



General Assembly

February Session, 2012

Raised Bill No. 5143

LCO No. 869

00869_____INS

Referred to Committee on Insurance and Real Estate

Introduced by:
(INS)

**AN ACT CONCERNING INSURANCE COVERAGE FOR PERISHABLE
FOOD DONATED BY CERTAIN FOOD ESTABLISHMENTS.**

Be it enacted by the Senate and House of Representatives in General
Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2012*) (a) Subject to the
2 provisions of subsection (b) of this section, any insurer that delivers,
3 issues for delivery, renews, amends or continues in this state a
4 commercial risk insurance policy or rider to such policy that provides
5 coverage for the spoilage of perishable food shall provide coverage to
6 the same extent for perishable food that is donated to a temporary
7 shelter that provides emergency shelter for a limited time period, if: (1)
8 The Governor proclaims that a state of emergency exists; (2) as a result
9 or as part of such emergency, an electrical outage or interruption of
10 electrical service to an insured under such policy or rider is forecast by
11 the electric supplier for such insured to last longer than the time period
12 prescribed by the Department of Public Health or local director of
13 health, or an authorized agent thereof, for the safe handling of
14 perishable food; and (3) such perishable food is donated prior to the
15 expiration of the time period described in subdivision (2) of this
16 subsection.

17 (b) (1) The provisions of subsection (a) of this section shall apply to
18 an insurance policy or rider delivered, issued for delivery, renewed,
19 amended or continued in this state for a food establishment classified
20 as class III or class IV pursuant to regulations adopted under section
21 19a-36 of the general statutes.

22 (2) No such food establishment shall donate perishable food
23 pursuant to subsection (a) of this section if the Department of Public
24 Health or a local director of health, or an authorized agent thereof, has
25 embargoed or ordered destroyed such perishable food, or the
26 Department of Consumer Protection or its authorized agent has
27 deemed such perishable food adulterated, as defined in section 21a-101
28 of the general statutes.

29 Sec. 2. Section 52-557l of the general statutes is repealed and the
30 following is substituted in lieu thereof (*Effective October 1, 2012*):

31 (a) Notwithstanding any provision of the general statutes, any
32 person, including but not limited to a seller, farmer, processor,
33 distributor, wholesaler or retailer of food, who donates an item of food
34 for use or distribution by a nonprofit organization or nonprofit
35 corporation and any nonprofit organization or nonprofit corporation
36 that collects donated food and distributes such food to other nonprofit
37 organizations or nonprofit corporations free of charge or for a nominal
38 fee shall not be liable for civil damages or criminal penalties resulting
39 from the nature, age, condition or packaging of the food, unless it is
40 established that the donor, at the time of making the donation, or the
41 nonprofit organization or nonprofit corporation, at the time of
42 distributing the food, knew or had reasonable grounds to believe that
43 the food was (1) adulterated, as defined in section 21a-101, or (2) not fit
44 for human consumption.

45 (b) Notwithstanding any provision of the general statutes, any food
46 establishment classified as class III or class IV pursuant to regulations
47 adopted under section 19a-36, that donates perishable food for use or
48 distribution by a temporary shelter in accordance with the provisions

49 set forth in section 1 of this act shall not be liable for civil damages or
50 criminal penalties resulting from the nature, age, condition or
51 packaging of the food, unless it is established that the donor, at the
52 time of making the donation, or the temporary shelter, at the time of
53 distributing the food, knew or had reasonable grounds to believe that
54 the food was (1) adulterated, as defined in section 21a-101, (2) not fit
55 for human consumption, or (3) embargoed or ordered destroyed by the
56 Department of Public Health or a local director of health, or an
57 authorized agent thereof.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2012</i>	New section
Sec. 2	<i>October 1, 2012</i>	52-557l

Statement of Purpose:

To require insurers that provide coverage to a food establishment for spoilage of perishable food to cover to the same extent perishable food that such establishment donates to an emergency shelter, and to extend immunity to such establishments for such donation.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]