



# House of Representatives

General Assembly

**File No. 46**

February Session, 2000

Substitute House Bill No. 5058

*House of Representatives, March 10, 2000*

The Committee on Environment reported through REP. STRATTON of the 17<sup>th</sup> Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***An Act Concerning Changes To Agriculture Statutes.***

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

1 Section 1. (NEW) (a) No person may engage in the transportation of  
2 milk or milk products by bulk milk pickup tanker to or from a farm,  
3 milk plant, receiving station or transfer station in Connecticut unless  
4 the owner of the bulk milk pickup tanker has a valid permit for such  
5 tanker issued by the Commissioner of Agriculture. The commissioner  
6 shall furnish application forms for the permits. A permit shall be valid  
7 for one year and may be renewed if the tanker has satisfactorily  
8 completed the inspection required in subsection (b) of this section.

9 (b) The commissioner shall inspect each bulk milk pickup tanker as  
10 often as the commissioner deems necessary but no less often than  
11 annually. If the inspection reveals construction or repair defects or the  
12 need for significant cleaning, the commissioner may order a tanker  
13 removed from service until such deficiencies are corrected.

14 (c) A copy of the current inspection report required under  
15 subsection (b) of this section shall accompany the bulk milk pickup  
16 tanker at all times.

17 (d) Notwithstanding the permit requirements of subsection (a) of  
18 this section, the Commissioner of Agriculture shall recognize a permit  
19 issued by another state or federal agency under any reciprocal  
20 agreements between such agencies and this state or under any  
21 supporting documents of the Grade A Pasteurized Milk Ordinance  
22 pursuant to section 22-133 of the general statutes and no state or local  
23 agency regulating the handling or transportation of milk or milk  
24 products may require a bulk milk pickup tanker permit in addition to  
25 a valid permit issued under this subsection or subsection (a) of this  
26 section.

27 (e) Absent proof of a current permit and current inspection, a bulk  
28 milk pickup tanker may be inspected by a regulatory agency other  
29 than the Department of Agriculture. The regulatory agency may  
30 inspect any such bulk milk pickup tanker at any time the milk or milk  
31 products are transported in or out of that agency's jurisdiction.

32 Sec. 2. Section 22-455 of the general statutes is repealed and the  
33 following is substituted in lieu thereof:

34 There is established a Connecticut Seafood Advisory Council to  
35 assist in the promotion of Connecticut seafood products and examine  
36 market opportunities. The advisory council shall consist of one  
37 freshwater fish grower appointed by the Governor, two finfish,  
38 shellfish or lobster harvesters or representatives of harvester  
39 organizations appointed one each by the speaker and majority leader  
40 of the House of Representatives, two finfish, shellfish or lobster  
41 processors or representatives of processor organizations appointed one  
42 each by the minority leaders of the Senate and House of  
43 Representatives, one retailer serving restaurants or representing a  
44 restaurant organization appointed by the president pro tempore of the

45 Senate, one member at-large appointed by the majority leader of the  
46 Senate, and four nonvoting members one of whom shall represent the  
47 Department of Environmental Protection, one the Department of  
48 Economic and Community Development and one the Department of  
49 Agriculture and one the Sea Grant Program at The University of  
50 Connecticut. The advisory council shall be within the Department of  
51 Agriculture.

52 Sec. 3. This act shall take effect July 1, 2000, except that section 1  
53 shall take effect October 1, 2000.

**Statement of Legislative Commissioners:**

In section 1(a) "has been issued a permit" was changed to "has a valid permit for such tanker issued" for clarity, and "forms" was changed to "application forms" for accuracy. In section 3, the effective dates were put in chronological order for consistency with LCO drafting conventions.

**ENV Committee Vote:** Yea 19 Nay 0 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

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**OFA Fiscal Note**

**State Impact:** Minimal Cost

**Affected Agencies:** Department of Agriculture

**Municipal Impact:** None

**Explanation**

**State Impact:**

The increase in workload to the Department of Agriculture (DOA) associated with the permit and inspection requirement in the bill is anticipated to be minimal and handled within available resources. Approximately 25 trucks will need to be inspected and permitted. It is anticipated that each inspection will require one hour of staff time.

The addition of another voting member to the Connecticut Seafood Advisory Council is not anticipated to have a fiscal impact on DOA.

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**OLR Bill Analysis**

HB 5058

***AN ACT CONCERNING CHANGES TO AGRICULTURE STATUTES.***

**SUMMARY:**

This bill requires bulk milk pick-up tankers to carry a Department of Agriculture (DAG) permit or similar permit issued by an acceptable state or federal agency. It requires DAG to inspect the tankers as often as the commissioner deems necessary and at least annually.

The bill also increases the number of members on the Connecticut Seafood Advisory Council from 10 to 11. The new member is appointed by the governor and must represent freshwater fish growers.

EFFECTIVE DATE: October 1, 2000, except the Connecticut Seafood Advisory Council provision, which takes effect July 1, 2000.

**MILK TANKER PERMITS**

The bill establishes a permit requirement for bulk milk pick-up tankers. The requirement covers tankers that pick up milk from farms, milk plants, and milk receiving and transfer stations in the state.

Tanker owners must apply on DAG forms and the tankers must be inspected at least annually. The permits are valid for a year, although the tankers may be re-inspected at any time. (It is unclear whether tanker owners receive a new one-year permit with re-inspections prior to their permit expiration.) If a tanker fails an inspection because of construction or repair defects or significant cleanliness problems, the DAG may remove it from service until the problems are corrected. (The bill does not address whether the permit is suspended or revoked and whether another inspection or other proof of repairs is required.)

The bill requires tankers to carry a copy of the inspection report. (The

bill calls for a copy of the report required under subsection (b) but that subsection does not require a report.)

Under the bill, tanker owners may satisfy the permit requirement with permits from other states or federal agencies that have entered into reciprocal agreements with Connecticut or with permits issued under the authority of the Grade A Pasteurized Milk Ordinance. The bill prohibits other Connecticut state or local agencies that regulate milk from requiring tanker permits in addition to the DAG's permit and authorizes other regulatory agencies to inspect tankers that do not have DAG permits.

**BACKGROUND**

***The Grade A Pasteurized Milk Ordinance (PMO)***

The PMO, developed by the U.S. Food and Drug Administration and the Public Health Service, sets standards for milk sanitation. It covers adulterated and misbranded milk, labeling, farm and milk plant inspections, milk and milk product standards, pasteurization and sanitation of products and facilities.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Report  
Yea 19 Nay 0