



General Assembly

January Session, 2017

Raised Bill No. 7077

LCO No. 3973



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT CONCERNING LIABILITY FOR THE CLEANUP AND DISPOSAL OF ADULTERATED FOOD.

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

1 Section 1. (NEW) (*Effective July 1, 2017*) (a) Any person who has
2 custody or is directly or indirectly responsible for the production,
3 storage or transportation of food considered adulterated pursuant to
4 section 21a-101 of the general statutes, or any person who directly or
5 indirectly causes a nuisance or an emergency through the discharge,
6 spillage, uncontrolled loss or seepage of liquid or solid food products
7 that are removed or caused to be removed by the Commissioner of
8 Consumer Protection or his or her authorized agents shall be liable for
9 all costs and expenses incurred in investigating, containing, removing,
10 monitoring, mitigating and disposing of such adulterated food, as well
11 as any court costs and legal expenses related thereto. Upon request of
12 the commissioner, the Attorney General shall bring a civil action to
13 recover all such costs and expenses.

14 (b) If a person does not contain and remove or mitigate the effects of
15 adulterated food pursuant to subsection (a) of this section to the

16 satisfaction of the commissioner, or if the person is unknown and the
17 adulterated food is not being contained, removed or mitigated by the
18 federal government, a state agency, a municipality or a regional or
19 interstate authority, the commissioner may contract with a third party
20 to contain and remove or mitigate the effects of a discharge, spillage,
21 loss, seepage or filtration of the adulterated food.

22 (c) If the commissioner incurs contractual obligations pursuant to
23 subsection (b) of this section and the responsible person or the federal
24 government does not assume the contractual obligations, the
25 commissioner shall request the Attorney General to bring a civil action
26 pursuant to subsection (a) of this section to recover the costs and
27 expenses related to the contractual obligations.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2017</i>	New section

Statement of Purpose:

To clarify who is responsible for the cleanup and disposal of adulterated food.

[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.]