Get recognized for your efforts

The Mayor's Food Saver Challenge recognizes businesses that adopt measures to address food waste, including donating surplus food to nonprofits.

To learn more, visit the Mayor's website: (<https://www.nashville.gov/Mayors-Office/Transportation-and-Sustainability/Food-Saver-Challenge/Restaurant-Participation.aspx>).

Participants in the Food Saver Challenge are recognized by the Mayor at an annual event and receive a certificate of participation, as well as a window decal.

## How to get started

### 1. Identify foods you can donate

Licensed food establishments can donate food that has not been served (e.g. leftover food from a buffet may not be donated). Hunger relief organizations are most in need of entrees, soups, sandwiches and other healthy, prepared food.

### 2. Find a charitable organization to take your food

Call a hunger relief organization and let them know what food you have and in what quantity. The recipient organization must have a food license. In addition, there are nonprofits that can pick up food from your business and deliver it to a hunger relief organization.

The Mayor's Food Saver Challenge website has links to some of these organizations (<http://www.nashville.gov/Mayors-Office/Transportation-and-Sustainability/Food-Saver-Challenge/Restaurant-Participation.aspx>).

### 3. Engage your staff

Talk to your staff about donating food and let them know that you support donation of appropriate foods. Some of the food establishments that donate have found it helpful to choose an employee to champion their food donation effort.



## How can I keep the food safe?

The Tennessee Department of Health's Food Service Regulations apply to all donated foods:

Donated prepared foods and potentially hazardous foods must meet the temperature requirements below. Some examples of potentially hazardous foods include cut tomatoes or melons, dairy products, meats, poultry, seafood, most cooked food and cut leafy greens.

- Cold food must be maintained at 41 degrees Fahrenheit or below.
- Hot food must be maintained at 135 degrees Fahrenheit or above.
- Cooling process for hot food: potentially hazardous food must be cooled from 135 degrees to 71 degrees Fahrenheit in less than 2 hours, and cooled from 71 degrees to 41 degrees or below in less than 4 hours for a total of 6 hours.
- If foods are re-heated for service, ensure the internal temperature reaches 165 F.

### How should I label the food?

Requirements for labeling depend on whether the food is in its original package or has been prepared as a meal.

- Donated commercially-prepackaged food labels must clearly show the name of the item or food, manufacturer information, list of ingredients, and use-by date – if included. Must contain the statement: "Donated Food – Not for Resale".
- Donated prepared food must be labeled on the outside of the container with the name of the food, the food donor and the preparation date. (Example: BBQ prepared 2/1/18, from ABC Restaurant, 123 Broadway). Each individual item does not need to be labeled.

### How should the food be transported?

- When temperature-controlled transport is available, foods should be held below 41°F or above 135° while being transported. If temperature-controlled transport is not available, the food items should be labeled "Process Immediately" and must not be out of temperature controls for more than a total of 4 hours (including time during cooling, storage, transport and service). Potentially hazardous food out of temperature controls for more than 4 total hours must be discarded.