

Definitions for Commercial Edible Food Generators for Non-Local Entities and State Agencies

Non-Local Entities



Non-local entities need to determine if they are a commercial edible food generator. Use the definitions and examples below to help make the determination.

Non-local entities, that are not state agencies, include:

- Special districts that do not provide solid waste collection services
- Prisons
- Facilities operated by the state parks system
- Public universities (e.g., UCs and CSUs)
- Community colleges
- County fairgrounds that have a restaurant, hotel, health facility, large venue or large event that meets the definition of another type of mandated food donor Commercial Edible Food Generator

Examples of Non-Local Entities as a Commercial Edible Food Generator

- Restaurant: A restaurant that has 250 or more seats or is over 5,000 square feet. Example: Crocker Dining Hall at Asilomar State Beach, City of Pacific Grove.
- Health facility: A health facility with an on-site food facility and 100 or more beds. Examples are a Veteran's' home, state hospital, or a state hospital that is part of a prison with an on-site food facility and 100 or more beds:
 - California Medical Facility
 - Salinas Valley State Prison
 - California Health Care Facility
- Large venue: A permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation of the venue facility, potentially including:
 - Cal Expo (City of Sacramento)
 - Mondovi Performing Arts Center (Yolo County)

- Any public university stadium that meets the large venue threshold
- Large event: An event, including, but not limited to, a sporting event, a flea market, or a festival that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to:
 - A public, nonprofit, or privately owned park
 - Parking lot
 - Golf course
 - Street system
 - Other open space when being used for an event, such as the California State Fair (City of Sacramento).

State Agencies



A state agency with a cafeteria with 250 or more seats or a total cafeteria facility size equal to or greater than 5,000 square feet.

Examples of State Agencies as Commercial Edible Food Generators

- CalPERS
- CalSTRS
- Franchise Tax Board

Considerations

- If a non-local entity owns a restaurant that independently meets SB 1383's "restaurant" definition and meets the seating or facility size threshold, then the restaurant would need to recover edible food. If the restaurant meets the threshold and is not owned by the non local entity it is located in, then it is the restaurant that is required to comply.
- If the non local entity is operating on property they do not own, such as federal property, they are subject to the mandated food donor requirements. An example of this would be state parks operating a concession stand, or museum on federal property.
- If a prison that has a "food service provider," that meets the definition, then the food service provider is the Tier 1 commercial edible food generator.

- A large venue or large event operator that does not provide food services, but allows for food to be provided, shall require food facilities operating at the large venue or large event to comply with the commercial edible food generator requirements.

- While there is a specific definition for state agency as an edible food generator, a state agency may also meet other Tier 2 definitions of a restaurant, hotel, health facility, large venue, or large event.
 - For example, a state hospital may not have cafeteria that meets the state agency tier 2 commercial edible food generator definition, but they meet the health facility definition.

- Non-local entities on college campuses may donate to the college's food pantry if there is one on site.