

AMENDED IN SENATE MAY 4, 2009  
AMENDED IN SENATE APRIL 1, 2009

**SENATE BILL**

**No. 35**

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**Introduced by Senator Oropeza**

December 10, 2008

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An act to add Chapter 20 (commencing with Section 26205) to Division 20 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

SB 35, as amended, Oropeza. Food donations.

Existing law, with specified exceptions, exempts a food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or a food bank from liability for any damage or injury resulting from the consumption of the donated food.

This bill would require the Governor to designate a state agency to establish and maintain a clearinghouse database that enables a food bank or a nonprofit organization, as defined, that has an interest in receiving nonperishable and perishable food donations to contact a food facility, as defined, that has an interest in donating food.

This bill would require the agency to prepare and make available informational materials regarding the clearinghouse *database*, as specified.

The bill would also require food facilities to include language in specified catering contracts that informs the purchaser of the food of the clearinghouse *database*.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Chapter 20 (commencing with Section 26205)  
2 is added to Division 20 of the Health and Safety Code, to read:

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CHAPTER 20. FOOD DONATION CLEARINGHOUSE

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6 26205. (a) The Governor shall direct a state agency to establish  
7 and maintain a clearinghouse database that enables a food bank,  
8 as defined in Section 113783, or a nonprofit charitable  
9 organization, as defined in Section 113841, that has an interest in  
10 receiving nonperishable and perishable food donations to contact  
11 a food facility, as defined in paragraph (1) of subdivision (a) of  
12 Section 113789, that has an interest in donating food.

13 (b) The designated state agency shall prepare and make available  
14 informational materials regarding the clearinghouse *database* to  
15 all food banks, nonprofit organizations, and food facilities  
16 described in subdivision (a).

17 (c) A written contract entered into by a food facility to prepare,  
18 provide, or serve food for immediate consumption at a catered  
19 event shall include language that informs the purchaser of the food  
20 of the clearinghouse *database*.