



General Assembly

**Substitute Bill No. 5239**

February Session, 2004

\*        HB05239PH        041304        \*

**AN ACT CONCERNING SHELLFISH SANITATION AND THE  
AGRICULTURAL TECHNOLOGY DEVELOPMENT ADVISORY BOARD.**

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

1       Section 1. Section 26-192a of the general statutes, as amended by  
2       section 146 of public act 03-6 of the June 30 special session, is repealed  
3       and the following is substituted in lieu thereof (*Effective July 1, 2004*):

4       The Department of Agriculture and Consumer Protection shall be  
5       the lead agency on shellfish in Connecticut. The department: (1) Shall  
6       coordinate the activities of other state agencies with regard to shellfish;  
7       (2) shall act as a liaison on shellfish matters between the state and  
8       municipalities, including local shellfish commissions; (3) shall take  
9       steps necessary to ensure compliance with federal standards for the  
10      shellfish sanitation program and compliance with the National  
11      Shellfish Sanitation Program Model Ordinance, as amended from time  
12      to time; (4) may, in conjunction with the Department of Public Health,  
13      enter into agreements with municipalities to utilize available  
14      municipal resources for monitoring and testing; and (5) shall  
15      encourage depuration.

16      Sec. 2. Section 26-192b of the general statutes, as amended by section  
17      146 of public act 03-6 of the June 30 special session, is repealed and the  
18      following is substituted in lieu thereof (*Effective July 1, 2004*):

19 [The Department of Public Health shall recommend to the]  
20 Notwithstanding the provisions of subsection (a) of section 19a-29a,  
21 the Department of Agriculture and Consumer Protection shall  
22 promulgate health standards for shellfish testing and shall approve  
23 private laboratories to perform shellfish testing. Such health standards  
24 for shellfish testing shall incorporate by reference the provisions of the  
25 National Shellfish Sanitation Program Model Ordinance, as amended  
26 from time to time.

27 Sec. 3. Subsection (a) of section 26-192c of the general statutes, as  
28 amended by section 146 of public act 03-6 of the June 30 special  
29 session, is repealed and the following is substituted in lieu thereof  
30 (*Effective July 1, 2004*):

31 (a) The Department of Agriculture and Consumer Protection may  
32 inspect shellfish beds and areas in this state where shellfish are grown  
33 or harvested, all boats, tools and appliances used in the production  
34 and preparation of shellfish and all wharves or buildings where  
35 shellfish are stored, transferred, opened, packed or prepared for sale or  
36 shipment. [It] The Department of Agriculture and Consumer  
37 protection may [prescribe] adopt regulations, after consultation with  
38 the Department of Public Health, for the sanitary growth, production,  
39 purification and preparation of shellfish. Such regulations shall  
40 incorporate by reference the provisions of the National Shellfish  
41 Sanitation Program Model Ordinance, as amended from time to time.  
42 Each commercial harvester, producer or shipper of shellfish shall  
43 obtain from said department a license on which shall be stated  
44 information regarding the identification of the license holder and any  
45 conditions pertaining to the character of such licensee's shellfish  
46 operations. Said department may establish a fee for each type of  
47 shellfish license it issues. The department may require that shellfish  
48 shipments be tagged or containers marked to identify the shipper by  
49 name and location and the source of the shipment and furnish such  
50 other pertinent information as may apply. Any license granted under  
51 the authority of this section may be revoked by said department for  
52 cause, after notification and hearing. No person, firm or corporation

53 shall make any shipments or deliveries of shellfish after the license of  
54 such person, firm or corporation has been suspended or revoked. Any  
55 license may be suspended pending revocation proceedings, or  
56 amended, if shellfishing operations or harvesting areas are a public  
57 health hazard or if the licensee has violated any provision of this  
58 section, section 26-192e, as amended, 26-192f, as amended, or 26-192h,  
59 as amended, or any applicable department regulation or any section of  
60 the Public Health Code concerning shellfishing. The department may  
61 refuse to issue a license if the applicant has violated any provision of  
62 this section, section 26-192e, as amended, 26-192f, as amended, or 26-  
63 192h, as amended, or any applicable department regulation or any  
64 section of the public health code concerning shellfish.

65 Sec. 4. (*Effective from passage*) Section 22-26h of the general statutes is  
66 repealed.

This act shall take effect as follows:	
Section 1	<i>July 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>July 1, 2004</i>
Sec. 4	<i>from passage</i>

**ENV**      *Joint Favorable Subst.*

**GAE**      *Joint Favorable*

**PH**        *Joint Favorable*