



Food Establishments: Making Safe Food Donations During COVID-19 Pandemic

Updated 4.3.20

This document addresses foods donated by licensed restaurants, hotels, food processing facilities, or food distributors during this Coronavirus Disease 2019 (COVID-19) emergency.

Donating surplus food from hotels, restaurants, and other food facilities can be a great way to help local missions and other charitable organizations that serve those in need during these difficult times. However, donating and receiving surplus foods **must** be done in a way that minimizes food safety risks and protects both the donor and those receiving the donation.

The Maryland Department of Health, Office of Food Protection has prepared the following food safety guidelines to help facilitate safe food donations during this current emergency.

Approved Source of Donated Foods

A licensed food establishment that prepares food for donation is considered an approved source. Food establishments include restaurants, hotels, food processing facilities, or food distributors. Prepared food and meals for donation are limited to foods or food portions which have not been previously served to a consumer and foods that have not been previously cooked, cooled and then reheated.

Facilities Receiving Donated Foods

Most missions or charitable organizations receiving donated foods operate under a food service facility license, so they are familiar with food handling requirements. If the charitable organization does not operate under a food service facility license, the perishable donated foods are to be immediately served and consumed. The Food Donation Delivery Form (attached) should be completed for all food donations.

Temperature Control

Donated foods that require temperature control must always remain at 41°F or below for cold foods, or 135°F or above for hot foods, prior to transportation. When refrigerated transport is available, foods should be held below 41°F, while in transport to the venue. If refrigerated transport is not available, the food items should be labeled "Process Immediately" and must not be out of temperature controls for more than two (2) hours.

Donations consisting of whole produce, canned goods, dry foods, and other similar products can be delivered anytime with no requirement for temperature controls or delivery times.

The food donor organization must check to ensure proper temperatures at the time of the transfer to the receiving facility or food transporter. The person-in-charge at the receiving venue should also check the temperature of the food upon receipt and note the time that the food is received. Food received out of temperature (above 41°F for cold food and below 135°F for hot foods) must not be accepted for donation.

Protection from Contamination

Food must always be protected from potential contamination. Enhanced sanitary practices, food-grade containers, and protocols ensuring that transport vehicles are clean and free of vermin, are all key. Canned goods must be from a commercial source (with intact label) and in good condition.

This means that punctured, bulging, swollen, or seriously damaged cans cannot be accepted.

Serious damage that would not be acceptable includes: evidence of leakage, side seam dents, top seam dents, bulging or swollen cans, or significant rust. Other types of packaged goods must be evaluated for packaging integrity as well. Do not accept product if:

- it has opened, punctured, or damaged packaging;
- the interior packaging or seal is missing or is damaged;
- there is evidence of unfavorable environmental exposure (extreme temperatures, water, condensation, etc.); or
- it is damp, stained, or moldy

Food Labeling for Prepared Foods (Food Prepared by the Donating Organization)

Label the packaging with the food name, the date it was prepared, and a recommended seven-day (7-day) discard date.

Prepared food that has been refrigerated for seven days or more should not be donated. Foods that are frozen, thawed, and then refrozen should not be donated. Food that will be donated can be frozen prior to donation to “stop the clock” and prevent the growth of bacteria. Label the packaging with the date it was frozen. Store foods in a designated area (including inside a refrigerator or freezer) identified with signage of a refrigerator or freezer while waiting for pick-up.

Allergen Labeling

Each year, millions of Americans have allergic reactions to food. It is strongly recommended that foods for donation be labeled with ingredients so people with food allergies are aware of what is in the food. Eight major foods account for 90% of allergic reactions caused by food:

1. *milk*
2. *eggs*
3. *fish (e.g., bass, salmon)*
4. *shellfish (e.g., crab, shrimp)*

5. *tree nuts (e.g., almonds, walnuts)*
6. *peanuts*
7. *wheat*
8. *soybeans*

How to Donate

If you are interested in donating prepared or pre-packaged foods, the following organizations have provided their contact information to make arrangements:

- Maryland Food Bank (email)
foodrecovery@mdfoodbank.org.
- Capital Area Foodbank
<https://www.capitalareafoodbank.org/how-to-help/donate-food/>
- Salvation Army
<https://salvationarmycm.org/contact-us/>

More Information

- Maryland Department of Health Office of Food Protection
(410)767-8401 or <https://phpa.health.maryland.gov/OEHFP/OFPCHS/Pages/Home.aspx>
- Maryland Coronavirus (COVID-19) Information for Businesses
<https://govstatus.egov.com/md-coronavirus-business>
- State and Federal Food Donation Statutes
 - Annotated Code of Maryland: [Article - Health –General, §21-322\(b\) Annotated Code of Maryland](#)
 - United State Code, Bill Emerson Good Samaritan Food Donation Act: [Title 42— The Public Health and Welfare, Chapter 13A, Section 1791](#)

Food Facility Operators Food Donation Delivery Form

Perishable Food Item(s) (Continue Items on Back of This Page if Needed)	Quantity (lbs.)	DONOR Holding Temperature Immediately Prior to Transport(°F)	Time Taken	RECEIVER Temperature at Receipt (°F)	Time Taken	Accepted
						YES or NO*
						YES or NO*
						YES or NO*
						YES or NO*
						YES or NO*

*If donation not accepted, specify the reason: _____

DONATED BY:

Name of Facility or Event	Food Service Facility License #
Address	Phone #
Delivered by (Print Name)	

TRANSPORTED BY (if other than donor or recipient):

Name of Delivery Organization	Food Service License Facility #
Address	Phone #
Delivered by (Print Name)	

Food Facility Operators Food Donation Delivery Form

DONATED TO:

Name of Facility or Organization	Food Service Facility License #
Address	Phone #
Received by (Print Name)	

By signing below, the donor and the recipient acknowledge that the food item(s) listed above meet the temperature holding requirements for potentially hazardous foods, as defined in the Code of Maryland Regulations 10.15.03, Food Service Facilities.

Donor Signature	Date
Recipient Signature	Date

The food delivery donation form should be maintained on file by donors and recipients for 2 years.

