

# Excess Food Donation Guide for Licensed Food Establishments

## Understanding Food Donation

When licensed food establishments like restaurants, schools, and catering services have leftover food, they can donate it instead of throwing it away. The specific process might vary, but most often involves donating to organizations like food banks or pantries.

## Why Donate Excess Food



**Help your community:** Donate food to those in need and reduce food waste.



**Save money:** Enjoy tax benefits and potentially lower waste disposal costs (Internal Revenue Code 170(e)(3)).



**Protect the environment:** Reduce the environmental impact on food waste.

## Legal Considerations and Practices

- **Legal protection:** The **Bill Emerson Good Samaritan Food Donation Act of 1996** and **Minnesota Statutes 2023, section 604A.10** protect businesses that donate excess food in good faith to qualifying organizations.
- **Expanded coverage:** The Food Donation Improvement Act of 2023 expanded these protections to include practices like directly giving food to people in need and selling leftover food at reduced prices.
- **Tax benefits:** Businesses and schools may be eligible for tax deductions for donating excess food.



## Safe Food Donation Practices

To protect businesses that donate food, donations must comply with federal, state, and local food safety laws. These laws regulate food quality and labeling. Your local inspector can review your processes and labeling for free. Below is the Minnesota Food Code, which must be followed:

### Temperature Requirements

All **time/temperature control for safety (TCS) foods** must meet temperature requirements to prevent risk of illness. Examples of TCS foods include meats, poultry, seafood, dairy products, cut tomatoes, cut leafy greens, cut melons, and most cooked food.

- ✓ **Hot TCS foods** must remain at 135°F or above throughout all times of donation including delivery.
- ✓ **Hot TCS foods** must be cooled from 135°F to 70°F in two hours or less, then to 41°F or below in a total of 6 hours.
- ✓ **Cold TCS foods** must remain at 41°F or below throughout all times of donation including delivery.
- ✓ **Frozen TCS foods** must remain at 0°F or lower.

### Labeling Food

All food donations must be properly labeled. This applies to both food in its original packaging and food that has been prepared.

- ✓ **Food in its original packaging** must include the name of the item, manufacturer information, ingredient list, the use-by date (if available), and a statement saying, “Donated food—not for resale.”
- ✓ **Prepared food** must include the name of the item, the name of the donating business, and the date it was prepared. Some organizations may also request ingredient lists and information about allergens. Be sure to check with the specific organization you’re donating to for their requirements.

**BizRecycling** grants may be available to help businesses purchase equipment such as label makers, labels, and additional refrigerators or freezers.



To learn more, scan the QR code.

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## Finding the Right Donation Partner

There are many ways to donate your leftover food. Depending on your business' capacity, you may choose to deliver properly labeled food to nearby food shelves. Some organizations can help with pickup and delivery of larger quantities of food. Below are some local options. **Please contact the organizations directly to determine which specific food products they can accept as donations.**

-  Friends in Need in **St. Paul Park** (535 4th St.)
-  Basic Needs Food Market in **Cottage Grove** (8475 East Point Douglas Rd., Ste. 106)
-  Open Cupboard in **Oakdale** (8264 4th St. N.)
-  Valley Outreach in **Stillwater** (1901 Curve Crest Blvd. W.)
-  Family Pathways in **Forest Lake** (935 Lake St. S.)

You can find additional organizations online at **Second Harvest Heartland**. The **Meal Connect** app is another tool to help you find a food shelf and schedule a delivery.

## Success Stories

### Chipotle Mexican Grill

Chipotle restaurants participate in the Harvest Program, donating excess food from their restaurants and their distribution and supply chain centers.

### Olive Garden Italian Restaurant

Olive Garden restaurants donate 49 million pounds of food (equivalent to over 41 million meals) to local nonprofits through their partnership with Feeding America and the Harvest Program.

### Panera Bread

Panera's Day-End Dough-Nation Program donates leftover bakery items to local nonprofits and community programs like after-school clubs and youth shelters.