



Substitute House Bill No. 6907

Public Act No. 05-175

AN ACT CONCERNING THE REVISION AND MODERNIZATION OF MILK REGULATION STATUTES AND THE LICENSING OF POULTRY DEALERS.

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

Section 1. Section 19a-29a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) As used in this section, "environmental laboratory" means any facility or other area used for biological, chemical, physical or other examination of drinking waters, ground waters, sea waters, rivers, streams and surface waters, recreational waters, fresh water sources, wastewaters, swimming pools, air, soil, solid waste, hazardous waste, food, food utensils, [dairy and dairy products,] sewage, sewage effluent, or sewage sludge for the purpose of providing information on the sanitary quality or the amount of pollution and any substance prejudicial to health or the environment.

(b) The Department of Public Health shall, in its Public Health Code, adopt regulations and reasonable standards governing environmental laboratory operations and facilities, personnel qualifications and certification, levels of acceptable proficiency in testing programs approved by the department, the collection,

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acceptance and suitability of samples for analysis and such other pertinent laboratory functions, including the establishment of advisory committees, as may be necessary to insure environmental quality, public health and safety. Each registered environmental laboratory shall comply with all standards for environmental laboratories set forth in the Public Health Code and shall be subject to inspection by said department, including inspection of all records necessary to carry out the purposes of this section.

(c) Each application for registration of an environmental laboratory or application for approval shall be made on forms provided by said department, shall be accompanied by a fee of one thousand dollars and shall be executed by the owner or owners or by a responsible officer of the firm or corporation owning the laboratory. Upon receipt of any such application, the department shall make such inspections and investigations as are necessary and shall deny registration or approval when operation of the environmental laboratory would be prejudicial to the health of the public. Registration or approval shall not be in force until notice of its effective date and term has been sent to the applicant.

(d) Each registration or certificate of approval shall be issued for a period of not less than twenty-four, nor more than twenty-seven months from the deadline for applications. Renewal applications shall be made (1) biennially within the twenty-fourth month of the current registration or certificate of approval; (2) before any change in ownership or change in director is made; and (3) prior to any major expansion or alteration in quarters.

(e) This section shall not apply to any environmental laboratory which only provides laboratory services or information for the agency, person, firm or corporation which owns or operates such laboratory and the fee required under subsection (c) of this section shall not be required of laboratories operated by a state agency.

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Sec. 2. (NEW) (*Effective October 1, 2005*) (a) As used in this section, (1) "certified milk laboratory" means a facility at which confirmatory and final findings are performed regarding biological, chemical, physical or other examination of milk and milk products, for the purpose of providing information on the sanitary quality, identification of contaminants or amount of any substance prejudicial to the health of the public health, (2) "milk screening laboratory" means any facility used for the purpose of detecting the presence of antibiotic residues or other inhibitory substances in milk and milk products received by a milk dealer or producer dealer, (3) "component testing laboratory" means any facility used for the chemical, physical or other testing of milk, where the results of such tests are used in part or in whole as the basis for payment to a producer.

(b) No person, firm or corporation shall operate a certified milk laboratory, milk screening laboratory or component testing laboratory in the state of Connecticut without first obtaining a valid permit for such operation from the Commissioner of Agriculture. Permit application shall be made on forms provided by the commissioner and shall be renewed annually by the thirtieth day of June. Upon receipt of any such application or renewal application, the commissioner, or the commissioner's designee, shall make such inspections and investigations as the commissioner deems necessary and shall deny a permit when, in the commissioner's opinion, the operation of the laboratory would be detrimental to the public health. The commissioner shall establish a permit fee schedule pursuant to section 22-128a of the general statutes.

(c) Each registered certified milk laboratory, milk screening laboratory or component testing laboratory shall comply with the standards for milk laboratories set forth in the Grade-A Pasteurized Milk Ordinance Recommendations of the United States Public Health Service/Food and Drug Administration, as established in the latest

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edition of the Official Methods of Analysis of the Association of Official Analytical Chemists, Standard Methods for the Examination of Dairy Products, United States Public Health Service/Food and Drug Administration's Evaluation of Milk Laboratories and shall be subject to periodic inspection by the commissioner, or the commissioner's designee, including inspection of all records necessary to carry out the purposes of this section.

(d) This section does not apply to any milk laboratory operated by a state agency or to retail raw milk producers or intrastate milk dealers.

(e) The Milk Regulation Board may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to carry out the provisions of this section.

(f) The commissioner may revoke or suspend a permit issued under this section or impose a civil penalty, in accordance with section 22-7 of the general statutes, for a violation of the provisions of this section.

Sec. 3. Section 21a-44 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

The provisions of sections 21a-34 to 21a-45, inclusive, shall not apply to any person who manufactures packaged candy or chewing gum or to any vending machine, or the owner or operator thereof, which dispenses (1) premixed carbonated beverages sealed in individual or bulk containers; (2) pasteurized milk, as defined in section 22-127, as amended by this act, which is dispensed in sealed containers; (3) any food or beverage in a hermetically sealed container; [] or (4) shell eggs as defined by and regulated under sections 22-40 to 22-45, inclusive.

Sec. 4. Section 22-127 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

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The terms defined in this section shall, as used in this chapter, have the meanings set forth [herein] in this section unless otherwise clearly indicated in the context. [or unless changed by regulation of the Milk Regulation Board pursuant to section 22-133.]

[(1) "Acidified milk and milk products" are milk and milk products obtained by the addition of food grade acids to milk and milk products, resulting in a product acidity of not less than two-tenths of one per cent expressed as lactic acid. Optional ingredients approved by the commissioner may be added.

(2) "Buttermilk" is a product resulting from the churning of milk or cream, or from the souring or treatment by a lactic acid, or other culture of milk, skimmed milk, approved milk, low-fat milk or a combination thereof. It shall contain not less than eight and one-fourth per cent milk solids-not-fat. Optional ingredients approved by the commissioner may be added.

(3) "Commissioner" means the Commissioner of Agriculture.

(4) "Cream" has the meaning assigned to it by section 22-162.

(5) "Eggnog" is the food containing dairy ingredients, nutritive sweeteners, flavoring ingredients and color additives. It shall contain not less than six per cent butterfat and not less than one per cent egg yolk solids.

(6) "Filled milk" means any combination of nonmilk fat or oil with skim milk, whether or not it is fresh, cultured, reconstituted, or modified by the addition of nonfat milk solids, with or without milkfat, so that the product, including stabilizers, emulsifiers or flavoring, resembles milk or any other fluid milk product, and contains less than six per cent nonmilk fat or oil.

(7) "Flavored milk" or "chocolate milk" means a fluid milk product

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prepared by mixing chocolate or other flavors with milk, low-fat milk, skim milk and such products as stabilizers, sugar or other sweetening matter.

(8) "Fortified low-fat milk" is partially skimmed milk from which a sufficient portion of the butterfat has been removed to reduce its butterfat percentage to not less than one-half per cent and not more than two per cent and to which milk solids have been added from sources approved by the commissioner, provided the total milk solids-not-fat in this product shall constitute not less than ten per cent of such product.

(9) "Fresh milk" is milk which arrives at the dealer's plant within forty-eight hours after milking.

(10) "Gaging milk" is the act of measuring the quantity of milk in dairy farm bulk milk cooling tanks in compliance with methods and by equipment approved by the Commissioner of Consumer Protection.

(11) "Goats' milk" is the lacteal secretion, practically free from colostrum, obtained by the complete milking of healthy goats. Goats' milk shall comply with all requirements specified by the Milk Regulation Board.

(12) "Half and half" is a product consisting of a blend of cream and milk or skimmed milk which contains ten and one-half per cent or more but less than eighteen per cent butterfat. It may or may not contain milk solids-not-fat. The milk solids-not-fat that may be added shall come from concentrated skimmed milk or nonfat dry milk or both from sources which are approved by the commissioner.

(13) "Homogenized milk" is milk which has been treated in such manner as to insure breakup of the fat globules to such an extent that, after forty-eight hours' quiescent storage, no visible cream separation occurs on the milk and the fat percentage of the top one hundred cubic

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centimeters of milk in a quart bottle, or of proportionate volumes in containers of other sizes, does not differ by more than ten per cent of itself from the fat percentage of the remaining milk as determined after thorough mixing.

(14) "Low-fat milk" is partially skimmed milk from which a sufficient portion of the butterfat has been removed to reduce its butterfat percentage to not less than one-half per cent and not more than two per cent.

(15) "Manufactured dairy product" means yogurt, cheese, cream cheese, cottage cheese, ricotta cheese, or sour cream which is derived from milk.

(16) "Milk" is the lacteal secretion obtained by the complete milking of one or more healthy cows, excluding that obtained fifteen days before or five days after calving, or such longer period as may be necessary to render the milk practically colostrum free.

(17) "Milk fat" or "butterfat" is the fat of milk.

(18) "Milk products" are milk, or the products derived therefrom, which conform to the appropriate legal standard or definition for the specific product as defined in this chapter or regulations adopted under this chapter.

(19) "Pasteurization" or "pasteurized" means the process of heating every particle of milk or milk product in properly designed and operated equipment, to one of the temperatures given in the following table and held continuously at or above that temperature for at least the corresponding specified time, or other time/temperature relationship which has been demonstrated to be equivalent thereto in microbial destruction:

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Temperature	Time
145 degrees Fahrenheit	30 minutes
161 degrees Fahrenheit	15 seconds
191 degrees Fahrenheit	1 second
204 degrees Fahrenheit	0.05 seconds
212 degrees Fahrenheit	0.01 seconds

If the fat content of the milk product is ten per cent or more, or if it contains added sweeteners, the temperature shall be increased by five degrees Fahrenheit.

(20) "Public eating places" are all places where meals are served in schools and colleges, both public and private, hotels, restaurants, clubs, lunch rooms, bars, fountains and boarding houses, private families keeping fewer than six boarders excepted, and shall include any place of public entertainment.

(21) "Skimmed milk" or "nonfat milk" is milk from which a sufficient portion of the butterfat has been removed to reduce its butterfat percentage to one-half of one per cent or less. "Fortified skimmed milk" or "fortified nonfat milk" is milk from which a sufficient portion of the butterfat content has been removed to reduce the butterfat content to one-half of one per cent or less and to which milk solids have been added from sources approved by the commissioner, provided the total milk solids-not-fat in this product shall constitute not less than ten per cent of such product.

(22) "Sour cream", "soured cream" or "salad cream" is cream which contains not less than eighteen per cent milk fat and the acidity of which is not less than one-half of one per cent calculated as lactic acid. Optional ingredients approved by the commissioner may be added.

(23) "Ultra-high-temperature processed and aseptically packaged milk and milk product" means a product which is hermetically sealed

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in a container and thermally processed in conformance with the Code of Federal Regulations so as to render the product free of (A) microorganisms capable of reproducing in the product under normal unrefrigerated conditions of storage and distribution and (B) viable microorganisms which are significant to public health.

(24) "Ultrapasteurized" means a milk product which has been thermally processed at or above two hundred eighty degrees Fahrenheit for two or more seconds, either before or after packaging, in order to produce a product which has an extended shelf life when refrigerated.

(25) "Vitamin D milk" is milk, the vitamin D content of which has been increased by a method approved by the commissioner to at least four hundred United States Pharmacopoeia units per quart.

(26) "Yogurt", "low-fat yogurt" and "nonfat yogurt" are the products defined in the Code of Federal Regulations, Title 21, Part 131, Sections 200, 203 and 206, respectively.

(27) "Handler" means any person, firm, corporation or cooperative association engaged in the receiving, handling, distribution or sale of fluid milk or milk products, which fluid milk or milk products, in whole or in part, is intended for bottling, manufacturing, processing, distribution or sale in this state.]

(1) "Bulk tank unit" means a dairy farm or group of dairy farms from which raw milk is collected for pasteurization for which a single entity sanitation compliance rating is issued.

(2) "Commissioner" means the Commissioner of Agriculture.

(3) "Cheese manufacturer" means any person, firm, corporation or cooperative association engaged in the production, receiving or handling of milk or milk products, which milk products, in whole or in

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part, are intended to be manufactured into cheese for distribution or sale in or outside this state.

(4) "Dealer" means any person, firm, corporation or cooperative association engaged in the receiving, handling, purchasing, distribution or sale of fluid milk or milk products, which fluid milk or milk products, in whole or in part, are intended for bottling, manufacturing, processing, distribution or sale in this state.

(5) "Filled milk" means any combination of nonmilk fat or oil and milk, whether or not it is fresh, cultured, reconstituted or modified by the addition of nonfat milk solids, with or without milkfat, so that the product, including stabilizers, emulsifiers or flavoring, resembles milk or any other fluid milk product, and contains less than six per cent nonmilk fat or oil.

(6) "Handler" means any person, firm, corporation or cooperative association engaged in the receiving, handling, distribution or sale of fluid milk or milk products, which fluid milk or milk products, in whole or in part, are intended for bottling, manufacturing, processing, distribution or sale in this state.

(7) "Nonstandardized milk products" means milk based products modified so they do not meet the definition of optional ingredients established in 21 CFR 131.110, contain milk and milk products, are intended to replace or be a substitute for standardized fluid milk products. Nonstandardized milk products may contain safe and suitable ingredients not present in standardized milk products.

(8) "Pasteurization" or "pasteurized" has the same meaning, as defined in section 1 of the Pasteurized Milk Ordinance as promulgated by the United States Food and Drug Administration.

(9) "Producer" means any person, firm or corporation that operates a dairy farm that provides, sells or offers milk to any dealer, person,

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handler, company or cooperative for sale.

(10) "Public eating places" means places where meals are served to the general public, including, but not limited to, public or private schools and colleges, hotels, restaurants, clubs, lunchrooms, bars, fountains or any place of public entertainment.

(11) "Raw milk" or "milk for pasteurization" means normal lacteal secretion that meets the sanitary provisions of this chapter, that is practically free of colostrum and that is obtained by the complete milking of one or more healthy hooved mammals.

(12) "Raw milk cheese" means aged hard cheese that meets the sanitary provisions of this chapter and that is produced from retail raw milk.

(13) "Retail raw milk" means normal lacteal secretion that meets the sanitary standards of this chapter, that is practically free of colostrum and that is obtained by the complete milking of one or more healthy goats, sheep or cows and is intended for human consumption in the unpasteurized state.

(14) "Retail raw milk producer" means any person, firm, corporation or cooperative association engaged in the production, handling, distribution or sale of retail raw milk.

(15) "Retail raw milk cheese manufacturer" means any person, firm, corporation or cooperative association engaged in the production, handling, distribution or sale of cheese manufactured from retail raw milk.

(16) "Safe and suitable ingredients" are food ingredients generally recognized as safe, as referenced in 21 CFR 184.1.

(17) "Standardized milk and milk products" or "milk or milk

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products" means products for which a standard of identity has been established pursuant to CFR 131.110.

Sec. 5. Section 22-133 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

[(a)] To assure the consumers of the state milk products of at least standard quality, and to assure to the residents of Connecticut an adequate and regular supply of such milk at all times, the Milk Regulation Board shall adopt regulations in accordance with the provisions of chapter 54, which may include, but not be limited to, definitions, standards of identity, production, transportation, processing, handling, sampling, examination, grading, labeling, regrading and sale of milk and milk products. The Milk Regulation Board may adopt regulations which incorporate by reference the provisions of the federal Pasteurized Milk Ordinance promulgated by the United States Food and Drug Administration provided such regulations shall be consistent with any regulations adopted under section 22-211a, and further provided such regulations may by reference specifically incorporate any future amendment to said ordinance. The board may by regulation establish standards for inspection of [pasteurizing plants, and farms supplying such plants, to preserve the public health and maintain the economic status of Connecticut producers] the facilities and processes necessary for the production, handling, storage and manufacture of retail raw milk, retail raw milk cheese, butter, cheese, dry milk, whey, concentrated milk, condensed milk, single service fluid milk enclosures and milk products. In exercising its authority, the board shall consider (1) the welfare of the milk producer, the milk dealer and the consuming public, and the need to maintain a constant and adequate supply of fluid milk of at least standard quality; (2) the recommended methods promulgated by recognized authorities for the production, handling and transportation of fluid milk and milk products, and additional

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methods for the production, handling and transportation of milk and milk products; (3) the recommended methods promulgated by recognized authorities for dairy plant operations in the handling, storage, processing, bottling and labeling of all grades and types of milk, cream and milk products, together with the quality of the dairy products and materials, if any, used in the processing of such products; (4) the healthfulness and quality of all grades and types of milk, cream [and] milk products, cheese and nonstandardized milk products, when said board may be guided by recommendations promulgated by recognized authorities on health and nutrition; (5) whether or not the various grades, such as grade A milk, and types, such as homogenized, pasteurized, vitamin D and vitamin-mineral-fortified milk, flavored milks, low-fat milk or skimmed milk, handled by a dealer, may be handled, processed, advertised, offered for sale or sold without false advertising, deception, fraud or misrepresentation; and (6) ingredient and nutrition labeling requirements, the necessity for clearly distinguishing retail raw milk, cheeses, nonstandardized milk products, whole milk, low-fat milk and skimmed milk in the labeling of such milk so as to prevent confusion, deception and misrepresentation. [; (7) the standards for maintaining the economic status of Connecticut producers and supply and demand factors for inspecting farms and plants provided by sections 22-175 to 22-180, inclusive, 22-182, 22-183, 22-184 and 22-195; (8) other economic considerations applicable to inspection of farms and plants such as, but not limited to, distance from the Connecticut market; adequacy of pasteurization facilities within the state and in towns, cities or boroughs adjoining the state boundary line; the quantities of milk which normally are consumed in the Connecticut market and the current trends in that consumption, seasonal and others; the frequency with which current inspections are made and the personnel and other resources available for such inspections; the effects additional inspections will have on the rigor of such inspections, and their cost and efficiency; the quantities of milk which would be available from

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different sources; the relative accessibility of different sources and the relative ease with which milk may be transported from such sources; the seasonal patterns of production and milk deliveries at different sources; the economic standards for inspecting farms and plants that apply in other adjacent areas; the time which would be required to deliver milk to the Connecticut market from different sources, and the reliability of different sources both from the standpoint of quality and quantity of milk; (9) the sanitary standards, requirements and procedures recommended by the United States Department of Health and Human Services in the Grade A Pasteurized Milk Ordinance.]

[(b) The regulations adopted pursuant to subsection (a) of this section shall ensure substantial compliance with the health and sanitation provisions of the Grade A Pasteurized Milk Ordinance recommended by the United States Department of Health and Human Services, Milk Safety Branch.]

Sec. 6. Section 22-136 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) The Milk Regulation Board shall adopt regulations, in accordance with the provisions of chapter 54, for the examination and licensing of persons who may engage in the weighing, [gaging,] sampling or testing of milk or cream which is to be bought or sold on the basis of the butterfat content, milk components or the bacterial count, or for the purpose of determining the butterfat content, the presence or absence of antibiotics or other inhibitors, milk components or bacterial count for publication or for advertising purposes, or for use as the basis of reports to any person other than their employers or payment to a producer.

(b) The commissioner shall administer the regulations. Applications for examinations shall be made in writing to the commissioner. Any fees for such applications shall be established by the commissioner

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pursuant to section 22-128a. The commissioner shall designate the time and place of holding the examinations, and may issue, to any person who has complied with the regulations for the examination and has passed the same to the satisfaction of the commissioner, a license to weigh or gage, sample or test any milk or cream.

(c) The license shall be valid for [~~one year~~] two years and may be renewed for a period of [~~five~~] two years upon written application to the commissioner accompanied by a fee [~~of twenty-five dollars if submitted between July 1, 1991, and July 1, 1992. On and after July 1, 1992, such fee shall be~~] established by the commissioner pursuant to section 22-128a.

(d) The license may be revoked by the commissioner, after hearing and upon notice to the licensee, for dishonesty, incompetency, inaccuracy or violation of any provision of this section or sections 22-138 to 22-141, inclusive.

(e) No person shall take any sample or test any milk or cream for the purpose of determining its butterfat content, its milk components or its bacterial count except as provided in this section, and nothing in this section shall be construed to prevent private testing and sampling for plant purposes. Any person not holding a license may take any unbroken package of milk or cream as a sample.

Sec. 7. Section 22-165 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) The commissioner and his deputy, agents and assistants may take samples of milk, cream or milk products from any producer, dealer, vendor, processor or manufacturer upon tender of the market price thereof, and shall seal and mark such samples, and, upon request of such producer, dealer, vendor, processor or manufacturer, or his agent, shall seal and mark duplicate samples and leave the duplicate

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samples with such persons. The official analysis of such samples shall be made by the Connecticut Agricultural Experiment Station or the Laboratory Division of the Department of Public Health, or any other laboratory approved for making such examinations.

(b) The commissioner shall collect from the dairy plant, producer, retail raw milk producer or milk dealer permittee a fee or fees established by the commissioner pursuant to section 22-128a, sufficient to cover the actual cost of bio-assays and chemical tests made on samples of milk [, skimmed milk, nonfat milk, fortified skimmed milk, or fortified nonfat milk to which vitamins, minerals or any combination thereof have been added as approved by the Milk Regulation Board] and milk products. Such fees shall be deposited in the General Fund. The dairy plant, producer, retail raw milk producer or milk dealer permittee shall [not] only be required to pay [for more than four bio-assays, for any one type of milk herein described, in any biennium, except when the samples fail to contain the advertised unitage of vitamins and minerals] fees for samples taken to verify product safety when required routine testing has shown the product to be in violation of this chapter. The commissioner may suspend [the dairy plant or milk dealer permit of] any license or permit issued pursuant to this chapter or chapter 431 to any dairy plant, producer, retail raw milk producer, cheese or yogurt manufacturer, dry milk manufacturer or dealer who fails to pay such fees within sixty days after being billed by the commissioner.

Sec. 8. Section 22-172 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Any person, firm or corporation engaged in the production of milk for pasteurization in Connecticut, which milk or the products thereof are to be used or disposed of elsewhere than on the premises where such milk is to be produced [, and any person, firm or corporation engaged in the production of milk outside Connecticut for

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sale within Connecticut,] shall register with the Commissioner of Agriculture in a manner prescribed, and on forms furnished [,] by the commissioner for such registration. [Such registration shall be renewed annually, during the first six months of the calendar year.]

(b) Milk shall not be used, sold, offered for sale or disposed of away from [the] any dairy farm located in Connecticut without a permit from the commissioner. [Milk shall not be sold directly or indirectly into Connecticut from a dairy farm located outside Connecticut without a permit from the commissioner.]

(c) Such permits [shall] may be renewed annually upon written application to the commissioner, shall be designated "Dairy Farm Permit" or [Milk] "Milk Producer Permit" and may be suspended or revoked by the commissioner for cause.

Sec. 9. (NEW) (*Effective October 1, 2005*) (a) No person, firm or corporation shall engage in the production of retail raw milk or the manufacture of retail raw milk cheese, which milk or retail raw milk cheese or the products thereof are to be used or disposed of elsewhere than on the premises where such milk or retail raw milk cheese is produced, without first registering with the Commissioner of Agriculture in a manner prescribed and on forms furnished by the commissioner for such registration. Such registration may be renewed annually not later than the thirtieth day of June. The commissioner shall establish fees for such registration pursuant to section 22-128a of the general statutes.

(b) Registrations required pursuant to subsection (a) of this section shall be designated "Retail Raw Milk Producer Permit" or "Raw Milk Cheese Manufacturer Permit" and may be denied, suspended or revoked by the commissioner for cause.

(c) Retail raw milk shall only be offered for sale in its unprocessed

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state, with no ingredients added or removed.

(d) The manufacturing of cheese from unpasteurized milk shall be conducted only on premises and by firms or individuals authorized by the commissioner to produce retail raw milk.

(e) The Milk Regulation Board shall adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, establishing standards for sanitation, production, sale, labeling, handling and storage of retail raw milk and the manufacture of raw milk cheeses.

Sec. 10. Section 22-183 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

Whenever approval to ship milk to Connecticut markets has been given to a dairy farm or milk plant, [whether such farm or plant is located within or without the state of Connecticut,] the commissioner shall not thereafter refuse to inspect nor shall [he] the commissioner revoke or suspend such approved status except for failure to produce and deliver milk, under the conditions specified in this chapter, which will meet the quality standards and other requirements set forth in this chapter.

Sec. 11. Section 22-193 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

No person shall bottle, pour, dip or measure any milk, cream, low-fat milk, skimmed milk or buttermilk for sale at retail in any vehicle upon any street, or in any other place than a milk room or place approved by the commissioner. Milk, when served by any hotel, restaurant, lunchroom, fountain or other place of public entertainment, shall be served in the original bottle, the cap of which shall not be removed except in the presence of the consumer or patron, but this provision shall not apply to cream so served or to mixed beverages of

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which milk forms a part, or to pasteurized homogenized milk or cream with or without flavoring dispensed from a refrigerated dispensing machine approved by the commissioner, if the location, maintenance and operation of the machine, in the opinion of the commissioner, provide full and adequate sanitary protection for the milk. Only pasteurized milk and [pasteurized low fat milk and pasteurized cream or milk and low fat milk and cream from a herd certified free from brucellosis and tuberculosis] milk products shall be served to consumers in any hotel, restaurant, [or] cafeteria, hospital, lunchroom, school, public eating place or at any fountain or [in any place of public entertainment] public eating place, whether served as milk and low fat milk and cream or as a part of a mixed beverage.

Sec. 12. Section 22-197b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

[(a) In addition to the requirements of section 22-197, each container of milk or cream, yogurt, cream cheese, cottage cheese, ricotta cheese, eggnog or sour cream sold or offered for retail sale to consumers, on and after January 1, 1982, shall be clearly marked with the last date on which such item may be sold or offered for sale. If such milk or cream was pasteurized at a temperature of two hundred twelve degrees Fahrenheit or less, the last sale date shall not exceed twelve days from the day on which such milk or cream was pasteurized except as provided in subsection (b) of this section.

(b) The Milk Regulation Board shall adopt regulations in accordance with chapter 54 establishing a uniform method of displaying such date on such containers and a procedure which the Commissioner of Agriculture shall follow for approval of a last sale date for milk or cream in excess of twelve days for milk or cream pasteurized at a temperature of two hundred twelve degrees Fahrenheit or less. The regulations shall include but not be limited to procedures for verification of an extended last sale date and review of the

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appropriateness of such date. The commissioner may authorize an extended last sale date for milk or cream upon request of a milk processor.]

Each person, handler, firm or corporation shall clearly mark with the last date on which each container of milk or milk product, cream, yogurt, cream cheese, cottage cheese, ricotta cheese, hard cheese, soft cheese, eggnog or sour cream offered for retail sale may be sold. In accordance with the provisions of chapter 54, the Milk Regulation Board shall adopt regulations establishing standards and criteria for label type size, color and wording that is consistent with national standards and said board may incorporate by reference The Nutritional Education and Labeling Act, 21 CFR 101. The commissioner may impose a civil penalty, in accordance with the provisions of section 22-7, for a violation of this section.

Sec. 13. Section 22-203a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) Any person, firm or corporation [holding a permit issued under section 22-173] engaged in receiving, handling, processing or packaging milk or milk products shall test each tank truck load of milk or milk products for the presence of drug residues or other inhibitory substances upon receipt of such milk or milk product at the receiving plant prior to processing. In the case of interplant shipments of bulk milk or milk products, each bulk tank load, or portion thereof, shall be tested prior to processing for the presence of drug residues or other inhibitory substances. [Any person, firm or corporation holding a permit issued under section 22-173 who or which processes milk produced at the same location shall test such milk or milk products prior to processing.] The Commissioner of Agriculture may require a milk producer holding a permit issued under section 22-172 or a retail raw milk producer holding a permit issued under section 9 of this act who violates section 22-129 to test milk produced by him for the

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presence of drug residues or inhibitory substances prior to shipment. For purposes of this section and sections 22-203b to 22-203d, inclusive, "drug" means (1) articles recognized in the Official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; or (4) articles intended for use as a component of any articles specified in subdivision (1), (2) or (3), but does not include devices or their components, parts or accessories.

(b) Any test administered pursuant to this section shall be [a screening test or other test] approved by the Commissioner of Agriculture and shall be capable of determining compliance with standards for drug residue tolerance levels recommended by the United States Food and Drug Administration. Any test approved by the commissioner shall be rapid and economically feasible [and shall not unduly delay the pickup, transportation or unloading of milk] and shall be performed at a facility or location and in a manner acceptable to the commissioner. The results of any test required shall be recorded by the person administering such test and kept on file [at the receiving plant] at the location where the test was conducted or at the processing plant for not less than [one year after administration] two years.

(c) Each retail raw milk producer shall maintain records, which shall be available for inspection by the commissioner, or the commissioner's designee, for each individual animal treated with a drug. Such records shall include the name of the drug or drugs, withdrawal time required for each drug, treatment dates, and, after completion of such treatment, the date such animal's milk is offered for sale.

Sec. 14. Section 22-203d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

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[(a) The Commissioner of Agriculture may suspend or revoke the permit of any milk processor issued under section 22-173 for a violation of any provision of section 22-203a. Any person, firm or corporation who violates any provision of said section 22-203a shall be assessed a civil penalty of not less than one thousand dollars for the first violation during any twelve-month period and not less than two thousand dollars nor more than five thousand dollars for any subsequent violation within such period.

(b) If milk from a dairy farm is found to contain drug residues or other inhibitory substances at levels above those recommended by the United States Food and Drug Administration, no milk produced by such farm may be received by any milk dealer or handler for a period of two days. In the event of a subsequent finding of such a violation within a twelve-month period, no milk produced by such farm may be received by any milk dealer or handler for a period of four days. In the event of a third finding of such a violation within a twelve-month period, no milk produced by such farm may be received by any milk dealer or handler for a period of four days and the commissioner may (1) revoke or suspend the producer's permit issued under section 22-172, or (2) initiate action to assess an administrative civil penalty for such violation in accordance with the provisions of section 22-7.]

(a) No milk processor issued a license under section 22-229 shall accept for processing milk containing drug residues or other inhibitory substances at or above the tolerance levels recommended by the United States Food and Drug Administration. The commissioner shall prohibit the sale or distribution of such milk, packaged milk or milk products that are found to contain such drug residues or other inhibitory substances at or above the tolerance levels recommended by the United States Food and Drug Administration. The milk processor responsible for accepting for processing milk at or above tolerance levels recommended by the United States Food and Drug

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Administration shall stop the sale of such milk and cause such milk to be destroyed in a manner acceptable to the commissioner. The commissioner may: (1) Suspend the milk processor's license until the drug residues or other inhibitory substances are below the tolerance levels, (2) initiate a product recall of the milk and cause it to be destroyed in a manner acceptable to the commissioner, or (3) in the event of a second violation within any twelve-month period, revoke the milk processor's license and initiate action to assess a civil penalty pursuant to section 22-7.

(b) Whenever milk from a milk producer issued a permit under section 22-172, as amended by this act, is found to contain drug residues or other inhibitory substances at or above the tolerance levels recommended by the United States Food and Drug Administration, the commissioner shall prohibit the sale or distribution of such milk. The milk producer responsible for producing such milk shall stop the sale of the milk and cause the milk to be destroyed in a manner acceptable to the commissioner. The commissioner may: (1) Suspend the milk producer's permit until such time as the drug residues or other inhibitory substances are below the tolerance levels, and (2) in the event of a third violation within any twelve-month period, the commissioner may revoke the milk producer's permit and initiate action to assess a civil penalty pursuant to section 22-7.

(c) Whenever milk from a retail raw milk producer issued a permit under section 9 of this act is found to contain drug residues or other inhibitory substances at or above the tolerance levels recommended by the United States Food and Drug Administration, the commissioner shall prohibit the sale or distribution of such retail raw milk. The retail raw milk producer responsible for the production of such retail raw milk shall stop the sale of the retail raw milk and cause the retail raw milk to be destroyed in a manner acceptable to the commissioner. The commissioner may: (1) Suspend the retail raw milk producer's permit

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until such time as the drug residues or other inhibitory substances are below the tolerance levels, (2) initiate a product recall of the retail raw milk and cause it to be destroyed in a manner acceptable to the commissioner, or (3) in the event of a second violation within any twelve-month period, revoke the retail raw milk producer's permit and initiate action to assess a civil penalty pursuant to section 22-7.

Sec. 15. Section 22-205 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

The following terms shall be construed in this part to have the following meanings, unless the context otherwise requires: (1) "Commissioner" means the Commissioner of Agriculture; (2) "consumer" means any person, other than a dealer, who purchases milk for consumption or use; (3) "cooperative marketing association" means a producer-owned and producer-controlled association or corporation of producers, organized under the cooperative laws of this state, or of any other state and authorized to do business [herein] in this state, and conforming to the requirements of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act", and such association shall be governed by the applicable provisions of this part as to the prices at which it sells, markets or bargains to sell milk to dealers and others; (4) "dealer" means milk dealer, including any person, store, subdealer or producer-dealer, who purchases, receives, distributes or handles fluid milk [within the state] or milk products for sale, [shipment, storage, processing, manufacture or other disposal within or without the state,] but "dealer" does not include a producer who delivers milk to a dealer alone, [shall not be deemed a dealer; nor shall a] retail raw milk producers, raw milk cheese manufacturers or cooperative marketing association as herein defined. [be deemed a milk dealer but it] A cooperative marketing association as defined in this section shall be deemed a producer [; provided,] if such association sells milk to stores or consumers. [, it] It

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shall be deemed a dealer as to such operations and shall be governed by the provisions of this part applicable thereto; (5) "licensee" means a licensed dealer; (6) "marketing area" means any city, town, borough, or state, or two or more cities, towns, boroughs, or states, or parts thereof and territory contiguous thereto, so designated by the Commissioner of Agriculture and having reasonable uniformity or similarity of marketing conditions among producers or dealers; (7) "milk" means fluid milk and cream, all products defined in sections 22-127 and 22-133, as amended by this act, fresh, sour or storage, skimmed milk, buttermilk and flavored milk or milk drink; and reference in this part to quantity of milk shall be construed to include its whole milk equivalent; (8) "person" means any individual, firm, corporation, limited liability company, partnership or association; (9) "producer" means a person producing milk and includes community marketing associations; (10) "producer-dealer" means a dealer who is also a producer; [and, to effectuate the policy of this part, shall be exempt therefrom in the manner hereinafter specified, and a producer-dealer who delivers milk to another dealer shall be deemed a producer with respect to such milk and shall be governed by the provisions of this part applicable to milk received or purchased from producers by dealers;] (11) "store" means a grocery store, hotel, restaurant, drug store, dairy products store or any similar mercantile establishment which sells milk; [; provided any such store which] except "store" does not include any establishment that sells milk only for consumption on the premises; [shall not be deemed a dealer;] (12) "subdealer" means any [dealer handling milk within the state who] person, firm or corporation that sells [all such milk to consumers or stores] fluid milk or milk products in their finished form for human consumption within the state to stores, other dealers or subdealers, restaurants, manufacturers or any place where the final sale of such fluid milk or milk products takes place in the same containers in which [he] such person, firm or corporation purchased it from other dealers; (13) "cheese manufacturer" means any person, firm, corporation or dealer

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within the state that purchases fluid milk, or receives or handles fluid milk for the purpose of manufacturing cheese; (14) "yogurt manufacturer" means a milk dealer that purchases fluid milk or receives or handles fluid milk for the purpose of manufacturing yogurt for sale or distribution in the state; (15) "dry milk manufacturer" means any person, firm, corporation or dealer within the state who purchases fluid or dried milk, or receives or handles fluid or dried milk for the purpose of manufacturing or remanufacturing dry milk to be included or blended with fluid milk or be reconstituted into a milk product.

Sec. 16. Section 22-230 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

(a) An application for a license to do business as a dealer, subdealer, cheese manufacturer, dry milk manufacturer or yogurt manufacturer shall be made to the commissioner. Any person who desires to enter business as a dealer, subdealer, cheese manufacturer, dry milk manufacturer or yogurt manufacturer shall file application not less than fifteen days prior to the date for which he is applying to engage in such business. Application for renewal of a license shall be made no later than July first of each year.

(b) In order to be complete, each application shall be accompanied by the license fee provided for by sections 22-235a and 22-236. An applicant who fails to apply for renewal of a license on or before July first of each license year shall be assessed a late filing fee of [fifteen] fifty dollars and in the case of a store the late filing fee shall be fifteen dollars. Such late filing fee shall be in addition to any fees normally due for renewal of a license.

(c) The applicant shall state such information in regard to his business or proposed business as is required by the commissioner, upon such form as he prescribes. Such information may include: (1) The nature of the business to be conducted; (2) the full name and

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address of the person applying; if the applicant is a copartnership, the full name of each member shall be stated; if the applicant is an association or corporation, the names and addresses of all officers and directors shall be stated; (3) the location at which the business is to be conducted and the locations or areas in which such business is to be operated; (4) the financial condition of the applicant; (5) a showing that he has complied and will comply with this part and all orders, rulings, regulations or directions issued hereunder; (6) the quantities, sources and type of outlets of milk handled during the calendar year preceding the period for which the license is desired; (7) such other facts with respect to the applicant's business as may be required by the commissioner pursuant to this part. The commissioner shall grant or renew a license to an applicant qualifying under and complying with all provisions of this part and orders, rulings, regulations and directions issued [hereunder] under this section.

(d) Licenses shall not be transferable.

(e) The licensing period shall be from the first day of July through the thirtieth day of June of the following year. The reporting period shall be the first day of April through the thirty-first day of March of the following year. During the month of March, the commissioner shall send a notice to each milk dealer, subdealer, cheese manufacturer, dry milk manufacturer and yogurt manufacturer, regarding their license renewal date and licensing reporting requirements.

(f) The fees accompanying their application shall be returned to applicants who have been refused a license by the commissioner.

(g) License fees collected shall be credited to the General Fund.

(h) A milk dealer or a yogurt, dry milk and cheese manufacturer who fails to submit required information or fees no later than sixty

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days after the end of the licensing period shall be deemed to have surrendered its license and shall be notified by the commissioner via certified mail that its license is expired and deemed to have been surrendered. In the case of a store, such notification may be via first class mail. In the month of September, the commissioner shall furnish all licensed dealers, by electronic or other means deemed acceptable by the commissioner, a listing of all known milk dealers and stores that have failed to renew a license or whose license was revoked. The commissioner may update the listing from time to time.

(i) No license shall be issued to any person, firm or corporation who has surrendered its license or whose license was revoked, until the commissioner has received all past due license or late fees.

Sec. 17. Section 22-231 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

The Commissioner of Agriculture may refuse to grant or renew a license, or may suspend, revoke or refuse to transfer a license already granted, after [he] the commissioner has determined that the applicant or dealer: (1) Has failed to comply, or has been a responsible member or officer of a partnership or corporation which failed to comply, with any provision of this part or any order, ruling, regulation or direction issued hereunder; (2) has insufficient financial responsibility, personnel or equipment to properly to conduct the milk business; (3) is a person, partnership, corporation or other business entity, in which any individual holding a material position, interest or power of control has previously been responsible in whole or in part for any act on account of which a license was or may be denied, suspended or revoked under the provisions of this part; (4) has failed to file a bond required by the commissioner under the provisions of this part; (5) if located out of the state, has failed to obtain a satisfactory milk sanitation compliance rating from a certified state milk sanitation rating officer or is not in compliance with all laws and regulations of

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the state pertaining to health and sanitation in the production, processing, handling or sale of milk; (6) has rejected, without reasonable cause, any milk purchased from a producer, or has refused to accept, without either reasonable cause or reasonable advance notice, milk delivered by or on behalf of a producer in ordinary continuance of a previous course of dealing, except when the contract has been lawfully terminated; provided, in the absence of an express or implied fixing of a period in the contract, "reasonable advance notice" shall be construed to mean not less than one week nor more than two weeks; (7) has continued in a course of dealing of such nature as to show an intent to deceive, defraud or impose upon producers or consumers; (8) has violated any stipulation or written agreement entered into with the commissioner in the course of any proceeding under this part; (9) has made a false material statement in his application; or (10) has failed to provide information required under this chapter.

Sec. 18. Section 22-235a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

License fees for all milk dealers, except stores, shall be [determined by the daily average amount of milk sold or distributed, and no application shall be deemed complete unless submitted with the correct fee. In the application for renewal of a license, each dealer shall state the daily average amount of milk sold or distributed during the period of April first through March thirty-first of the current license period, or during such portion thereof as such dealer has been selling or distributing milk. In the application for a license to enter business, a dealer shall state the daily average amount of milk he proposes to sell or distribute. If, during the third month after obtaining a license, such dealer sells or distributes a larger quantity of milk, he shall pay to the commissioner, within sixty days thereafter, an additional fee based upon the difference between the estimated and the actual sales and

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distributions during such third month. For the purpose of determining the amount of the license fee, one-half pint of cream shall be considered the equivalent of one quart of fluid milk] based upon the volume of milk and milk products sold in the state during the reporting period. The Commissioner of Agriculture shall adopt regulations, in accordance with the provisions of chapter 54, necessary to carry out the provisions of this section.

Sec. 19. Section 22-236 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

[(a) For the daily average not in excess of three hundred quarts of milk, the license fee shall be twenty-five dollars. For the daily average in excess of three hundred quarts of milk the fee shall be increased at the rate of seven dollars and fifty cents for each daily average of one hundred quarts or fraction thereof. The license fee for each separate store location shall be twenty-five dollars. A dealer who purchases milk but who does not sell any milk or cream shall pay a license fee of twenty-five dollars. A dealer who sells or otherwise disposes of milk only in another state shall pay a license fee of thirty dollars if the dealer's daily average amount of milk does not exceed five hundred quarts, and fifty dollars if the daily average exceeds five hundred quarts.

(b) In the case of an application for transfer of a license, no additional fee for the period covered by the license shall be required from the transferee, except a fee of fifteen dollars for recording such transfer.

(c) Applicants to whom licenses have been refused shall be entitled to a return of the fees accompanying their application.

(d) License fees collected shall be paid by the commissioner to the State Treasurer to the account of the General Fund.]

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(a) The annual license fee for each milk dealer, yogurt manufacturer, or subdealer shall be fifty dollars. The license fee for dealers and subdealers with yearly sales in excess of one hundred thousand quarts shall be increased at a rate of .021 cents per one hundred quarts of milk product sold during the reporting period.

(b) The license fee for each cheese manufacturer shall be fifty dollars.

(c) The license fee for each dry milk manufacturer shall be fifty dollars.

(d) The license fee for each store shall be thirty dollars.

(e) The Commissioner of Agriculture shall adopt regulations, in accordance with the provisions of chapter 54, necessary to carry out the provisions of this section.

(f) The commissioner may grant a waiver from any fee established in this chapter to any nonprofit organization, as defined in Section 501(c)(3) of the United States Internal Revenue Code, upon presentation to the commissioner of adequate proof of the organization's nonprofit status.

Sec. 20. Section 22-245 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2005*):

After such hearing and finding, the Commissioner of Agriculture may issue against such dealer or store a directive to cease and desist, and prescribe such corrective terms and conditions as he determines upon the hearing evidence to be in the public interest. Such corrective terms and conditions may include one or more of the following or parts thereof, and other reasonable and similar terms or conditions with like corrective purpose, subject to such regulations as the commissioner prescribes in aid of the effectiveness of such directive:

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(1) In cases in which prices are favoring, special or discriminatory, directing the revision of prices at which milk is so sold; or directing and specifying restoration of nondiscriminatory prices; or directing that no further sales be made to favored purchasers for a period not exceeding ninety days. Such provision may prohibit the sale or offer of reasonably similar quantities and qualities of milk under similar conditions to different purchasers at unreasonably different prices; or the sale or offer of milk of special properties or quality, or with an uncustomary amount of service or in an unusual container at prices which do not make allowance for differences in cost existing between such sales or offers and usual sales; (2) directing the revision of prices at which milk is sold; or directing and specifying restoration of normally prevailing resale prices for a period not exceeding ninety days considering comparable milk in the same locality at any reasonable preceding period of time in which resale price conditions were sufficiently stable to protect producers' prices, adjusting for any difference in producers' prices at such time and place; (3) prohibiting any dealer or store, directly or indirectly, from furnishing or receiving or offering to furnish or receive in connection with a sale or purchase of milk or offer to sell or purchase milk any rebate, discount, premium, gift or other thing of value, an unreasonable service or extension of credit, or an advertising allowance; from charging a combined price for milk, together with another commodity, or a service which is less, or is represented to be less, than the aggregate of the price of the milk and the price or value of such commodity or service when sold or offered for sale separately; or from otherwise applying or attempting to apply any method or device intended to defeat the policy of this part, or to defeat or evade any provision of this part or of any order, ruling or regulation issued hereunder. Nothing [herein] in this section shall be construed to prevent a dealer from participating in any program sponsored or conducted by the commissioner or any other governmental authority, designed to make milk available at specially low prices to groups designated by appropriate public authorities for

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the purpose of increasing consumption. Hearings may be held and directions issued [hereunder] under this section affecting one or more dealers concurrently or independently; and may be held only on such notice as the emergency reasonably permits. Directions [hereunder] under this section may be served upon a dealer at his place of business or by registered or certified mail to his last-known address.

Sec. 21. (NEW) (*Effective January 1, 2006*) (a) As used in this section:

(1) "Commissioner" means the Commissioner of Agriculture.

(2) "Dealer" means any person, firm or corporation engaged in the business of buying, receiving, selling, bartering, exchanging, negotiating or soliciting the sale, resale or exchange of live poultry or hatching eggs or a person, firm or corporation engaged in the transportation, transfer or shipment of any live poultry or hatching eggs or a producer who is a wholesaler, distributor or hauler of live poultry or hatching eggs.

(3) "Hauler" means any person, firm or corporation that transports live poultry or hatching eggs from premises to premises, to a distributor, to a live bird market or to a dealer.

(4) "Live bird market" means a facility at which live poultry or hatching eggs are congregated for sale or to be slaughtered and dressed for sale to the public or restaurants or to be sold live for any purpose.

(5) "Poultry" means any species of domestic fowl, including, but not limited to, chickens, turkeys, ostriches, emus, rheas, cassowaries, waterfowl and game birds raised for food production, breeding, exhibition or sale.

(6) "Producer" means any person, firm or corporation engaged in the breeding, raising or keeping of poultry for the purpose of food

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production, hatching egg production or for show or exhibition.

(b) Annually, each poultry dealer conducting business within the state shall apply for a license upon forms furnished by the commissioner. The commissioner shall issue such license unless, in the commissioner's sole discretion, the commissioner deems it in the best interest of the public to refuse issuance thereof. In refusing to issue a license, the commissioner shall give due regard to whether the applicant has had such a license previously revoked or suspended or has violated any state or federal law or regulation concerned with interstate transport of live poultry and hatching eggs or live poultry health requirements. Each license shall be nontransferable and shall be in effect from July first through the last day of June of the next succeeding year.

(c) Each license shall be shown, upon request, to any person with whom the licensee conducts or proposes to conduct business.

(d) Any poultry dealer licensed under this section shall keep accounts and records that fully and clearly disclose all transactions related to the conduct of such dealer's business. Such records shall be made available at any time for inspection by the commissioner or the commissioner's authorized agent for the purpose of determining the origin and destination of any live poultry handled by the dealer. Information relating to the general business of the dealer that is disclosed in the course of an inspection by the commissioner or by the commissioner's authorized agent and that is not related to the immediate purpose of the inspection shall be confidential and not disclosed except as required by law.

(e) The provisions of this section do not apply to any person, firm or corporation that is only a producer, except that a producer who transports live poultry directly to a live bird market, wholesaler, distributor or other dealer shall be deemed a hauler and subject to the

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provisions of this section.

(f) The Commissioner of Agriculture may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to ensure compliance with this section and to ensure the public health and safety. Such regulations shall include: (1) Sanitation standards for vehicles, crates, facilities and other appurtenances used to transport and hold poultry or hatching eggs, both in transit and at any place where poultry or hatching eggs are held for the purposes of being sold or offered for sale; (2) the health requirements for poultry and hatching eggs, including, but not limited to, required tests, vaccinations or other methods used to prevent poultry disease; (3) the manner and form of records to be kept, including, but not limited to, identification of the origin of poultry or hatching eggs, poultry animal health records, test results or copies of sales records and dates; and (4) individual bird and premise identification.

(g) The commissioner may: (1) Revoke or suspend a poultry dealer's license, or (2) assess an administrative civil penalty pursuant to section 22-7 of the general statutes for a violation of this section.

Sec. 22. Section 51-164n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) There shall be a Centralized Infractions Bureau of the Superior Court to handle payments or pleas of not guilty with respect to the commission of infractions and violations under subsection (b) of this section. Except as provided in section 51-164o, any person who is alleged to have committed an infraction or a violation under subsection (b) of this section may plead not guilty or pay the established fine and any additional fee or cost for the infraction or such violation.

(b) Notwithstanding any provision of the general statutes, any

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person who is alleged to have committed (1) a violation under the provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-283, 7-325, 7-393, 8-25, 8-27, 9-63, 9-296, 9-305, 9-322, 9-350, 10-193, 10-197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292, or 12-326g, subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414, subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e) of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49, 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152, 14-153 or 14-163b, a first violation as specified in subsection (f) of section 14-164i, section 14-219 as specified in subsection (e) of said section, section 14-240, 14-249 or 14-250, subsection (a), (b) or (c) of section 14-261a, section 14-262, 14-264, 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of section 14-283, section 14-291, 14-293b, 14-319, 14-320, 14-321, 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256, 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h, section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124, 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a, section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224, 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338, 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257, 20-265 or 20-324e, subsection (a) of section 20-341, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38, 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or 21a-

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77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-159, 21a-201, 21a-211, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, [22-37,] 22-38, 22-39, 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90, 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a, 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359, 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a) of section 22a-250, subsection (e) of section 22a-256h, subsection (a) of section 22a-381d, section 22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, 29-316, 29-318, 29-341, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 47-34a, 47-47, 49-8a, 49-16 or 53-133, subsection (a) or (b) of section 53-211, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, shall follow the procedures set forth in this section.

(c) If any person who is alleged to have committed an infraction or any violation specified in subsection (b) of this section elects to pay the fine and any additional fees or costs established for such infraction or violation, he shall send payment, by mail or otherwise, to the Centralized Infractions Bureau, made payable to the "clerk of the Superior Court". Such payment shall be considered a plea of nolo

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contendere and shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the person, provided the provisions of this section and section 51-164m shall not affect the application of any administrative sanctions by either the Commissioner of Environmental Protection authorized under title 26 or the Commissioner of Motor Vehicles authorized under title 14, except that no points shall be assessed by the Commissioner of Motor Vehicles against the operator's license of such person for such infraction or violation. The Judicial Department shall provide notice of the provisions of this subsection to law enforcement agencies and direct each law enforcement agency issuing a complaint to provide such notice to any person who is alleged to have committed a motor vehicle infraction or violation at the time a complaint alleging such conduct is issued to such person.

(d) If the person elects to plead not guilty, he shall send the plea of not guilty to the Centralized Infractions Bureau. The bureau shall send such plea and request for trial to the clerk of the geographical area where the trial is to be conducted. Such clerk shall advise such person of a date certain for a hearing.

(e) A summons for the commission of an infraction or of a violation specified in subsection (b) of this section shall not be deemed to be an arrest and the commission of an infraction or of any such violation shall not be deemed to be an offense within the meaning of section 53a-24.

(f) The provisions of this section shall apply to the alleged commission of an infraction or a violation specified in subsection (b) of this section by a minor but, in a case involving a minor, a parent or guardian shall sign any plea of nolo contendere or of not guilty on any summons form issued in connection with the matter.

(g) In any trial for the alleged commission of an infraction, the

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practice, procedure, rules of evidence and burden of proof applicable in criminal proceedings shall apply. Any person found guilty at the trial or upon a plea shall be guilty of the commission of an infraction and shall be fined not less than thirty-five dollars or more than ninety dollars.

(h) In any trial for the alleged commission of a violation specified in subsection (b) of this section, the practice, procedure, rules of evidence and burden of proof applicable in criminal proceedings shall apply. Any person found guilty at the trial or upon a plea shall be guilty of the commission of a violation and shall be fined not more than the statutory amount applicable to such violation.

Sec. 23. Section 51-344a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Whenever the term "judicial district of Hartford-New Britain" or "judicial district of Hartford-New Britain at Hartford" is used or referred to in the following sections of the general statutes, it shall be deemed to mean or refer to the judicial district of Hartford on and after September 1, 1998: Sections 1-205, 1-206, 2-48, 3-21a, 3-62d, 3-70a, 3-71a, 4-61, 4-160, 4-164, 4-177b, 4-180, 4-183, 4-197, 5-202, 5-276a, 8-30g, 9-7a, 9-7b, 9-369b, 10-153e, 12-208, 12-237, 12-268l, 12-312, 12-330m, 12-405k, 12-422, 12-448, 12-454, 12-456, 12-463, 12-489, 12-522, 12-554, 12-565, 12-572, 12-586f, 12-597, 12-730, 13b-34, 13b-235, 13b-315, 13b-375, 14-57, 14-66, 14-67u, 14-110, 14-195, 14-311, 14-311c, 14-324, 14-331, 15-125, 15-126, 16-41, 16a-5, 17b-60, 17b-100, 17b-238, 17b-531, 19a-85, 19a-86, 19a-123d, 19a-425, 19a-498, 19a-517, 19a-526, 19a-633, 20-12f, 20-13e, 20-29, 20-40, 20-45, 20-59, 20-73a, 20-86f, 20-99, 20-114, 20-133, 20-154, 20-156, 20-162p, 20-192, 20-195p, 20-202, 20-206c, 20-227, 20-238, 20-247, 20-263, 20-271, 20-307, 20-341f, 20-363, 20-373, 20-404, 20-414, 21a-55, 21a-190i, 21a-196, 22-7, [22-37,] 22-64, [22-195,] 22-228, 22-248, 22-254, 22-320d, 22-326a, 22-344b, 22-386, 22a-6b, 22a-7, 22a-16, 22a-30, 22a-34, 22a-53, 22a-60, 22a-62, 22a-63, 22a-66h, 22a-106a, 22a-119, 22a-163m,

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22a-167, 22a-180, 22a-182a, 22a-184, 22a-220a, 22a-220d, 22a-225, 22a-226, 22a-226c, 22a-227, 22a-250, 22a-255l, 22a-276, 22a-285a, 22a-285g, 22a-285j, 22a-310, 22a-342a, 22a-344, 22a-361a, 22a-374, 22a-376, 22a-408, 22a-430, 22a-432, 22a-438, 22a-449f, 22a-449g, 22a-459, 23-5e, 23-65m, 25-32e, 25-36, 28-5, 29-158, 29-161z, 29-317, 29-323, 29-329, 29-334, 29-340, 29-369, 30-8, 31-109, 31-249b, 31-266, 31-266a, 31-270, 31-273, 31-284, 31-285, 31-339, 31-355a, 31-379, 35-3c, 35-42, 36a-186, 36a-187, 36a-471a, 36a-494, 36a-517, 36a-587, 36a-647, 36a-684, 36a-718, 36a-807, 36b-26, 36b-27, 36b-30, 36b-50, 36b-71, 36b-72, 36b-74, 36b-76, 38a-41, 38a-52, 38a-134, 38a-139, 38a-140, 38a-147, 38a-150, 38a-185, 38a-209, 38a-225, 38a-226b, 38a-241, 38a-337, 38a-470, 38a-620, 38a-657, 38a-687, 38a-774, 38a-776, 38a-817, 38a-843, 38a-868, 38a-906, 38a-994, 42-103c, 42-110d, 42-110k, 42-110p, 42-182, 46a-5, 46a-56, 46a-100, 47a-21, 49-73, 51-44a, 51-81b, 51-194, 52-146j, 53-392d and 54-211a.

(b) If the term "judicial district of Hartford-New Britain" or "judicial district of Hartford-New Britain at Hartford" is used or referred to in any public act of 1995, 1996, 1997 or 1998 or in any section of the general statutes which is amended in 1995, 1996, 1997 or 1998 it shall be deemed to mean or refer to the judicial district of Hartford on and after September 1, 1998.

(c) If the term "judicial district of Hartford-New Britain at New Britain" is used or referred to in any public act of 1995, 1996, 1997 or 1998 or in any section of the general statutes which is amended in 1995, 1996, 1997 or 1998 it shall be deemed to mean or refer to the judicial district of New Britain on and after September 1, 1998.

Sec. 24. Section 22-37 and subsection (g) of section 22-358 of the general statutes are repealed. (*Effective from passage*)

Sec. 25. Sections 22-150, 22-154 to 22-159, inclusive, 22-162, 22-162a, 22-173, 22-175 to 22-180, inclusive, 22-182, 22-184, 22-185, 22-189, 22-190, 22-195 and 22-197 to 22-201, inclusive, of the general statutes are

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repealed. (*Effective October 1, 2005*)

Approved July 1, 2005