



NC DEPARTMENT OF
**HEALTH AND
HUMAN SERVICES**

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January 31, 2025

POSITION STATEMENT: Donated Food

PURSUANT TO: N.C.G.S. 130A-248; 15A NCAC 18A .2600

SOURCE: Shane Smith, REHS
Head, Food Protection and Facilities Branch

QUESTIONS / ISSUE: What food items may be donated?
What rules must food establishments follow when donating food?

DISCUSSION/RATIONALE:

Guidance has been requested regarding the donation of food. To control food waste and provide community outreach, many food establishments donate their excess food to Food Distribution Organizations (FDO) that are exempt from regulations.

Guidance has also been requested from the Department of Public Instruction personnel regarding “sharing tables” in school cafeterias, which provide a place to share unused food items with other students.

RESPONSE / INTERPRETATION

The primary goal of food recovery programs is to collect safe and wholesome food donated from commercial sources to meet the nutritional needs of the hungry.

Food intended to be served for pay must meet all requirements set forth in the Rules Governing the Food Protection and Sanitation of Food Establishments and the North Carolina Food Code Manual. However, food intended to be donated is not subject to these regulations. Likewise, food donated by non-permitted entities, such as consumers, is not subject to these regulations.

Despite the absence of controlling regulations, the Branch recommends that FDOs and entities operating sharing tables be familiar with and abide by the food safety regulations set forth in the North Carolina Food Code . The failure to follow such best practices could result in harm to the very populations these organizations seek to help. Some of the most critical food safety best practices that should be followed are:

(1) If unserved food is donated by the food establishment, the food must meet all requirements in the Code while under the authority of the permittee.

NC DEPARTMENT OF HEALTH AND HUMAN SERVICES • DIVISION OF PUBLIC HEALTH

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(2) If food is donated by the food establishment, it should be separated, identified, and stored in a designated area from food items intended for service to the public

(3) Time control for safety (TCS) and unpackaged non-TCS food that has been served should not be donated

(4) Only packaged non-TCS foods, whole fruit or food meeting the requirements in 3-306.14(B) (1) & (2) should be donated

Please contact your Regional Specialist if you have any questions.

REFERENCES:

N.C.G.S. 130A-248

Rules Governing the Food Protection and Sanitation of Food Establishments (15A NCAC 18A .2600)

North Carolina Food Code Manual

Conference for Food Protection Comprehensive Guidance for Food Recovery Programs

<http://www.foodprotect.org/media/guide/comprehensive-resource-for-food-recovery-2016-version.pdf>

<http://www.usda.gov/oc/foodwaste/resources/donations.htm>

NOTE: Position statements are policy documents to clarify how to interpret or enforce a law or rule. They are not enforceable on their own, but are intended to promote uniform interpretation and enforcement of the underlying law or rule.