



Sacramento Second Helping Planner Toolkit

(rev 12/13/2021)

Welcome to the Sacramento Second Helping Toolkit and congratulations on your efforts to address the hunger issue so many in our community face on a daily basis.

**This planner toolkit is short, and easy to use.
We answer 3 simple questions:**

How Can Planners Facilitate the Donation of Surplus Event Food?

See the step by step guide on page two along with sample RFP and contract language.

What Liability Protections Exist?

The California Good Samaritan Food Donation Act provides broad protections to anyone donating apparently health food in good faith. See the last page of this toolkit for text of the act.

Where Can I Get Updates and Additional Information?

Updates to this toolkit and other resources such as the entire California Good Samaritan Food Donation Act can be found on the MPISSN website - <http://bit.ly/sacfooddonation> .

Sacramento Second Helping Food Rescue



Donating Surplus Event Food in Sacramento

PRE EVENT:

Even with the most careful planning, there will be times when there is extra event food that can be donated. The time to plan for potential donation is *before* the event.

- Sample language to request or require donations in RFPs and contracts are located on the next page.
- At a minimum, ask your venue what their donation policy is and express your wishes to donate extras. If they agree to donating leftovers, include language in the BEO so floor staff is aware.
- Request a post-meal function count of how much food was left over and use that data to project how much to order for future events.

The main objections planners will face when asking venues and caterers to donate surplus food are:

Kitchen Objection #1: It's too much work.

With the assistance of Sacramento Food Bank, The Sacramento Second Helping Task Force has published a Kitchen Toolkit with a list of Sacramento area nonprofits who are prepared to come to local hotels and other venues with containers for transferring food.

Kitchen Objection #2: We can't expose ourselves to liability.

Federal protections have been in place for years for donating wholesome food in good faith. In January 2018, the California Good Samaritan Food Donation Act (Emmerson) went into effect broadening and clarifying existing protections.

DURING THE EVENT:

Communicate with you banquet team any last minute anticipated changes in attendance. If buffets or displays are being served, discuss a plan with the banquet team for if or when to refresh with food being held in the service area. Un-presented food can potentially be donated.

POST EVENT:

Document pre-event registration and actual attendance at each food function as well quantities ordered and actual quantities served in order to more accurately place orders in the future.

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Planner Resources

Sample RFP and Contract Language

Suggested by MeetGreen.com:

"Donate all leftover food to the degree possible within safety and health regulations, and the Good Samaritan Laws. Donate all table scraps to a local farm or compost - if a program is available or arranged for by Group."

Suggested by Tyra W. Hilliard, PhD, JD, CMP:

"In the event that the Group's numbers for any food functions fall below the guaranteed numbers for which the Hotel purchased food, Hotel agrees to donate excess food to (name local charitable entity that will accept food donation) rather than allowing excess food to stay in inventory or go to waste[e. This clause applies for decreases in food and beverage guarantees that are realized after Hotel has already had to purchase food for anticipated number of food functions. Group recognizes that it will have to pay for excess food at the contractually agreed upon prices."

Donating in Other Areas

How to locate food pantries in the area of your event:

<https://www.foodpantries.org/>

How to locate food banks in the area of your event:

<http://www.feedingamerica.org/find-your-local-foodbank/>

How to locate homeless shelters by zip code:

<https://www.homelesshelterdirectory.org/>

Federal Good Samaritan Food Donation Act

<https://www.govinfo.gov/content/pkg/PLAW-104publ210/pdf/PLAW-104publ210.pdf>

California Good Samaritan Food Donation Act (Eggman Act) Assembly Bill No. 1219

(November 9, 2017)

For the entire bill, go to:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1219

Except for injury resulting from gross negligence or intentional misconduct in the preparation or handling of donated food, no person, gleaner, or food facility that donates food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or food bank shall be liable for any damage or injury resulting from the consumption of the donated food. Food facilities may donate food directly to end recipients for consumption.

The immunity from civil liability provided by this subdivision applies regardless of compliance with any laws, regulations, or ordinances regulating the packaging or labeling of food, and regardless of compliance with any laws, regulations, or ordinances regulating the storage or handling of the food by the donee after the donation of the food.

The donation of nonperishable food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act. The donation of perishable food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.

(b) A nonprofit charitable organization or a food bank that, in good faith, receives and distributes food without charge that is fit for human consumption at the time it was distributed is not liable for an injury or death due to the food unless the injury or death is a direct result of the gross negligence or intentional misconduct of the organization.

(c) Nothing in this chapter shall be construed to limit the ability of a person, gleaner, or food facility to donate food.

(d) For the purposes of this section:

(1) "Food bank" has the same meaning as defined in Section 113783 of the Health and Safety Code.

(2) "Food facility" has the same meaning as defined in Section 113789 of the Health and Safety Code.

(3) "Gleaner" means a person who harvests for free distribution to the needy, or for donation to a nonprofit organization for ultimate distribution to the needy, an agricultural crop that has been donated by the owner.

(4) "Nonprofit charitable organization" has the same meaning as defined in Section 113841 of the Health and Safety Code.

(5) "Person" means an individual, school, local educational agency as defined in Section 421 of the Education Code, corporation, partnership, limited liability company, organization, association, or governmental entity, including a retail grocer, wholesaler, hotel, motel, manufacturer, restaurant, caterer, farmer, and nonprofit food distributor or hospital. In the case of a corporation, partnership, organization, association, or governmental entity, the term includes an officer, director, partner, manager or managing member, deacon, trustee, council member, or other elected or appointed individual responsible for the governance of the entity.

A person, gleaner, or food facility that donates food shall not be subject to civil or criminal liability or penalty for violation of any laws, regulations, or ordinances regulating the labeling or packaging of the donated product or, with respect to any other laws, regulations, or ordinances, for a violation occurring after the time of the donation. The donation of nonperishable food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act. The donation of perishable food that is fit for human consumption but that has exceeded the labeled shelf life date recommended by the manufacturer is protected under the California Good Samaritan Food Donation Act if the person that distributes the food to the end recipient makes a good faith evaluation that the food to be donated is wholesome.