



**GUIDANCE DURING COVID-19 DISASTER DECLARATION REGARDING
DONATION AND/OR SALE OF FOOD TO INDIVIDUAL CONSUMERS BY
LICENSED RETAIL FOODSERVICE ESTABLISHMENTS
MARCH 24, 2020**

Licensed retail foodservice establishments may donate or sell food directly to consumers provided such foods are in its original condition, packaging, or presented as received by the retail foodservice license holder. For sake of clarity, this guidance is additive to the existing permits that licensed retail foodservice establishments already hold.

- Any refrigerated food (excluding produce) is at a temperature of 5 degrees Celsius or below (41 degrees Fahrenheit) at the time of sale or donation, and the food is protected from contamination.
- Sold or donated foods should be labeled with the name of the food, the source of the food, and the date of sale. Handwritten labels are acceptable.
- Sold or donated time/temperature controlled for safety foods may not exceed the shelf life as displayed on the package.
- Packaged foods exhibiting damage or without the manufacturer's complete labeling, cannot be sold or donated.
- Foods are considered distressed when subjected to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, temperature abuse, or prolonged storage and may not be sold or donated.
- Meat and/or meat products bearing the Texas or United States Department of Agriculture "Mark of Inspection" or meat products produced from products obtained from an inspected source may be sold or donated.

The retail establishment may donate prepared food under the following conditions:

- A time/temperature controlled-for-safety food may be donated if:
 - Hot food has been kept at or above 57 degrees Celsius (135 degrees Fahrenheit) during hot holding and service, and subsequently refrigerated to meet the time and temperature requirements.

- The temperature of cold food is at or below 5 degrees Celsius (41 degrees Fahrenheit) at the time of donation, and the food is protected from contamination.
- Donated foods should be labeled with the name of the food, the source of the food, and the date of donation. Handwritten labels are acceptable.
- Donated time/temperature controlled for safety prepared foods may not exceed the shelf life for leftover foods—i.e. 7 days including the date of preparation.
- Foods are considered distressed when subjected to fire, flooding, excessive heat, smoke, radiation, other environmental contamination, temperature abuse, or prolonged storage, and may not be sold or donated.

The Governor issued a Disaster Proclamation on March 13, 2020. This guidance document is in effect until rescinded by the Department of State Health Services, as announced on this webpage.