



Substitute House Bill No. 5146

Public Act No. 22-28

AN ACT CONCERNING FOOD DONATION.

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

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

(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 relief organization" means a public or private entity, including, but not limited to, a community-based organization, food bank, food pantry or soup kitchen, 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, packaged meat, packaged seafood or vegetable, that may spoil or otherwise become unfit for human consumption because of its nature, physical condition or type; and

(4) "Supermarket" means (A) a retail food store occupying a total

Substitute House Bill No. 5146

retail sales area of at least three thousand five hundred square feet, or (B) a large discount department store that (i) sells a complete line of grocery merchandise, (ii) continuously offers for sale fresh produce and meats, poultry, seafood, nuts and dairy products, (iii) maintains a bakery, as defined in section 21a-151 of the general statutes, (iv) is locally permitted as a class 3 food establishment, as defined in section 19a-36g of the general statutes, and (v) has registered at least one weighing or measuring device pursuant to subsection (b) of section 43-3 of the general statutes.

(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 or perishable food that is donated by a food relief organization or a supermarket.

(c) To the extent a tax deduction or tax credit is allowed under any provision of the general statutes for a donation described in subsection (b) of this section, no supermarket that donates to a food relief organization any canned food or perishable food 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. 2. 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

Substitute House Bill No. 5146

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] described 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 food relief organization or supermarket that donates any canned food or perishable food 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 food relief organization or supermarket, at the time such food relief organization or supermarket donated 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

Substitute House Bill No. 5146

thereof, (2) adulterated, as described in section 21a-101, or (3) not fit for human consumption. For the purposes of this subsection, "canned food", "food relief organization", "perishable food" and "supermarket" have the same meanings as provided in section 1 of this act.

Sec. 3. (*Effective from passage*) (a) There is established a task force to study implementation of a supermarket food donation program in this state. The task force shall examine, and make recommendations concerning, establishing a supermarket food donation program in this state that (1) alleviates hunger, reduces food waste and supports the operations of food relief organizations, as defined in subsection (a) of section 1 of this act, and (2) ensures that all food donated as part of such program is safe and fit for human consumption.

(b) The task force shall consist of the following members:

(1) One appointed by the speaker of the House of Representatives, who shall be a member of the General Assembly;

(2) One appointed by the president pro tempore of the Senate, who shall be a member of the General Assembly;

(3) Three appointed by the majority leader of the House of Representatives, one of whom shall be a representative of food establishments doing business in this state that are classified as class 3 or class 4 food establishments under regulations adopted by the Commissioner of Public Health pursuant to section 19a-36h of the general statutes and two of whom shall be representatives of food relief organizations, as defined in subsection (a) of section 1 of this act;

(4) Three appointed by the majority leader of the Senate, one of whom shall be a representative of supermarkets doing business in this state and two of whom shall be representatives of food relief organizations, as defined in subsection (a) of section 1 of this act;

Substitute House Bill No. 5146

(5) One appointed by the minority leader of the House of Representatives, who shall be a representative of a food relief organization, as defined in subsection (a) of section 1 of this act;

(6) One appointed by the minority leader of the Senate, who shall be a representative of a food relief organization, as defined in subsection (a) of section 1 of this act;

(7) The Commissioner of Agriculture, or the commissioner's designee;

(8) The Commissioner of Consumer Protection, or the commissioner's designee; and

(9) The Commissioner of Public Health, or the commissioner's designee.

(c) Any vacancy shall be filled by the appointing authority.

(d) The speaker of the House of Representatives and the president pro tempore of the Senate shall select the chairpersons of the task force from among the members of the task force.

(e) The administrative staff of the joint standing committee of the General Assembly having cognizance of matters relating to general law shall serve as administrative staff of the task force.

(f) Not later than January 1, 2023, the task force shall submit a report on its findings and recommendations to the joint standing committee of the General Assembly having cognizance of matters relating to general law, in accordance with the provisions of section 11-4a of the general statutes. The task force shall terminate on the date that it submits such report or January 1, 2023, whichever is later.

Approved May 10, 2022