



General Assembly

Substitute Bill No. 5143

February Session, 2012

* _____HB05143PH_____042412_____*

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) (1) 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 emergency shelter operated or supervised by a municipality or the
8 state during a state of emergency for a limited time period, if: (A) The
9 Governor proclaims that a state of emergency exists; (B) as a result or
10 as part of such emergency, an electrical outage or interruption of
11 electrical service to an insured under such policy or rider has occurred
12 and is forecast by the electric supplier for such insured to last longer
13 than the time period prescribed by the Department of Public Health or
14 local director of health, or an authorized agent thereof, for the safe
15 handling of perishable food; and (C) such perishable food is donated
16 prior to the expiration of the time period described in subparagraph
17 (B) of this subdivision.

18 (2) The provisions of subdivision (1) of this subsection shall apply to
19 an insurance policy or rider delivered, issued for delivery, renewed,

20 amended or continued in this state for a food establishment classified
21 as class III or class IV pursuant to regulations adopted under section
22 19a-36 of the general statutes.

23 (b) No such food establishment shall donate perishable food
24 pursuant to subdivision (1) of subsection (a) of this section if (1) the
25 Department of Public Health or a local director of health, or an
26 authorized agent thereof, has embargoed or ordered destroyed such
27 perishable food, (2) the Department of Consumer Protection or its
28 authorized agent has deemed such perishable food adulterated, as
29 defined in section 21a-101 of the general statutes, or (3) such perishable
30 food is not fit for human consumption.

31 (c) To the extent a tax deduction or tax credit is allowed under state
32 law for a donation made pursuant to this section, no food
33 establishment that donates perishable food in accordance with the
34 provisions of this section and receives payment from an insurer for
35 such donation shall avail itself of a tax deduction or tax credit for the
36 amount of such payment.

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 Section 52-557*l* of the general statutes is repealed and the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

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

52 for human consumption.

53 (b) Notwithstanding any provision of the general statutes, any food
54 establishment classified as class III or class IV pursuant to regulations
55 adopted under section 19a-36, that donates perishable food for use or
56 distribution by a temporary emergency shelter in accordance with the
57 provisions set forth in section 1 of this act shall not be liable for civil
58 damages or criminal penalties resulting from the nature, age, condition
59 or packaging of the food, unless it is established that the donor, at the
60 time of making the donation, or the temporary emergency shelter, at
61 the time of distributing the food, knew or had reasonable grounds to
62 believe that the food was (1) embargoed or ordered destroyed by the
63 Department of Public Health or a local director of health, or an
64 authorized agent thereof, (2) adulterated, as defined in section 21a-101,
65 or (3) not fit for human consumption.

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

INS *Joint Favorable Subst.*

JUD *Joint Favorable*

PH *Joint Favorable*