



Section 18991.3. Commercial Edible Food Generators.

(a) Tier One commercial edible food generators shall comply with the requirements of this section commencing January 1, 2022. Tier two commercial edible food generators shall comply with the requirements of this section commencing January 1, 2024.

(b) Commercial edible food generators shall arrange to recover the maximum amount of edible food that would otherwise be disposed. A commercial edible food generator shall comply with the requirements of this section through a contract or written agreement with any or all of the following:

- (1) Food recovery organizations or services that will collect their edible food for food recovery.
- (2) Food recovery organizations that will accept the edible food that the commercial edible food generator self-hauls to the food recovery organization for food recovery.

(c) A large venue or large event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the large venue or large event to comply with the requirements of this section.

(d) A commercial edible food generator shall comply with the requirements of this section unless the commercial edible food generator demonstrates the existence of extraordinary circumstances beyond its control that make such compliance impracticable. If an enforcement action is commenced against a commercial edible food generator for noncompliance, the burden of proof shall be upon the commercial edible food generator to demonstrate extraordinary circumstances. For the purposes of this section extraordinary circumstances are:

- (1) A failure by the jurisdiction to increase edible food recovery capacity as required in Section 18991.1.
- (2) Acts of God such as earthquakes, wildfires, flooding, and other emergencies or natural disasters.

(e) An edible food generator shall not intentionally spoil edible food that is capable of being recovered by a food recovery organization or service.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Section 42652.5 and Health and Safety Code Section 39730.6.

Section 18991.4. Recordkeeping Requirements For Commercial Edible Food Generators.

(a) A commercial edible food generator subject to the requirements in this article shall keep a record that includes the following:

- (1) A list of each food recovery service or organization that collects or receives its edible food pursuant to a contract or written agreement established under Section 18991.3(b).
- (2) A copy of contracts or written agreements between the commercial edible food generator and a food recovery service or organization.
- (3) A record of the following for each food recovery organization or service that the commercial edible food generator has a contract or written agreement with pursuant to Section 18991.3(b):



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- A. The name, address and contact information of the service or organization.
- B. The types of food that will be collected by or self-hauled to the service or organization.
- C. The established frequency that food will be collected or self-hauled.
- D. The quantity of food collected or self-hauled to a service or organization for food recovery. The quantity shall be measured in pounds recovered per month.

Authority cited: Public Resources Code Sections 40502, 43020, 43021 and 42652.5.

Reference: Public Resources Code Section 42652.5 and Health and Safety Code Section 39730.6.

Section 18990.2. Edible Food Recovery Standards and Policies.

(a) A jurisdiction shall not implement or enforce an ordinance, policy, or procedure that prohibits the ability of a generator, food recovery organization, or food recovery service to recover edible food that could be recovered for human consumption.

(b) A local education agency shall not implement or enforce an ordinance, policy, or procedure that prohibits share tables or requires schools to adhere to a food safety standard not specified in Part 7 of Division 104 of the Health and Safety Code.

(c) Nothing in this chapter shall be construed to limit or conflict with the provisions of the California Good Samaritan Food Donation Act of 2017 (the act). Specifically:

- 1) Nothing in this chapter shall be construed to limit the amount or types of foods that may be donated under the act.
- 2) Nothing in this chapter shall be construed to limit the ability of a person, gleaner or food facility to donate food as provided for in Sections 114432 and 114433 of the Health and Safety Code.
- 3) Nothing in this chapter shall be construed to reduce the immunities provided by the California Good Samaritan Food Donation Act as specified in Section 114434 of the Health and Safety Code.

(d) Nothing in this chapter prohibits a food recovery service or organization from refusing to accept edible food from a commercial edible food generator.