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 section and section 2 of this act:

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

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

   (3) "Perishable food" means any food, including, but not limited to, a fresh, frozen or refrigerated bakery product, dairy product, fruit, meat, seafood or vegetable, that may spoil or otherwise become unfit for human consumption because of its nature, physical condition or type;
(4) "Supermarket" has the same meaning as provided in section 31-14 of the general statutes; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) An insurer that delivers, issues for delivery, renews, amends or continues in this state a commercial risk insurance policy or rider to such policy which provides coverage for the spoilage of canned food or
perishable food shall provide coverage to the same extent for canned food and perishable food that is made available by a supermarket or donated by a food bank as part of the supermarket food donation program.

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

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

(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, nonprofit corporation, political subdivision of the state or senior center, and any nonprofit organization or nonprofit corporation that collects donated food and distributes such food to other nonprofit organizations or nonprofit corporations or a political subdivision of the state or senior center free of charge or for a nominal 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 a class 3 or class 4 food establishment pursuant to regulations adopted under section 19a-36h, that donates perishable food for use or distribution by a temporary emergency
shelter in accordance with the provisions set forth in section 38a-313b
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] described in section 21a-101, or (3) not fit for human
consumption.

(c) Notwithstanding any provision of the general statutes, any
supermarket that makes available to a food bank any canned food or
perishable food as part of the supermarket food donation program
established pursuant to section 1 of this act, and any food bank that
donates such food to individuals in this state as part of such program,
shall not be liable for civil damages or criminal penalties resulting from
the nature, age, condition or packaging of such canned food or
perishable food, unless it is established that such supermarket or food
bank, at the time such supermarket made available to a food bank such
canned food or perishable food, or such food bank at the time such food
bank donated to an individual in this state such canned food or
perishable food, knew or had reasonable grounds to believe that such
canned food or perishable 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 described in section 21a-
101, or (3) not fit for human consumption.

This act shall take effect as follows and shall amend the following
sections:

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<thead>
<tr>
<th>Section</th>
<th>Date</th>
<th>Description</th>
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<tbody>
<tr>
<td>Sec. 1</td>
<td>October 1, 2022</td>
<td>New section</td>
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<tr>
<td>Sec. 2</td>
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<td>New section</td>
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<tr>
<td>Sec. 3</td>
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<td>52-5571</td>
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**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.]