

# SB 1383 Resource Guide for **Commercial Edible Food Generators**

## What's Included



Senate Bill 1383 and what it means for your business



Compliance checklist for edible food generators



Safe food donation guidelines and protection laws



List of food recovery organizations in your area



Food recovery agreement and food donation tracker templates

## For More Information

City of La Mirada

**Phone:** (562) 902-2385

**Website:** [lamiradarecycles.com](http://lamiradarecycles.com)



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# An Introduction to Senate Bill 1383

Senate Bill (SB) 1383 is a California law that requires certain businesses to donate all of their excess edible food. One of the goals of this law is to reduce greenhouse gas emissions that result from the decomposition of food waste. Donating food that is still safe to eat can help decrease pollution and feed hungry people.

Did you know...

**6  
million  
tons**



of food gets thrown away each year in CA. This makes up about 18% of all landfill material.

Source: CalRecycle

**800,000**



households in Los Angeles County have experienced food security.

Source: University of Southern California (2022 Data)

Businesses considered to be Tier 1 and Tier 2 edible food generators are required to meet certain requirements to be in compliance with SB 1383. Cities may assess a financial penalty for any instances of noncompliance. This resource guide provides the tools and documents needed to reach full compliance.

## Edible Food Generators Defined

### Tier 1 Generators

*Required to comply by Jan 2022*

Food distributors

Food service providers

Grocery stores & Supermarkets\*

Wholesale food vendors

### Tier 2 Generators

*Required to comply by Jan 2024*

Health facilities\*

Hotels\*

Large venues & large events\*

Local education agencies\*

Non-local entities

Restaurants\*

State agencies\*

\*Contact your city for more specific details on exclusions based on size and operational capacity.



# SB 1383 Compliance Checklist



## 1. Donate **ALL** excess edible food that is fit for human consumption.

No edible food should be found in trash or compost bins upon inspection

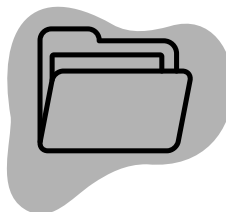


## 2. Have an agreement with a food recovery organization or service that is accessible onsite, either physically or digitally. The organization/service will pick up any food donations from your business free of charge.

A list of each food recovery organization or service that contracts with your business

An accessible copy of each contract or written agreement with all food recovery organizations or services your business works with

**Template included!**



## 3. Keep records onsite, physically or digitally accessible, and make them available to City inspectors when requested. For each food recovery organization/service, have the following information:

Name, address, and contact information

The types of food being donated

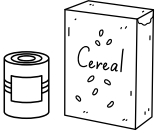
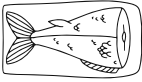


The frequency of donation

The quantity of food donated (in pounds per month)

**Template included!**

# Safe Food Donation Guidelines

OK! Items past their “best by”, “best before”, “sell by”, “use by” and “freeze by” dates can still be donated, excluding baby food and baby formula.

 <p>canned goods &amp; shelf stable items</p>	<p><u>OK!</u></p> <p>Unopened or dented</p>	<p><u>No!</u></p> <p>Rusted, bulging, or opened</p>
 <p>meat &amp; seafood</p>	<p>Unopened</p> <p>Frozen past the “best by” date</p>	<p>Discolored, moldy, or opened</p> <p>Food that smells “off” or “bad”</p> <p>Food left out of temperature</p>
 <p>dairy items</p>	<p>Unopened and sealed</p>	<p>Opened or unsealed</p> <p>Moldy or discolored</p>
 <p>produce</p>	<p>“Ugly” fruit or veggies</p> <p>Slight bruising</p> <p>Some mold (firm produce only)</p>	<p>Covered in mold</p> <p>Bagged greens that are mostly wet or spoiled</p> <p>Black bananas</p> <p>Bagged fruits that are wet, juicy, or falling apart</p> <p>Any produce that smells “spoiled,” “vinegary” or “off”</p>

## Temperature Guidelines

*Frozen (32°F or below)*      Frozen food, raw meat, seafood

*Refrigerated (41°F or below)*      Eggs, dairy, cold deli items, precut produce, prepared foods, baked goods with cream or meat

*Room Temperature*      Baked goods, dry and shelf stable items, whole & uncut produce

# Good Samaritan Laws protect you from liability.



California recently passed the California Good Samaritan Food Donation Act (AB 1219), which provides liability protections for entities that make good faith donations of surplus food. The law clarifies and expands liability protections for donated surplus food by:

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

Donors are also protected under the Federal Bill Emerson Good Samaritan Food Donation Act. United State Code, Bill Emerson Good Samaritan Food Donation Act Title 42, Chapter 13A, Section 1791 – (c)(1) states that:

A person or gleaner shall not be subject to civil or criminal liability arising from the nature, age, packaging, or condition of apparently wholesome food or an apparently fit grocery product that the person or gleaner donates in good faith to a nonprofit organization for ultimate distribution to needy individuals.

**Donating in good faith? You are protected!**

## Need a Contract Template?

The **Careit App** automatically generates a contract between the food donor and food recipient.

A **contract template** can also be found under “Model Food Recovery Agreement” at the CalRecycle website: [calrecycle.ca.gov/organics/slcp/foodrecovery/jurisdictions/](https://calrecycle.ca.gov/organics/slcp/foodrecovery/jurisdictions/)



# Food Donation Tracker

Use the table below to record the **total pounds of food donated per month** for each contracted food recovery organization or service. This includes both self-hauled donations and food donations picked up in store. Use one food donation tracker per donation partner.

Month	Year:	Year:	Year:
January	lbs	lbs	lbs
February	lbs	lbs	lbs
March	lbs	lbs	lbs
April	lbs	lbs	lbs
May	lbs	lbs	lbs
June	lbs	lbs	lbs
July	lbs	lbs	lbs
August	lbs	lbs	lbs
September	lbs	lbs	lbs
October	lbs	lbs	lbs
November	lbs	lbs	lbs
December	lbs	lbs	lbs

## Donation Partner Information

Organization Name

Address

Contact Information

## Frequency of Donations

\_\_\_\_\_ times per week

## Types of Food Donated

*check all that apply*

- |  |   |
|--|---|
| <input type="checkbox"/> Baked goods       | <input type="checkbox"/> Non-dairy beverages      |
| <input type="checkbox"/> Eggs/cheese/dairy | <input type="checkbox"/> Packaged non-perishables |
| <input type="checkbox"/> Frozen food       | <input type="checkbox"/> Produce                  |
| <input type="checkbox"/> Meat/seafood/deli | <input type="checkbox"/> Prepared Food            |