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HEALTH AND SAFETY CODE - HSC

DIVISION 104. ENVIRONMENTAL HEALTH [106500 - 119406] (Division 104 added by Stats. 1995, Ch. 415, Sec. 6.)

PART 7. CALIFORNIA RETAIL FOOD CODE [113700 - 114437] (Part 7 repealed and added by Stats. 2006, Ch. 23, Sec. 2.)

CHAPTER 13. Compliance and Enforcement [114380 - 114437] (Chapter 13 added by Stats. 2006, Ch. 23, Sec. 2.)

ARTICLE 7. Food Facility Food Donations [114432 - 114435] (Article 7 added by Stats. 2006, Ch. 23, Sec. 2.)

114432. (a) A person, gleaner, or food facility may donate food to a food bank or to any other nonprofit charitable organization for distribution to persons free of charge. Food facilities may donate food directly to end recipients for consumption.

(b) For purposes of this section, "person" has the same meaning as defined in Section 1714.25 of the Civil Code.

(c) For purposes of this section "gleaner" has the same meaning as defined in Section 1714.25 of the Civil Code.

(Amended by Stats. 2017, Ch. 619, Sec. 6. (AB 1219) Effective January 1, 2018.)

114433. A person, gleaner, or food facility that donates food as permitted by Section 114432 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.

(Amended by Stats. 2017, Ch. 619, Sec. 7. (AB 1219) Effective January 1, 2018.)

114434. The immunities provided in Section 114433 and by Section 1714.25 of the Civil Code, the California Good Samaritan Food Donation Act, are in addition to any other immunities provided by law, including those provided by Chapter 5 (commencing with Section 58501) of Part 1 of Division 21 of the Food and Agricultural Code.

(Amended by Stats. 2017, Ch. 619, Sec. 8. (AB 1219) Effective January 1, 2018.)

114435. In implementing this article, enforcement officers shall promote the recovery of food fit for human consumption during their normal, routine inspections. Promotion shall include, but not be limited to, newsletters, bulletins, and handouts that inform retail food facility operators about the protections from civil and criminal liability when donating food.

(Added by Stats. 2017, Ch. 619, Sec. 9. (AB 1219) Effective January 1, 2018.)