



Substitute House Bill No. 5143

Public Act No. 12-123

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:

Section 1. (NEW) (*Effective October 1, 2012*) (a) (1) Subject to the provisions of subsection (b) of this section, any insurer that delivers, issues for delivery, renews, amends or continues in this state a commercial risk insurance policy or rider to such policy that provides coverage for the spoilage of perishable food shall provide coverage to the same extent for perishable food that is donated to a temporary emergency shelter operated or supervised by a municipality or the state during a state of emergency for a limited time period, if: (A) The Governor proclaims that a state of emergency exists; (B) as a result or as part of such emergency, an electrical outage or interruption of electrical service to an insured under such policy or rider has occurred and is forecast by the electric supplier for such insured to last longer for the insured location than the time period prescribed by the Department of Public Health or local director of health, or an authorized agent thereof, for the safe handling of perishable food; (C) such perishable food is donated prior to the expiration of the time period described in subparagraph (B) of this subdivision; and (D) the insured provides to the insurer written documentation from such

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shelter that states the date and time of such donation.

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

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

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

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

(a) Notwithstanding any provision of the general statutes, any person, including but not limited to a seller, farmer, processor, distributor, wholesaler or retailer of food, who donates an item of food for use or distribution by a nonprofit organization or nonprofit corporation and any nonprofit organization or nonprofit corporation that collects donated food and distributes such food to other nonprofit organizations or nonprofit corporations free of charge or for a nominal

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fee shall not be liable for civil damages or criminal penalties resulting from the nature, age, condition or packaging of the food, unless it is established that the donor, at the time of making the donation, or the nonprofit organization or nonprofit corporation, at the time of distributing the food, knew or had reasonable grounds to believe that the food was (1) adulterated, as defined in section 21a-101, or (2) not fit for human consumption.

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

Approved June 15, 2012