

# YOUR BUSINESS IS REQUIRED TO DONATE FOOD

HERE'S WHAT YOU NEED TO KNOW







The USDA states that up to 40% of food in the United States goes uneaten, while CalRecycle reports that food accounts for 18% of waste in California's landfills. The California Food Bank reports that 1 in 5 Californians (about 8 million) struggle with food insecurity. "Food insecurity" is the occasional or constant lack of access to the food one needs for a healthy, active life.

**FEED PEOPLE,  
NOT LANDFILLS**

## STATE COMPLIANCE

As required by California Senate Bill 1383, designated Tier 1 & 2 businesses must:

-  Donate all surplus edible food.
-  Keep records of donation details.
-  Keep a list of partner contacts.
-  Hold written agreements with each partner.

### TIER 1 BUSINESSES

*Required as of January 1, 2022*

- Food distributors
- Wholesale food vendors
- Food service providers
- Grocery stores and supermarkets (10,000 square feet or greater)

### TIER 2 BUSINESSES

*Required as of January 1, 2024*

- Hotels with 200+ rooms and an on-site food facility
- Restaurant facilities (5,000 square feet or larger, or seating more than 250)
- Local education agencies with an on-site food facility
- Healthcare facilities with an on-site food facility and 100+ beds
- Large venues (including shopping centers and malls) and events with 2,000+ daily visitors

## FOUR EASY STEPS TO DONATE

### 1. Set Up Your Program:

Identify a food recovery partner and create with them a food donation plan (including acceptable items, schedule, and collection logistics). Visit [AthensServices.com/FoodDonation](https://AthensServices.com/FoodDonation).

### 2. Sort & Save:

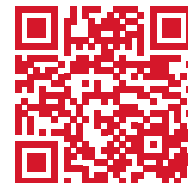
Collect edible food per your food recovery partnership agreement.

### 3. Call:

Arrange pickup from your food recovery partner.

### 4. Repeat!

**Scan for resources &  
Food Recovery Partners**



## FOOD RECOVERY PARTNERS

Food recovery organizations arrange the collection of donated food from your place of business and deliver to nonprofit recipients like shelters, food kitchens, pantries, and missions. Find a Food Recovery Partner, visit [AthensServices.com/FoodDonation](https://AthensServices.com/FoodDonation).

**Athens Services has identified experienced food recovery organizations to assist your business with its food donation setup, needs, and concerns.** Prior to donating, please be sure to arrange an initial meeting to discuss partnership logistics.



## WHAT CAN BE DONATED?

Acceptable items may vary among food recovery organizations. Permitted food service establishments, processors, and distributors may donate\* the following to nonprofits and directly to individuals:

- Whole produce and baked goods
- Prepackaged food
- Expired prepackaged food
- Food prepared by a permitted food facility
- Meat and seafood
- Dairy and eggs
- Non-perishables
- Frozen foods

*\* Foods previously served to a consumer generally cannot be donated.*



## DONATIONS ARE LEGALLY PROTECTED

**Food donations are legally protected and supported by the California Department of Public Health.** The California Good Samaritan Food Donation Act (AB 1219) provides liability protections for entities that make good faith donations of surplus food. The federal Bill Emerson Good Samaritan Food Donation Act also protects businesses from civil and criminal liability, should donated products cause any harm to the recipient. For further information, please contact an Athens Services food recovery partner or your county's Department of Public Health.



## FOOD DATE LABELS

Food date labels generally indicate quality, not safety. The California Good Samaritan Law explicitly states that donation of past-date food is subject to liability protection. There is no federal food date labeling law. **Your food recovery partner will work with you to decipher when food can and cannot be donated.**

To better understand food date labeling and related legislation, visit [cdfa.ca.gov/is/foodrecovery/fooddatelabeling/](https://cdfa.ca.gov/is/foodrecovery/fooddatelabeling/)

Confusion over date labels contributes to

**20%** of wasted food.



## DONATION BENEFITS

- Receive tax incentives. Speak to your financial advisor and food recovery partner about potential tax benefits and savings.
- Help others maintain a healthy and active life by minimizing food insecurity.
- Decrease your organics disposal needs.
- Support local and state waste mandates.
- Reduce food waste to landfill and lessen negative environmental impacts.