

ALBUQUERQUE FOOD DONATION GUIDE FOR PERMITTED FOOD FACILITIES

Permitted food facilities may donate surplus foods. This guide will help you with the City requirements and how to keep people safe.

HOW TO DONATE:

Food donations should be stored in food-safe containers. Note that trash bags and grocery store bags are not food safe.

Cold foods must always remain at 41°F or below. Hot foods must always remain at 135°F or above. It is best practice to put food for donation in food-safe containers and separating the food into smaller portions.

Refrigerate or freeze immediately. Be sure to properly cool hot foods: 2 hours to drop to 70°F and an additional 4 hours to drop to 41°F. Keep logs of cooling, hot and cold holding, and transportation of time/temperature control for safety (TCS) foods.



LABELING REQUIREMENTS:

A food donation label must be attached to each container.

This label should include:

- The name of the product.
- The name and address of the manufacturer or packer or distributor of the product (which can be the food bank).
- A list of ingredients if the product is made from two or more ingredients.
- Date prepared and use by date.
- List of allergens.
- A special handling statement (e.g., “Keep Refrigerated”)
- Safe-handling instructions if not ready-to-eat. A statement of limited distribution (i.e., “Not for Sale” or “For Charity Only”) is recommended.

There are nine major food allergens. The label must list whether the food contains or may have come in contact with any of the following major allergens:

milk · egg · fish · crustacean shellfish · tree nuts · wheat · peanuts · soybean · sesame.



MILK



EGG



FISH



CRUSTACEAN



TREE NUTS



WHEAT



PEANUTS



SOYBEAN



SESAME

Each accepting agency shall make every effort to maintain food safety up to and including service of said food. Pre-packaged foods should be donated in their original packaging, ensuring adhering to “best by”, “expiration date”, or “use by” information.

SAMPLE LABEL:

Product name: Meat Sauce

Allergens: Wheat

Ingredients: ground beef, onion, garlic, bell pepper, tomatoes, wheat flour, oregano, basil, salt, pepper.

Date prepared: 12/20/25

Use by: 12/24/25

Safe storage temperature: Keep refrigerated at 41°F or below.

Reheating/serving instructions:

Reheat quickly to an internal temperature of 165°F or above.

Donated by: Three Sisters Kitchen

Address: 109 Gold Ave. SW,
Albuquerque, NM 87102

Phone: (505) 123-4567

Not for Resale / For Charity Only

LIABILITY PROTECTION FOR DONORS:

State and Federal laws protect food donors. Businesses, individuals, and nonprofits that donate or distribute donated food or grocery products are well protected by laws designed to provide immunity from liability related to food donations. The Bill Emerson Good Samaritan Food Donation Act, originally passed in 1996 and amended by the Food Donation Improvement Act in 2022 (hereinafter collectively referred to as “the Emerson Act”), provides comprehensive federal liability protection to encourage food donation to individuals experiencing food insecurity.

Federal Tax Deduction: The federal tax code allows a deduction for donated food. Eligible businesses can deduct the lesser of either:

- (a) Twice the cost of acquiring the donated food, or
- (b) The cost of acquiring 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.

New Mexico Statute 41-10-3 is the state law protecting food donors from all forms of liability, details on next page.



LIABILITY PROTECTION FOR DONORS:

New Mexico Statute 41-10-3

A. Notwithstanding any other provision of law, any person who donates food in good faith, including the good-faith donor of any perishable or canned food, apparently fit for human consumption, to a bona fide charitable or nonprofit organization or municipality for free distribution or a gleaner of any perishable food, apparently fit for human consumption, shall not be subject to any criminal penalty or be liable for any civil damages arising from the condition of the food unless an injury arising from the food is caused by the gross negligence, recklessness or intentional conduct of the person who donates the food.

B. Notwithstanding any other provision of law, a bona fide charitable or nonprofit organization or municipality which in good faith receives food, apparently fit for human consumption, and distributes it at no charge shall not be subject to any criminal penalty or be liable for any civil damages resulting from the condition of the food unless an injury arising from the food is caused by the gross negligence, recklessness or intentional conduct of the organization.

C. This section does not restrict the authority of an appropriate governmental agency to regulate or ban the use of any food for human consumption.

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Identify Foods You Can Donate

Licensed food establishments can donate food that has not been served to customers. This includes any raw, cooked, processed, prepared food, ice, beverages, or ingredient used or intended to be used (in whole or in part) for human consumption. This is inclusive of packaged and prepared food items.



IDENTIFY FOODS YOU CAN DONATE

Foods that CAN be donated:

 HOT Food kept at the proper temp and/or cooled properly (entree, soups, etc.)	 COLD Food kept at the proper temp for cold foods
 DAIRY PRODUCTS Dairy maintained at 41F or below (sour cream, milk, cheese, yogurt, etc.)	 RAW MEAT Raw meats maintained at 41F or below (beef, chicken, pork, etc.)
 PRODUCE Examples: Strawberries, lettuce, onions, herbs, etc.	
 PACKAGED ITEMS Dry pasta, canned vegetables, pudding, etc.	 BEVERAGES Juice, bottled water, lemonade, etc.

Foods that can NOT be donated:

- Previously served food, such as buffet items or groceries, that have been served to or purchased by a customer then returned
- Potentially contaminated foods (items that have been in a flood, fire, smoke, etc.)
- Reduced oxygen packaged foods prepared in-house
- Special processed food items (sushi, etc.)
- Sprouts
- Potentially contaminated foods (items that have been in a flood, fire, smoke, etc.)
- Canned food that is dented at the seams or rusty
- Food in opened or torn containers exposing the food to potential contamination

If food cannot be delivered at the proper temperature or is compromised at any time, it must be composted or discarded.

EXAMPLES OF FOOD THAT REQUIRE TIME/TEMPERATURE CONTROL FOR SAFETY



CUT TOMATOES



CUT MELON



DAIRY



MEAT



FISH

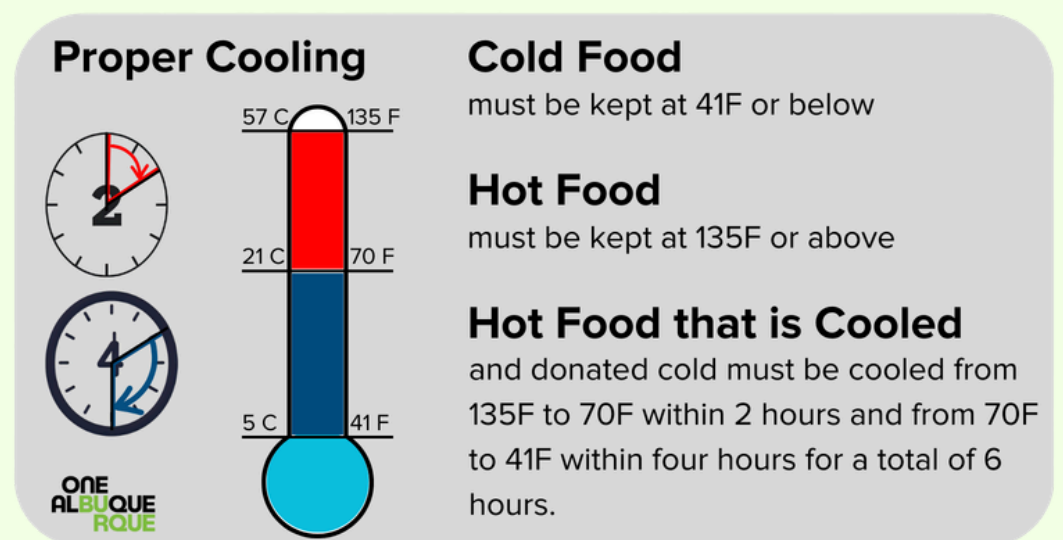


CUT LEAFY GREENS

Still not sure? Visit www.cabq.gov/foodsafety.

KEEP FOOD SAFE

In order to ensure donated food is kept safe, donating facilities must adhere to the City of Albuquerque Food Service and Retail Ordinance and food donation provisions in the 2022 U.S. Food and Drug Administration Food Code.



Donated prepared foods and time/temperature control for safety (TCS) foods must meet the temperature requirements outlined.

TRANSPORTING FOOD DONATIONS

Permitted food facilities shall take all reasonable and necessary steps to maintain the integrity of the product that is being donated.

Use portable coolers that are clean and in good repair to transport foods. Hot food items should be transported in insulated boxes or thermal bags.

The food donor 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 through use of a temperature log.

If food is unable to be delivered at proper temperatures, is adulterated, or is compromised at any time, then the food must be composted or discarded.

LOCAL AGENCIES ACCEPTING PREPARED FOOD DONATIONS:

Desert Harvest

About: Desert Harvest was founded in 2001 to help alleviate hunger and limit food waste in New Mexico. Desert Harvest rescues prepared and non-prepared surplus foods from local, restaurants, and other businesses. This food is picked up by network partners and distributed in their pantries, shelters, or kitchens - helping to feed New Mexico's hungry and limiting food waste.



How to donate:

- Contact the Desert Harvest Coordinator Glenna at (505) 449-4021 or GJDonnell@GoAdelante.org.
- Desert Harvest will schedule either a one-time pick up or set up a regularly scheduled pick up at an interval most convenient to you and/or your business.
- Your surplus food must be placed in food-grade containers and either stored in a refrigerator or a freezer (preferred).
- Each individual container must be labeled with the information on the "Sample Label" (see page 3).
- Desert Harvest network partners will pick up your donations and distribute them to the people they serve.
- Please note that, while reasonable effort will be made, Desert Harvest may, under certain circumstances, be unable to facilitate food rescue at your location. Scheduling of a pickup is dependent on the availability of our partners (their staff, vehicles, and volunteers).

LOCAL AGENCIES ACCEPTING PREPARED FOOD DONATIONS:

God Cares About You

About: Faith-based shelter and food service serving the International District aimed at providing the community with day-to-day items. The Mission offers hot meals and perishable and non-perishable Mondays, Tuesdays, Thursdays, and Fridays to people from all walks of life without faith-based conditions.



How to donate:

- Contact German at (505) 377-2756 or godcaresaboutyouabq@gmail.com.
- Pick-up may be possible.
- Accepts perishable and non-perishable raw, packaged, and prepared foods.
- Address: 126 Pennsylvania St NE, Albuquerque 87108.

Good Shepherd Center

About: Offering addiction recovery, medical shelter, food, housing assistance, and clothing for those in need since 1951.



How to donate:

- Contact Director of Operations, Brother Charles, to schedule drop-off: (856) 203- 2883.
- Delivery required.
- Address: 218 Iron Ave SW, Albuquerque 87102.
- Accepts raw and prepared food, ingredient labels not required. Frozen foods are only accepted on a limited basis.

LOCAL AGENCIES ACCEPTING PREPARED FOOD DONATIONS:

Mission ABQ

About: Mission ABQ is a non-profit organization, established in 1999 to bring hope to a community in need, helping people turn the corner from a place of need to a place of service to others.

How to donate:

- Call Pastor James at (505) 910-3593.
- Delivery required.
- Delivery Times: Monday and Tuesday 10 a.m.-12 p.m., Thursday, 2 p.m.-5 p.m.
- Address: 8216 Central Ave SW, Albuquerque 87108.
- All prepared, fresh, frozen, and/or packaged foods welcome.

The Rock at Noonday

About: Meals and support services for unhoused and food insecure people.



How to donate:

- Call before drop-off.
- Contact Community Engagement Director by email at engage@therockabq.com or by phone at (505) 340-9565.
- Delivery required.
- Delivery can be accepted Monday from 8 a.m. to 11 a.m. or Tuesday through Friday from 8 a.m. to 1 p.m.
- Address: 2400 2nd Street NW, Albuquerque, NM 87102.
- All dated and labeled prepared and/or raw food are welcome.

LOCAL AGENCIES ACCEPTING FRESH PRODUCE AND SHELF-STABLE PACKAGED FOODS ONLY

Rio Grande Food Project

About: Rio Grande Food Project (RGFP) is a 501(c)(3) nonprofit organization providing free groceries to thousands of people each year, along with additional services and resources to help address root causes of food insecurity.



How to donate:

- Donations accepted depending on space. Please call the Operations Manager at (505) 967-5158.
- Delivery only.
- Delivery times: Tuesday- Friday 8 a.m. to 2 p.m.
- Address: 600 Coors Blvd NW Albuquerque 87121.
- No prepared foods will be accepted.
- No bulk foods will be accepted.
- Dry goods will be accepted if they are individually packaged, contain a nutritional label, and not in a large bulk size.
- Perishable produce will be accepted.



LOCAL AGENCIES ACCEPTING FRESH PRODUCE AND SHELF-STABLE PACKAGED FOODS ONLY

Roadrunner Food Bank

About: Roadrunner Food Bank of New Mexico is the largest non-profit food bank in the state. As a food distribution hub, Roadrunner provides food to hundreds of affiliated member partners across the state.



How to donate:

- Suitable only for large volumes of food (greater than one pallet). Food items may include perishable and/or non-perishable items. Ingredients must be labeled. Prepared food will generally not be accepted.
- To inquire about a potential donation, contact the Roadrunner Food Bank main line at (505) 247-2052. Request to speak with the food rescue or food drive staff.
- Pickup may be possible for large donations.

Storehouse New Mexico

About: Storehouse New Mexico is a nonprofit community-based food pantry that provides free groceries to people in need.



How to donate:

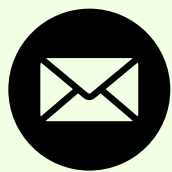
- Accepts packaged food or fresh produce only, no prepared foods.
- Address: 106 Broadway Blvd. SE
- Delivery times: Tuesday-Saturday from 8 a.m. until 2 p.m. Donors should come to the back door in the east alleyway and ring the doorbell; they will help unload. Scheduling in advance is not necessary.
- Pickups are sometimes possible especially for large donations. Please call (505) 842-6491 if a pickup is needed.

RESOURCES FOR PERMITTED FOOD FACILITIES

Thank you for helping to feed hungry community members and reduce food waste in Albuquerque!

Contact:

Environmental Health Department
Consumer Health Division and/or
Sustainability Office



1 Civic Plaza
Albuquerque, NM 87102



Regulations & Permitting
ehdchpd@cabq.gov

Sustainability & Education
sustainability@cabq.gov



505-768-2632



www.cabq.gov/foodsafety



NOTES ON KEEPING THIS RESOURCE UP TO DATE

Please help us keep this resource comprehensive and accurate. If you know of an update or change, please email sustainability@cabq.gov.