

Date of Hearing: July 12, 2017

ASSEMBLY COMMITTEE ON EDUCATION
Patrick O'Donnell, Chair
SB 557 (Hernandez) – As Amended June 22, 2017

[This bill was double referred to the Assembly Health Committee and was heard on June 20, 2017 as it relates to issues in its jurisdiction].

SENATE VOTE: 39-0

SUBJECT: Food donations and pupil meals: schools

SUMMARY: Authorizes a local education agency (LEA) to minimize food waste and reduce food insecurity by providing sharing tables where specified foods that are not consumed during school meal times can be placed to provide additional helpings to students, and also authorizes the LEA to donate such items to a food bank or other nonprofit charitable organization.

Specifically, **this bill:**

- 1) Authorizes LEAs to provide sharing tables where food service staff, pupils, and faculty may return appropriate food items and make those food items available to pupils during the regular school meal time.
- 2) Specifies that food placed on the sharing table may include prepackaged, nonpotentially hazardous food with the packaging still intact and in good condition, whole uncut produce, and unopened bags of sliced fruit and unopened containers of milk that are immediately stored in a cooling bin maintained at 41 degrees Fahrenheit or below and perishable prepackaged food if it is placed in a proper temperature-controlled environment.
- 3) Authorizes LEAs to donate the food items placed on the sharing table, that is not taken by a pupil during the regular school meal time, to a food bank or other nonprofit charitable organization, provided that the preparation, safety, and donation of food is consistent with Health and Safety Code guidelines.
- 4) Requires the California Department of Education (CDE) to update its guidance on the donation of leftover food to allow a public school cafeteria to donate food to a food bank or other nonprofit charitable organization for distribution to persons free of charge or to make leftover food available to pupils during the regular school meal time.
- 5) Specifies that LEA means a county office of education, school district, or charter school for purposes of this section.

EXISTING LAW:

- 1) After being served or sold and in the possession of a consumer, food that is unused or returned by the consumer shall not be offered as food for human consumption. However, a container of food that is not potentially hazardous may be transferred from one consumer to another if the food is dispensed so that it is protected from contamination and the container is closed between uses, is in an unopened original package and is maintained in sound condition, and if the food is checked periodically. (HSC 114079)

- 2) “Potentially hazardous food” means a food that requires time or temperature control to limit pathogenic micro-organism growth or toxin formation. (HSC 113871)
- 3) “Food bank” means a surplus food collection and distribution system operated and established to assist in bringing donated food to nonprofit charitable organizations and individuals for the purposes of reducing hunger and supplying nutritional needs. (HSC 113783)
- 4) Food facilities that prepare, handle, or serve nonprepackaged potentially hazardous food must have an owner or employee who has successfully passed an approved and accredited food safety certification examination. There shall be at least one food safety certified owner or employee at each food facility. (HSC 113947.1)

FISCAL EFFECT: According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, negligible state costs.

COMMENTS:

Need for the bill. According to the author, “Los Angeles Unified School District (LAUSD) serves nearly 650,000 meals per day, and nearly \$100,000 worth of food is thrown in the trash per day. In many instances, food and beverage items remaining on a share table can be reused by food service operations, and can also be donated to a nonprofit organization. However, state food safety laws are more restrictive than federal guidelines, and the use of share tables is permitted only if certain conditions are met, including that no food or beverage may ever be returned to the food preparation, food service, or food storage areas for any human consumption, except those items permitted in a specified provision of the California Retail Food Code, which is basically limited to bottles of condiments such as catsup.”

Share tables reduce food waste. According to the U.S. Department of Agriculture (USDA), the use of share tables is an innovative strategy to encourage the consumption of nutritious foods and reduce food waste. USDA defines share tables as “tables or stations where children may return whole food or beverage items they choose not to eat, if it is in compliance with local and state health and food safety codes. These food and beverage items are then available to other children who may want additional helpings. Food or beverage items may also be donated to a non-profit organization, such as a community food bank or a homeless shelter.”

Related and prior legislation. AB 1219 (Eggman) expands existing provisions of the Civil Code, Food and Agricultural Code, and Health and Safety Code, relating to civil immunities and liabilities of entities that donate food fit for human consumption, to charitable organizations and food banks. This bill is pending in the Senate Judiciary Committee.

AB 234 (Gordon), Chapter 616, Statutes of 2015 revises provisions of law governing community food producers or gleaners by allowing them to sell whole uncut fruits or vegetables, or unrefrigerated shell eggs, directly to a permitted food facility, not just a restaurant, and limits the ability of a local environmental health officer to require community food producers or gleaners

to register with the local enforcement entity only if the food producers or gleaners do not meet certain conditions.

REGISTERED SUPPORT / OPPOSITION:

Support

Association of California School Administrators

Californians Against Waste

California School Nutrition Association

Compton Unified School District

National Association of Social Workers – California Chapter

Opposition

None on file

Analysis Prepared by: Debbie Look / ED. / (916) 319-2087