



Food Service Businesses

SB 1383, the California Code Article 10 Section 18991.3.(c) requires that “A large venue or large event operator [i.e., the City of Irvine] that does not provide food services, but allows for food to be provided, shall require food facilities [e.g., *food vendors*] operating at the large venue or large event to comply with the requirements of this section.”

If you are a food service business, you must donate surplus edible food to food recovery organization(s) (FROs). Plus, you must maintain a list of FROs that receive edible food, keep a copy of the contract or written agreement with the FROs, and record types of food donated, and the frequency and quantity of donation in pounds recovered per month by FRO.

How does my business become compliant?

Step 1



Secure written agreements or contracts with food recovery organizations that receive your donation.

Step 2



Begin donating excess edible food.

Step 3



Maintain donation records at your business location for City inspection.

What is SB 1383?

SB 1383 is a California state mandate that aims to reduce organic waste destined for landfills by 75%, and to recover 20% of edible food that would otherwise be sent to landfills by 2025.

Why this law?

Food waste is the second largest contributor of organic matter in California landfills, which produces methane gas, a known greenhouse gas pollutant. California has made a commitment to reduce greenhouse gas emissions and air pollution by implementing SB 1383.

How does this affect me?

As a Tier 1 or Tier 2 food generator your location must comply with SB 1383 or face possible fines and penalties.



Build a Food Donation Program SB 1383 Assistance Programs

Donate surplus food with confidence and save money!

The Abound Food Care Donation Program* provides food generators with SB 1383 compliance solutions to help reduce food waste and improve operational efficiencies. Let us help you build an effective Food Donation Program so we can feed communities in need.

*Abound Food Care is authorized by the City of Irvine to provide this service.



Food Donation Program Guide to Safe Excess Edible Food Donation

FEDERAL GOOD SAMARITAN FOOD DONATION ACT Donors are also protected under the Federal Bill Emerson Good Samaritan Food Donation Act: “a person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition or apparently wholesome food or an apparently fit grocery product that the person or gleaner donated in good faith to a nonprofit organization for ultimate distribution to needy individuals.”

CA AB 1219 - CALIFORNIA GOOD SAMARITAN FOOD DONATION ACT The California Good Samaritan Food Donation Act provides liability protections for entities that make good faith donations of surplus food.

AB 1219 clarifies and expands liability protections for donated surplus food by:

- Creating a more comprehensive list of entities covered by law
- Explicitly states that donation of past-date food is subject to liability protection
- Expands liability protection to donations made by food facilities, which are subject to food safety regulations and inspections, directly to individuals for consumption (direct donation).

Why donate excess edible food?

- Complies with State Mandate SB1383
- Can help feed those in need.
- Diverts excess edible food from the landfill, reducing greenhouse gas emissions.

Things to consider prior to starting a food donation program:

- What types of food will be donated?
- Where will things be stored prior to collection?
- Can perishable donations remain in temperature-controlled areas until pick up time?
- Who will be the food donation ‘Lead’ and point of contact at the location? Will they be tasked with recordkeeping?
- Frequency and amount of food donations?
- Pick up internal protocol? Is there a designated area where the volunteer will pick up the donation?

Storage:

- Donations should be placed in a clean and appropriate area off the floor based on their temperature requirements
- Place donations in boxes that can be easily transported.
- Place donations of similar type together in a designated area
- Keep loose items in their cases.
- Store heavy items on the bottom and lighter items on top.



Temperature Guidelines:

Store below 32 degrees:

- Frozen foods

Store at 41 degrees or below

- Baked goods with cheese, cream or meat fillings
- Deli Items
- Eggs & Dairy
- Pre-cut produce
- Prepared Foods

Room Temperature

- Baked Goods without Cheese, cream or meat fillings
- Dry Goods and non-perishables
- Whole, unpeeled or uncut produce.

Product Handling Guidelines:

- Follow standard safety and food handling protocols per CalCode for all food in your possession, whether it's intended for sale or donation.
- Package donations in sanitary, food-grade containers or bags. Avoid mixing different foods in the same container or bag.

Foods that cannot be donated:

- Contaminated: bad odor, discoloration, moldy, and/or bulging packaging
- If packaging is torn, has holes, cans dented at the crease, or broken seals
- Food that is not in its original packaging and missing ingredient label and/or date.
- Perishable foods that are not held at safe temperatures.
- Self-Serve food items, hot or chilled
- Medications, nutritional supplements, infant formula, and alcohol.

Q: Can surplus food from food trucks at large events be donated? How can large events that primarily host food trucks comply with SB 1383 requirements?

Large event and venue operators must make arrangements to ensure that the food vendors, e.g., food trucks, operating at their event or venue are recovering the maximum amount of their edible food that would otherwise be disposed per Section 18991.3(c) of the SB 1383 Regulations.

Food trucks are classified by the California Health and Safety Code (HSC) [Section 113831\(a\)PDF download](#) as “mobile food facilities.”



Abound Food Care

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- Mobile food facilities and mobile support units should refer to HSC Section 114305(d) for determining which foods they are unable to donate.

This Section states, “Potentially hazardous foods held at or above 135°F on a mobile food facility or mobile support unit shall be destroyed at the end of the operating day.”

- While foods from a food truck that fit this definition cannot be donated, edible food that does not fit this definition and would otherwise be disposed shall be recovered.

It may also be noted that nothing in SB 1383’s edible food recovery regulations prohibit a commercial edible food generator from giving their surplus food to clients or employees.

The California Health and Safety Code is under the authority of California Department of Public Health. Questions regarding food safety requirements may be sent to: FDBfood@cdph.ca.gov.

GETTING STARTED:

Process

- Place your donatable foods in a banana box (or similar) or a crate in a designated area in a location where internal staff only have access. For perishable items, keep them in a cooler.
- If you have a donation that meets the guidelines, please reach out to Abound Food Care at (657-335-4480 ext. 110) Monday-Friday 8am-5pm.
- Please reach out 24-48 hours prior to needing the donation picked up.
- Please ensure that food is being handled properly and being stored in either coolers or freezers to maintain food safety