



General Assembly

February Session, 2022

Raised Bill No. 5146

LCO No. 1201



Referred to Committee on GENERAL LAW

Introduced by:
(GL)

AN ACT ESTABLISHING A SUPERMARKET FOOD DONATION PROGRAM.

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

1 Section 1. (NEW) (*Effective October 1, 2022*) (a) For the purposes of this
2 section and section 2 of this act:

3 (1) "Canned food" means any food that has been commercially
4 processed, prepared and hermetically sealed for human consumption,
5 including, but not limited to, a canned or preserved fruit or vegetable;

6 (2) "Food bank" means a public or private entity that, on a nonprofit
7 basis and in the ordinary course of such entity's business or operations,
8 provides nutritional assistance to individuals in this state who are in
9 need of such assistance, free of charge;

10 (3) "Perishable food" means any food, including, but not limited to, a
11 fresh, frozen or refrigerated bakery product, dairy product, fruit, meat,
12 seafood or vegetable, that may spoil or otherwise become unfit for
13 human consumption because of its nature, physical condition or type;

14 (4) "Supermarket" has the same meaning as provided in section 31-14
15 of the general statutes; and

16 (5) "Supermarket food donation program" or "program" means the
17 program established in subsection (b) of this section.

18 (b) There is established a supermarket food donation program, which
19 the Commissioner of Consumer Protection shall administer and
20 implement within available appropriations. The program shall require
21 supermarkets located in this state to periodically make excess edible
22 canned foods and perishable foods available to food banks, and the
23 purposes of such program shall be to:

24 (1) Alleviate hunger among individuals in this state who are in need
25 of nutritional assistance;

26 (2) Support the operations of food banks; and

27 (3) Reduce food waste in this state.

28 (c) (1) No supermarket located in this state shall be required, as part
29 of the program, to:

30 (A) Make a particular quantity of excess edible canned foods and
31 perishable foods available to food banks; or

32 (B) Transport or distribute any excess edible canned food or
33 perishable food to a food bank.

34 (2) A supermarket may dispose of any excess edible canned food or
35 perishable food, in a manner that is consistent with all applicable law,
36 if:

37 (A) Such canned food or perishable food satisfies the criteria
38 established in subsection (d) of this section; or

39 (B) The supermarket makes a reasonable effort to arrange for a food
40 bank to collect such canned food or perishable food, and the food bank
41 fails to collect such canned food or perishable food within a reasonable

42 time period.

43 (3) A supermarket may impose reasonable restrictions as to the time
44 and manner in which a food bank may collect excess edible canned food
45 and perishable food from the supermarket as part of the program so as
46 to not disrupt the supermarket's normal business operations.

47 (d) No supermarket located in this state shall make available, and no
48 food bank shall donate, any excess edible canned food or perishable
49 food as part of the program if:

50 (1) The Department of Public Health or a local director of health, or
51 an authorized agent thereof, has embargoed or ordered destroyed such
52 canned food or perishable food;

53 (2) The Department of Consumer Protection, or its authorized agent,
54 has deemed such canned food or perishable food adulterated, as
55 described in section 21a-101 of the general statutes; or

56 (3) Such canned food or perishable food is unfit for human
57 consumption.

58 (e) Nothing in this section shall be construed to supersede any state
59 or federal law concerning food safety or the disposal or handling of any
60 canned food or perishable food.

61 (f) The Commissioner of Consumer Protection shall adopt
62 regulations, in accordance with the provisions of chapter 54 of the
63 general statutes, to implement the provisions of this section.

64 Sec. 2. (NEW) (*Effective October 1, 2022*) (a) For the purposes of this
65 section, "canned food", "food bank", "perishable food", "supermarket"
66 and "supermarket food donation program" have the same meanings as
67 provided in section 1 of this act.

68 (b) An insurer that delivers, issues for delivery, renews, amends or
69 continues in this state a commercial risk insurance policy or rider to such
70 policy which provides coverage for the spoilage of canned food or

71 perishable food shall provide coverage to the same extent for canned
72 food and perishable food that is made available by a supermarket or
73 donated by a food bank as part of the supermarket food donation
74 program.

75 (c) To the extent a tax deduction or tax credit is allowed under any
76 provision of the general statutes for a donation made as part of the
77 supermarket food donation program, no supermarket that makes
78 available to a food bank any canned food or perishable food as part of
79 such program and receives payment from an insurer for such canned
80 food or perishable food shall avail itself of a tax deduction or tax credit
81 for the amount of such payment.

82 Sec. 3. Section 52-557l of the general statutes is repealed and the
83 following is substituted in lieu thereof (*Effective October 1, 2022*):

84 (a) Notwithstanding any provision of the general statutes, any
85 person, including but not limited to a seller, farmer, processor,
86 distributor, wholesaler or retailer of food, who donates an item of food
87 for use or distribution by a nonprofit organization, nonprofit
88 corporation, political subdivision of the state or senior center, and any
89 nonprofit organization or nonprofit corporation that collects donated
90 food and distributes such food to other nonprofit organizations or
91 nonprofit corporations or a political subdivision of the state or senior
92 center free of charge or for a nominal fee, shall not be liable for civil
93 damages or criminal penalties resulting from the nature, age, condition
94 or packaging of the food, unless it is established that the donor, at the
95 time of making the donation, or the nonprofit organization or nonprofit
96 corporation, at the time of distributing the food, knew or had reasonable
97 grounds to believe that the food was (1) adulterated, as [defined]
98 described in section 21a-101, or (2) not fit for human consumption.

99 (b) Notwithstanding any provision of the general statutes, any food
100 establishment classified as a class 3 or class 4 food establishment
101 pursuant to regulations adopted under section 19a-36h, that donates
102 perishable food for use or distribution by a temporary emergency

103 shelter in accordance with the provisions set forth in section 38a-313b
104 shall not be liable for civil damages or criminal penalties resulting from
105 the nature, age, condition or packaging of the food, unless it is
106 established that the donor, at the time of making the donation, knew or
107 had reasonable grounds to believe that the food was (1) embargoed or
108 ordered destroyed by the Department of Public Health or a local
109 director of health, or an authorized agent thereof, (2) adulterated, as
110 [defined] described in section 21a-101, or (3) not fit for human
111 consumption.

112 (c) Notwithstanding any provision of the general statutes, any
113 supermarket that makes available to a food bank any canned food or
114 perishable food as part of the supermarket food donation program
115 established pursuant to section 1 of this act, and any food bank that
116 donates such food to individuals in this state as part of such program,
117 shall not be liable for civil damages or criminal penalties resulting from
118 the nature, age, condition or packaging of such canned food or
119 perishable food, unless it is established that such supermarket or food
120 bank, at the time such supermarket made available to a food bank such
121 canned food or perishable food, or such food bank at the time such food
122 bank donated to an individual in this state such canned food or
123 perishable food, knew or had reasonable grounds to believe that such
124 canned food or perishable food was (1) embargoed or ordered destroyed
125 by the Department of Public Health or a local director of health, or an
126 authorized agent thereof, (2) adulterated, as described in section 21a-
127 101, or (3) not fit for human consumption.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2022	New section
Sec. 2	October 1, 2022	New section
Sec. 3	October 1, 2022	52-557I

Statement of Purpose:

To establish a supermarket food donation program to: (1) Alleviate hunger among individuals in this state who are in need of nutritional

assistance; (2) support the operations of food banks; and (3) reduce food waste in this state.

[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.]