



# House of Representatives

General Assembly

**File No. 705**

*January Session, 2005*

Substitute House Bill No. 6907

*House of Representatives, May 5, 2005*

The Committee on Finance, Revenue and Bonding reported through REP. STAPLES of the 96th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING THE REVISION AND MODERNIZATION OF MILK REGULATION STATUTES.**

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

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 Section 19a-29a of the general statutes is repealed and the  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

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

12 (b) The Department of Public Health shall, in its Public Health

13 Code, adopt regulations and reasonable standards governing  
14 environmental laboratory operations and facilities, personnel  
15 qualifications and certification, levels of acceptable proficiency in  
16 testing programs approved by the department, the collection,  
17 acceptance and suitability of samples for analysis and such other  
18 pertinent laboratory functions, including the establishment of advisory  
19 committees, as may be necessary to insure environmental quality,  
20 public health and safety. Each registered environmental laboratory  
21 shall comply with all standards for environmental laboratories set  
22 forth in the Public Health Code and shall be subject to inspection by  
23 said department, including inspection of all records necessary to carry  
24 out the purposes of this section.

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

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

43 (e) This section shall not apply to any environmental laboratory  
44 which only provides laboratory services or information for the agency,  
45 person, firm or corporation which owns or operates such laboratory

46 and the fee required under subsection (c) of this section shall not be  
47 required of laboratories operated by a state agency.

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

61 (b) No person, firm or corporation shall operate a certified milk  
62 laboratory, milk screening laboratory or component testing laboratory  
63 in the state of Connecticut without first obtaining a valid permit for  
64 such operation from the Commissioner of Agriculture. Permit  
65 application shall be made on forms provided by the commissioner and  
66 shall be renewed annually by the thirtieth day of June. Upon receipt of  
67 any such application or renewal application, the commissioner, or the  
68 commissioner's designee, shall make such inspections and  
69 investigations as the commissioner deems necessary and shall deny a  
70 permit when, in the commissioner's opinion, the operation of the  
71 laboratory would be detrimental to the public health. The  
72 commissioner shall establish a permit fee schedule pursuant to section  
73 22-128a of the general statutes.

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

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

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

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

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

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

96 The provisions of sections 21a-34 to 21a-45, inclusive, shall not  
97 apply to any person who manufactures packaged candy or chewing  
98 gum or to any vending machine, or the owner or operator thereof,  
99 which dispenses (1) premixed carbonated beverages sealed in  
100 individual or bulk containers; (2) pasteurized milk, as defined in  
101 section 22-127, as amended by this act, which is dispensed in sealed  
102 containers; (3) any food or beverage in a hermetically sealed container;  
103 [ ] or (4) shell eggs as defined by and regulated under sections 22-40 to  
104 22-45, inclusive.

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

107 The terms defined in this section shall, as used in this chapter, have  
108 the meanings set forth [herein] in this section unless otherwise clearly  
109 indicated in the context. [or unless changed by regulation of the Milk

110 Regulation Board pursuant to section 22-133.]

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

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

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

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

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

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

134 (7) "Flavored milk" or "chocolate milk" means a fluid milk product  
135 prepared by mixing chocolate or other flavors with milk, low-fat milk,  
136 skim milk and such products as stabilizers, sugar or other sweetening  
137 matter.

138 (8) "Fortified low-fat milk" is partially skimmed milk from which a  
139 sufficient portion of the butterfat has been removed to reduce its

140 butterfat percentage to not less than one-half per cent and not more  
141 than two per cent and to which milk solids have been added from  
142 sources approved by the commissioner, provided the total milk solids-  
143 not-fat in this product shall constitute not less than ten per cent of such  
144 product.

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

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

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

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

160 (13) "Homogenized milk" is milk which has been treated in such  
161 manner as to insure breakup of the fat globules to such an extent that,  
162 after forty-eight hours' quiescent storage, no visible cream separation  
163 occurs on the milk and the fat percentage of the top one hundred cubic  
164 centimeters of milk in a quart bottle, or of proportionate volumes in  
165 containers of other sizes, does not differ by more than ten per cent of  
166 itself from the fat percentage of the remaining milk as determined after  
167 thorough mixing.

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

171 than two per cent.

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

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

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

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

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

T1	Temperature	Time
T2	145 degrees Fahrenheit	30 minutes
T3	161 degrees Fahrenheit	15 seconds
T4	191 degrees Fahrenheit	1 second
T5	204 degrees Fahrenheit	0.05 seconds
T6	212 degrees Fahrenheit	0.01 seconds

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

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

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

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

212 (23) "Ultra-high-temperature processed and aseptically packaged  
213 milk and milk product" means a product which is hermetically sealed  
214 in a container and thermally processed in conformance with the Code  
215 of Federal Regulations so as to render the product free of (A)  
216 microorganisms capable of reproducing in the product under normal  
217 unrefrigerated conditions of storage and distribution and (B) viable  
218 microorganisms which are significant to public health.

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

224 (25) "Vitamin D milk" is milk, the vitamin D content of which has  
225 been increased by a method approved by the commissioner to at least

226 four hundred United States Pharmacopoeia units per quart.

227 (26) "Yogurt", "low-fat yogurt" and "nonfat yogurt" are the products  
228 defined in the Code of Federal Regulations, Title 21, Part 131, Sections  
229 200, 203 and 206, respectively.

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

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

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

239 (3) "Cheese manufacturer" means any person, firm, corporation or  
240 cooperative association engaged in the production, receiving or  
241 handling of milk or milk products, which milk products, in whole or in  
242 part, are intended to be manufactured into cheese for distribution or  
243 sale in or outside this state.

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

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

255 (6) "Handler" means any person, firm, corporation or cooperative

256 association engaged in the receiving, handling, distribution or sale of  
257 fluid milk or milk products, which fluid milk or milk products, in  
258 whole or in part, are intended for bottling, manufacturing, processing,  
259 distribution or sale in this state.

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

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

269 (9) "Producer" means any person, firm or corporation that operates a  
270 dairy farm that provides, sells or offers milk to any dealer, person,  
271 handler, company or cooperative for sale.

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

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

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

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

287 unpasteurized state.

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

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

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

297 (17) "Standardized milk and milk products" or "milk or milk  
298 products" means products for which a standard of identity has been  
299 established pursuant to CFR 131.110.

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

302 [(a)] To assure the consumers of the state milk products of at least  
303 standard quality, and to assure to the residents of Connecticut an  
304 adequate and regular supply of such milk at all times, the Milk  
305 Regulation Board shall adopt regulations in accordance with the  
306 provisions of chapter 54, which may include, but not be limited to,  
307 definitions, standards of identity, production, transportation,  
308 processing, handling, sampling, examination, grading, labeling,  
309 regrading and sale of milk and milk products. The Milk Regulation  
310 Board may adopt regulations which incorporate by reference the  
311 provisions of the federal Pasteurized Milk Ordinance promulgated by  
312 the United States Food and Drug Administration provided such  
313 regulations shall be consistent with any regulations adopted under  
314 section 22-211a, and further provided such regulations may by  
315 reference specifically incorporate any future amendment to said  
316 ordinance. The board may by regulation establish standards for  
317 inspection of [pasteurizing plants, and farms supplying such plants, to

318 preserve the public health and maintain the economic status of  
319 Connecticut producers] the facilities and processes necessary for the  
320 production, handling, storage and manufacture of retail raw milk,  
321 retail raw milk cheese, butter, cheese, dry milk, whey, concentrated  
322 milk, condensed milk, single service fluid milk enclosures and milk  
323 products. In exercising its authority, the board shall consider (1) the  
324 welfare of the milk producer, the milk dealer and the consuming  
325 public, and the need to maintain a constant and adequate supply of  
326 fluid milk of at least standard quality; (2) the recommended methods  
327 promulgated by recognized authorities for the production, handling  
328 and transportation of fluid milk and milk products, and additional  
329 methods for the production, handling and transportation of milk and  
330 milk products; (3) the recommended methods promulgated by  
331 recognized authorities for dairy plant operations in the handling,  
332 storage, processing, bottling and labeling of all grades and types of  
333 milk, cream and milk products, together with the quality of the dairy  
334 products and materials, if any, used in the processing of such products;  
335 (4) the healthfulness and quality of all grades and types of milk, cream  
336 [and] milk products, cheese and nonstandardized milk products, when  
337 said board may be guided by recommendations promulgated by  
338 recognized authorities on health and nutrition; (5) whether or not the  
339 various grades, such as grade A milk, and types, such as homogenized,  
340 pasteurized, vitamin D and vitamin-mineral-fortified milk, flavored  
341 milks, low-fat milk or skimmed milk, handled by a dealer, may be  
342 handled, processed, advertised, offered for sale or sold without false  
343 advertising, deception, fraud or misrepresentation; and (6) ingredient  
344 and nutrition labeling requirements, the necessity for clearly  
345 distinguishing retail raw milk, cheeses, nonstandardized milk  
346 products, whole milk, low-fat milk and skimmed milk in the labeling  
347 of such milk so as to prevent confusion, deception and  
348 misrepresentation. [; (7) the standards for maintaining the economic  
349 status of Connecticut producers and supply and demand factors for  
350 inspecting farms and plants provided by sections 22-175 to 22-180,  
351 inclusive, 22-182, 22-183, 22-184 and 22-195; (8) other economic  
352 considerations applicable to inspection of farms and plants such as, but

353 not limited to, distance from the Connecticut market; adequacy of  
354 pasteurization facilities within the state and in towns, cities or  
355 boroughs adjoining the state boundary line; the quantities of milk  
356 which normally are consumed in the Connecticut market and the  
357 current trends in that consumption, seasonal and others; the frequency  
358 with which current inspections are made and the personnel and other  
359 resources available for such inspections; the effects additional  
360 inspections will have on the rigor of such inspections, and their cost  
361 and efficiency; the quantities of milk which would be available from  
362 different sources; the relative accessibility of different sources and the  
363 relative ease with which milk may be transported from such sources;  
364 the seasonal patterns of production and milk deliveries at different  
365 sources; the economic standards for inspecting farms and plants that  
366 apply in other adjacent areas; the time which would be required to  
367 deliver milk to the Connecticut market from different sources, and the  
368 reliability of different sources both from the standpoint of quality and  
369 quantity of milk; (9) the sanitary standards, requirements and  
370 procedures recommended by the United States Department of Health  
371 and Human Services in the Grade A Pasteurized Milk Ordinance.]

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

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

379 (a) The Milk Regulation Board shall adopt regulations, in  
380 accordance with the provisions of chapter 54, for the examination and  
381 licensing of persons who may engage in the weighing, [gaging,]  
382 sampling or testing of milk or cream which is to be bought or sold on  
383 the basis of the butterfat content, milk components or the bacterial  
384 count, or for the purpose of determining the butterfat content, the  
385 presence or absence of antibiotics or other inhibitors, milk components

386 or bacterial count for publication or for advertising purposes, or for  
387 use as the basis of reports to any person other than their employers or  
388 payment to a producer.

389 (b) The commissioner shall administer the regulations. Applications  
390 for examinations shall be made in writing to the commissioner. Any  
391 fees for such applications shall be established by the commissioner  
392 pursuant to section 22-128a. The commissioner shall designate the time  
393 and place of holding the examinations, and may issue, to any person  
394 who has complied with the regulations for the examination and has  
395 passed the same to the satisfaction of the commissioner, a license to  
396 weigh or gage, sample or test any milk or cream.

397 (c) The license shall be valid for [one year] two years and may be  
398 renewed for a period of [five] two years upon written application to  
399 the commissioner accompanied by a fee [of twenty-five dollars if  
400 submitted between July 1, 1991, and July 1, 1992. On and after July 1,  
401 1992, such fee shall be] established by the commissioner pursuant to  
402 section 22-128a.

403 (d) The license may be revoked by the commissioner, after hearing  
404 and upon notice to the licensee, for dishonesty, incompetency,  
405 inaccuracy or violation of any provision of this section or sections 22-  
406 138 to 22-141, inclusive.

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

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

415 (a) The commissioner and his deputy, agents and assistants may  
416 take samples of milk, cream or milk products from any producer,

417 dealer, vendor, processor or manufacturer upon tender of the market  
418 price thereof, and shall seal and mark such samples, and, upon request  
419 of such producer, dealer, vendor, processor or manufacturer, or his  
420 agent, shall seal and mark duplicate samples and leave the duplicate  
421 samples with such persons. The official analysis of such samples shall  
422 be made by the Connecticut Agricultural Experiment Station or the  
423 Laboratory Division of the Department of Public Health, or any other  
424 laboratory approved for making such examinations.

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

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

447 (a) Any person, firm or corporation engaged in the production of  
448 milk for pasteurization in Connecticut, which milk or the products  
449 thereof are to be used or disposed of elsewhere than on the premises

450 where such milk is to be produced [, and any person, firm or  
451 corporation engaged in the production of milk outside Connecticut for  
452 sale within Connecticut,] shall register with the Commissioner of  
453 Agriculture in a manner prescribed, and on forms furnished [.] by the  
454 commissioner for such registration. [Such registration shall be renewed  
455 annually, during the first six months of the calendar year.]

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

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

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

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

480 (c) Retail raw milk shall only be offered for sale in its unprocessed  
481 state, with no ingredients added or removed.

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

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

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

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

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

502 No person shall bottle, pour, dip or measure any milk, cream, low-  
503 fat milk, skimmed milk or buttermilk for sale at retail in any vehicle  
504 upon any street, or in any other place than a milk room or place  
505 approved by the commissioner. Milk, when served by any hotel,  
506 restaurant, lunchroom, fountain or other place of public entertainment,  
507 shall be served in the original bottle, the cap of which shall not be  
508 removed except in the presence of the consumer or patron, but this  
509 provision shall not apply to cream so served or to mixed beverages of  
510 which milk forms a part, or to pasteurized homogenized milk or cream  
511 with or without flavoring dispensed from a refrigerated dispensing  
512 machine approved by the commissioner, if the location, maintenance  
513 and operation of the machine, in the opinion of the commissioner,

514 provide full and adequate sanitary protection for the milk. Only  
515 pasteurized milk and [pasteurized low fat milk and pasteurized cream  
516 or milk and low fat milk and cream from a herd certified free from  
517 brucellosis and tuberculosis] milk products shall be served to  
518 consumers in any hotel, restaurant, [or] cafeteria, hospital, lunchroom,  
519 school, public eating place or at any fountain or [in any place of public  
520 entertainment] public eating place, whether served as milk and low fat  
521 milk and cream or as a part of a mixed beverage.

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

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

533 (b) The Milk Regulation Board shall adopt regulations in accordance  
534 with chapter 54 establishing a uniform method of displaying such date  
535 on such containers and a procedure which the Commissioner of  
536 Agriculture shall follow for approval of a last sale date for milk or  
537 cream in excess of twelve days for milk or cream pasteurized at a  
538 temperature of two hundred twelve degrees Fahrenheit or less. The  
539 regulations shall include but not be limited to procedures for  
540 verification of an extended last sale date and review of the  
541 appropriateness of such date. The commissioner may authorize an  
542 extended last sale date for milk or cream upon request of a milk  
543 processor.]

544 Each person, handler, firm or corporation shall clearly mark with  
545 the last date on which each container of milk or milk product, cream,  
546 yogurt, cream cheese, cottage cheese, ricotta cheese, hard cheese, soft

547 cheese, eggnog or sour cream offered for retail sale may be sold. In  
548 accordance with the provisions of chapter 54, the Milk Regulation  
549 Board shall adopt regulations establishing standards and criteria for  
550 label type size, color and wording that is consistent with national  
551 standards and said board may incorporate by reference The  
552 Nutritional Education and Labeling Act, 21 CFR 101. The  
553 commissioner may impose a civil penalty, in accordance with the  
554 provisions of section 22-7, for a violation of this section.

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

557 (a) Any person, firm or corporation [holding a permit issued under  
558 section 22-173] engaged in receiving, handling, processing or  
559 packaging milk or milk products shall test each tank truck load of milk  
560 or milk products for the presence of drug residues or other inhibitory  
561 substances upon receipt of such milk or milk product at the receiving  
562 plant prior to processing. In the case of interplant shipments of bulk  
563 milk or milk products, each bulk tank load, or portion thereof, shall be  
564 tested prior to processing for the presence of drug residues or other  
565 inhibitory substances. [Any person, firm or corporation holding a  
566 permit issued under section 22-173 who or which processes milk  
567 produced at the same location shall test such milk or milk products  
568 prior to processing.] The Commissioner of Agriculture may require a  
569 milk producer holding a permit issued under section 22-172 or a retail  
570 raw milk producer holding a permit issued under section 9 of this act  
571 who violates section 22-129 to test milk produced by him for the  
572 presence of drug residues or inhibitory substances prior to shipment.  
573 For purposes of this section and sections 22-203b to 22-203d, inclusive,  
574 "drug" means (1) articles recognized in the Official United States  
575 Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United  
576 States, or Official National Formulary, or any supplement to any of  
577 them; (2) articles intended for use in the diagnosis, cure, mitigation,  
578 treatment or prevention of disease in man or other animals; (3) articles,  
579 other than food, intended to affect the structure or any function of the  
580 body of man or other animals; or (4) articles intended for use as a

581 component of any articles specified in subdivision (1), (2) or (3), but  
582 does not include devices or their components, parts or accessories.

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

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

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

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

611 (b) If milk from a dairy farm is found to contain drug residues or  
612 other inhibitory substances at levels above those recommended by the

613 United States Food and Drug Administration, no milk produced by  
614 such farm may be received by any milk dealer or handler for a period  
615 of two days. In the event of a subsequent finding of such a violation  
616 within a twelve-month period, no milk produced by such farm may be  
617 received by any milk dealer or handler for a period of four days. In the  
618 event of a third finding of such a violation within a twelve-month  
619 period, no milk produced by such farm may be received by any milk  
620 dealer or handler for a period of four days and the commissioner may  
621 (1) revoke or suspend the producer's permit issued under section 22-  
622 172, or (2) initiate action to assess an administrative civil penalty for  
623 such violation in accordance with the provisions of section 22-7.]

624 (a) No milk processor issued a license under section 22-229 shall  
625 accept for processing milk containing drug residues or other inhibitory  
626 substances at or above the tolerance levels recommended by the  
627 United States Food and Drug Administration. The commissioner shall  
628 prohibit the sale or distribution of such milk, packaged milk or milk  
629 products that are found to contain such drug residues or other  
630 inhibitory substances at or above the tolerance levels recommended by  
631 the United States Food and Drug Administration. The milk processor  
632 responsible for accepting for processing milk at or above tolerance  
633 levels recommended by the United States Food and Drug  
634 Administration shall stop the sale of such milk and cause such milk to  
635 be destroyed in a manner acceptable to the commissioner. The  
636 commissioner may: (1) Suspend the milk processor's license until the  
637 drug residues or other inhibitory substances are below the tolerance  
638 levels, (2) initiate a product recall of the milk and cause it to be  
639 destroyed in a manner acceptable to the commissioner, or (3) in the  
640 event of a second violation within any twelve-month period, revoke  
641 the milk processor's license and initiate action to assess a civil penalty  
642 pursuant to section 22-7.

643 (b) Whenever milk from a milk producer issued a permit under  
644 section 22-172, as amended by this act, is found to contain drug  
645 residues or other inhibitory substances at or above the tolerance levels  
646 recommended by the United States Food and Drug Administration,

647 the commissioner shall prohibit the sale or distribution of such milk.  
648 The milk producer responsible for producing such milk shall stop the  
649 sale of the milk and cause the milk to be destroyed in a manner  
650 acceptable to the commissioner. The commissioner may: (1) Suspend  
651 the milk producer's permit until such time as the drug residues or  
652 other inhibitory substances are below the tolerance levels, and (2) in  
653 the event of a third violation within any twelve-month period, the  
654 commissioner may revoke the milk producer's permit and initiate  
655 action to assess a civil penalty pursuant to section 22-7.

656 (c) Whenever milk from a retail raw milk producer issued a permit  
657 under section 9 of this act is found to contain drug residues or other  
658 inhibitory substances at or above the tolerance levels recommended by  
659 the United States Food and Drug Administration, the commissioner  
660 shall prohibit the sale or distribution of such retail raw milk. The retail  
661 raw milk producer responsible for the production of such retail raw  
662 milk shall stop the sale of the retail raw milk and cause the retail raw  
663 milk to be destroyed in a manner acceptable to the commissioner. The  
664 commissioner may: (1) Suspend the retail raw milk producer's permit  
665 until such time as the drug residues or other inhibitory substances are  
666 below the tolerance levels, (2) initiate a product recall of the retail raw  
667 milk and cause it to be destroyed in a manner acceptable to the  
668 commissioner, or (3) in the event of a second violation within any  
669 twelve-month period, revoke the retail raw milk producer's permit and  
670 initiate action to assess a civil penalty pursuant to section 22-7.

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

673 The following terms shall be construed in this part to have the  
674 following meanings, unless the context otherwise requires: (1)  
675 "Commissioner" means the Commissioner of Agriculture; (2)  
676 "consumer" means any person, other than a dealer, who purchases  
677 milk for consumption or use; (3) "cooperative marketing association"  
678 means a producer-owned and producer-controlled association or  
679 corporation of producers, organized under the cooperative laws of this

680 state, or of any other state and authorized to do business [herein] in  
681 this state, and conforming to the requirements of the Act of Congress  
682 of February 18, 1922, as amended, known as the "Capper-Volstead  
683 Act", and such association shall be governed by the applicable  
684 provisions of this part as to the prices at which it sells, markets or  
685 bargains to sell milk to dealers and others; (4) "dealer" means milk  
686 dealer, including any person, store, subdealer or producer-dealer, who  
687 purchases, receives, distributes or handles fluid milk [within the state]  
688 or milk products for sale, [shipment, storage, processing, manufacture  
689 or other disposal within or without the state,] but "dealer" does not  
690 include a producer who delivers milk to a dealer alone, [shall not be  
691 deemed a dealer; nor shall a] retail raw milk producers, raw milk  
692 cheese manufacturers or cooperative marketing association as herein  
693 defined. [be deemed a milk dealer but it] A cooperative marketing  
694 association as defined in this section shall be deemed a producer [;  
695 provided,] if such association sells milk to stores or consumers. [, it] It  
696 shall be deemed a dealer as to such operations and shall be governed  
697 by the provisions of this part applicable thereto; (5) "licensee" means a  
698 licensed dealer; (6) "marketing area" means any city, town, borough, or  
699 state, or two or more cities, towns, boroughs, or states, or parts thereof  
700 and territory contiguous thereto, so designated by the Commissioner  
701 of Agriculture and having reasonable uniformity or similarity of  
702 marketing conditions among producers or dealers; (7) "milk" means  
703 fluid milk and cream, all products defined in sections 22-127 and 22-  
704 133, as amended by this act, fresh, sour or storage, skimmed milk,  
705 buttermilk and flavored milk or milk drink; and reference in this part  
706 to quantity of milk shall be construed to include its whole milk  
707 equivalent; (8) "person" means any individual, firm, corporation,  
708 limited liability company, partnership or association; (9) "producer"  
709 means a person producing milk and includes community marketing  
710 associations; (10) "producer-dealer" means a dealer who is also a  
711 producer; [, and, to effectuate the policy of this part, shall be exempt  
712 therefrom in the manner hereinafter specified, and a producer-dealer  
713 who delivers milk to another dealer shall be deemed a producer with  
714 respect to such milk and shall be governed by the provisions of this

715 part applicable to milk received or purchased from producers by  
716 dealers;] (11) "store" means a grocery store, hotel, restaurant, drug  
717 store, dairy products store or any similar mercantile establishment  
718 which sells milk, [; provided any such store which] except "store" does  
719 not include any establishment that sells milk only for consumption on  
720 the premises; [shall not be deemed a dealer;] (12) "subdealer" means  
721 any [dealer handling milk within the state who] person, firm or  
722 corporation that sells [all such milk to consumers or stores] fluid milk  
723 or milk products in their finished form for human consumption within  
724 the state to stores, other dealers or subdealers, restaurants,  
725 manufacturers or any place where the final sale of such fluid milk or  
726 milk products takes place in the same containers in which [he] such  
727 person, firm or corporation purchased it from other dealers; (13)  
728 "cheese manufacturer" means any person, firm, corporation or dealer  
729 within the state that purchases fluid milk, or receives or handles fluid  
730 milk for the purpose of manufacturing cheese; (14) "yogurt  
731 manufacturer" means a milk dealer that purchases fluid milk or  
732 receives or handles fluid milk for the purpose of manufacturing yogurt  
733 for sale or distribution in the state; (15) "dry milk manufacturer" means  
734 any person, firm, corporation or dealer within the state who purchases  
735 fluid or dried milk, or receives or handles fluid or dried milk for the  
736 purpose of manufacturing or remanufacturing dry milk to be included  
737 or blended with fluid milk or be reconstituted into a milk product.

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

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

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

755 (c) The applicant shall state such information in regard to his  
756 business or proposed business as is required by the commissioner,  
757 upon such form as he prescribes. Such information may include: (1)  
758 The nature of the business to be conducted; (2) the full name and  
759 address of the person applying; if the applicant is a copartnership, the  
760 full name of each member shall be stated; if the applicant is an  
761 association or corporation, the names and addresses of all officers and  
762 directors shall be stated; (3) the location at which the business is to be  
763 conducted and the locations or areas in which such business is to be  
764 operated; (4) the financial condition of the applicant; (5) a showing that  
765 he has complied and will comply with this part and all orders, rulings,  
766 regulations or directions issued hereunder; (6) the quantities, sources  
767 and type of outlets of milk handled during the calendar year preceding  
768 the period for which the license is desired; (7) such other facts with  
769 respect to the applicant's business as may be required by the  
770 commissioner pursuant to this part. The commissioner shall grant or  
771 renew a license to an applicant qualifying under and complying with  
772 all provisions of this part and orders, rulings, regulations and  
773 directions issued [hereunder] under this section.

774 (d) Licenses shall not be transferable.

775 (e) The licensing period shall be from the first day of July through  
776 the thirtieth day of June of the following year. The reporting period  
777 shall be the first day of April through the thirty-first day of March of  
778 the following year. During the month of March, the commissioner  
779 shall send a notice to each milk dealer, subdealer, cheese  
780 manufacturer, dry milk manufacturer and yogurt manufacturer,

781 regarding their license renewal date and licensing reporting  
782 requirements.

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

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

786 (h) A milk dealer or a yogurt, dry milk and cheese manufacturer  
787 who fails to submit required information or fees no later than sixty  
788 days after the end of the licensing period shall be deemed to have  
789 surrendered its license and shall be notified by the commissioner via  
790 certified mail that its license is expired and deemed to have been  
791 surrendered. In the case of a store, such notification may be via first  
792 class mail. In the month of September, the commissioner shall furnish  
793 all licensed dealers, by electronic or other means deemed acceptable by  
794 the commissioner, a listing of all known milk dealers and stores that  
795 have failed to renew a license or whose license was revoked. The  
796 commissioner may update the listing from time to time.

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

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

802 The Commissioner of Agriculture may refuse to grant or renew a  
803 license, or may suspend, revoke or refuse to transfer a license already  
804 granted, after [he] the commissioner has determined that the applicant  
805 or dealer: (1) Has failed to comply, or has been a responsible member  
806 or officer of a partnership or corporation which failed to comply, with  
807 any provision of this part or any order, ruling, regulation or direction  
808 issued hereunder; (2) has insufficient financial responsibility,  
809 personnel or equipment to properly to conduct the milk business; (3) is  
810 a person, partnership, corporation or other business entity, in which  
811 any individual holding a material position, interest or power of control

812 has previously been responsible in whole or in part for any act on  
813 account of which a license was or may be denied, suspended or  
814 revoked under the provisions of this part; (4) has failed to file a bond  
815 required by the commissioner under the provisions of this part; (5) if  
816 located out of the state, has failed to obtain a satisfactory milk  
817 sanitation compliance rating from a certified state milk sanitation  
818 rating officer or is not in compliance with all laws and regulations of  
819 the state pertaining to health and sanitation in the production,  
820 processing, handling or sale of milk; (6) has rejected, without  
821 reasonable cause, any milk purchased from a producer, or has refused  
822 to accept, without either reasonable cause or reasonable advance  
823 notice, milk delivered by or on behalf of a producer in ordinary  
824 continuance of a previous course of dealing, except when the contract  
825 has been lawfully terminated; provided, in the absence of an express or  
826 implied fixing of a period in the contract, "reasonable advance notice"  
827 shall be construed to mean not less than one week nor more than two  
828 weeks; (7) has continued in a course of dealing of such nature as to  
829 show an intent to deceive, defraud or impose upon producers or  
830 consumers; (8) has violated any stipulation or written agreement  
831 entered into with the commissioner in the course of any proceeding  
832 under this part; (9) has made a false material statement in his  
833 application; or (10) has failed to provide information required under  
834 this chapter.

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

837 License fees for all milk dealers, except stores, shall be [determined  
838 by the daily average amount of milk sold or distributed, and no  
839 application shall be deemed complete unless submitted with the  
840 correct fee. In the application for renewal of a license, each dealer shall  
841 state the daily average amount of milk sold or distributed during the  
842 period of April first through March thirty-first of the current license  
843 period, or during such portion thereof as such dealer has been selling  
844 or distributing milk. In the application for a license to enter business, a  
845 dealer shall state the daily average amount of milk he proposes to sell

846 or distribute. If, during the third month after obtaining a license, such  
847 dealer sells or distributes a larger quantity of milk, he shall pay to the  
848 commissioner, within sixty days thereafter, an additional fee based  
849 upon the difference between the estimated and the actual sales and  
850 distributions during such third month. For the purpose of determining  
851 the amount of the license fee, one-half pint of cream shall be  
852 considered the equivalent of one quart of fluid milk] based upon the  
853 volume of milk and milk products sold in the state during the  
854 reporting period. The Commissioner of Agriculture shall adopt  
855 regulations, in accordance with the provisions of chapter 54, necessary  
856 to carry out the provisions of this section.

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

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

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

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

877 (d) License fees collected shall be paid by the commissioner to the

878 State Treasurer to the account of the General Fund.]

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

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

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

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

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

892 (f) The commissioner may grant a waiver from any fee established  
893 in this chapter to any nonprofit organization, as defined in Section  
894 501(c)(3) of the United States Internal Revenue Code, upon  
895 presentation to the commissioner of adequate proof of the  
896 organization's nonprofit status.

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

899 After such hearing and finding, the Commissioner of Agriculture  
900 may issue against such dealer or store a directive to cease and desist,  
901 and prescribe such corrective terms and conditions as he determines  
902 upon the hearing evidence to be in the public interest. Such corrective  
903 terms and conditions may include one or more of the following or  
904 parts thereof, and other reasonable and similar terms or conditions  
905 with like corrective purpose, subject to such regulations as the  
906 commissioner prescribes in aid of the effectiveness of such directive:  
907 (1) In cases in which prices are favoring, special or discriminatory,

908 directing the revision of prices at which milk is so sold; or directing  
909 and specifying restoration of nondiscriminatory prices; or directing  
910 that no further sales be made to favored purchasers for a period not  
911 exceeding ninety days. Such provision may prohibit the sale or offer of  
912 reasonably similar quantities and qualities of milk under similar  
913 conditions to different purchasers at unreasonably different prices; or  
914 the sale or offer of milk of special properties or quality, or with an  
915 uncustomary amount of service or in an unusual container at prices  
916 which do not make allowance for differences in cost existing between  
917 such sales or offers and usual sales; (2) directing the revision of prices  
918 at which milk is sold; or directing and specifying restoration of  
919 normally prevailing resale prices for a period not exceeding ninety  
920 days considering comparable milk in the same locality at any  
921 reasonable preceding period of time in which resale price conditions  
922 were sufficiently stable to protect producers' prices, adjusting for any  
923 difference in producers' prices at such time and place; (3) prohibiting  
924 any dealer or store, directly or indirectly, from furnishing or receiving  
925 or offering to furnish or receive in connection with a sale or purchase  
926 of milk or offer to sell or purchase milk any rebate, discount, premium,  
927 gift or other thing of value, an unreasonable service or extension of  
928 credit, or an advertising allowance; from charging a combined price for  
929 milk, together with another commodity, or a service which is less, or is  
930 represented to be less, than the aggregate of the price of the milk and  
931 the price or value of such commodity or service when sold or offered  
932 for sale separately; or from otherwise applying or attempting to apply  
933 any method or device intended to defeat the policy of this part, or to  
934 defeat or evade any provision of this part or of any order, ruling or  
935 regulation issued hereunder. Nothing [herein] in this section shall be  
936 construed to prevent a dealer from participating in any program  
937 sponsored or conducted by the commissioner or any other  
938 governmental authority, designed to make milk available at specially  
939 low prices to groups designated by appropriate public authorities for  
940 the purpose of increasing consumption. Hearings may be held and  
941 directions issued [hereunder] under this section affecting one or more  
942 dealers concurrently or independently; and may be held only on such

943 notice as the emergency reasonably permits. Directions [hereunder]  
 944 under this section may be served upon a dealer at his place of business  
 945 or by registered or certified mail to his last-known address.

946 Sec. 21. Sections 22-150, 22-154 to 22-159, inclusive, 22-162, 22-162a,  
 947 22-173, 22-175 to 22-180, inclusive, 22-182, 22-184, 22-185, 22-189, 22-  
 948 190, 22-195 and 22-197 to 22-201, inclusive, of the general statutes are  
 949 repealed. (*Effective October 1, 2005*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2005</i>	19a-29a
Sec. 2	<i>October 1, 2005</i>	New section
Sec. 3	<i>October 1, 2005</i>	21a-44
Sec. 4	<i>October 1, 2005</i>	22-127
Sec. 5	<i>October 1, 2005</i>	22-133
Sec. 6	<i>October 1, 2005</i>	22-136
Sec. 7	<i>October 1, 2005</i>	22-165
Sec. 8	<i>October 1, 2005</i>	22-172
Sec. 9	<i>October 1, 2005</i>	New section
Sec. 10	<i>October 1, 2005</i>	22-183
Sec. 11	<i>October 1, 2005</i>	22-193
Sec. 12	<i>October 1, 2005</i>	22-197b
Sec. 13	<i>October 1, 2005</i>	22-203a
Sec. 14	<i>October 1, 2005</i>	22-203d
Sec. 15	<i>October 1, 2005</i>	22-205
Sec. 16	<i>October 1, 2005</i>	22-230
Sec. 17	<i>October 1, 2005</i>	22-231
Sec. 18	<i>October 1, 2005</i>	22-235a
Sec. 19	<i>October 1, 2005</i>	22-236
Sec. 20	<i>October 1, 2005</i>	22-245
Sec. 21	<i>October 1, 2005</i>	Repealer section

**ENV**      *Joint Favorable Subst. C/R*

FIN

**FIN**      *Joint Favorable*

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:**

<b>Agency Affected</b>	<b>Fund-Effect</b>	<b>FY 06 \$</b>	<b>FY 07 \$</b>
Department of Agriculture	GF - Revenue Gain	None	Minimal
Public Health, Dept.	GF - None	None	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill will result in a net increase in General Fund revenue of approximately \$1500 starting in FY 07 due to decreases, increases and the elimination of various milk related license fees. The increase in revenue will not be realized until the Department of Agriculture (DOAG) adopts the regulations required in the legislation. DOAG has been working on revising and updating the milk regulations, so this requirement will not increase costs to the agency.

The bill also makes various changes, which eliminate obsolete language, clarifies and codifies current practice, and streamlines duties of the DOAG and the Department of Public Health and has no fiscal impact.

**OLR Bill Analysis**

sHB 6907

**AN ACT CONCERNING THE REVISION AND MODERNIZATION OF MILK REGULATION STATUTES****SUMMARY:**

This bill makes changes to the milk regulation board and the regulation of milk and milk products. It (1) eliminates permit requirements for out-of-state milk producers; (2) requires the agriculture commissioner to regulate raw milk producers the same way as pasteurized milk producers; (3) makes processors apply for dealer licenses, eliminating processor permits and adjusting testing they must complete; (4) transfers Department of Public Health (DPH) oversight of milk laboratories to the agriculture department; (5) changes fees for dealers, among others; and (6) modifies and eliminates certain definitions.

It repeals statutes the bill makes obsolete and makes conforming and technical changes.

EFFECTIVE DATE: October 1, 2005

**MILK REGULATION BOARD (§§ 4 & 5)**

Under current law, the board may, by regulation, establish standards for the inspection of **pasteurizing plants, and farms supplying such plants, to preserve the public health and maintain the economic status of Connecticut producers**. The bill eliminates this and instead allows the board to adopt regulations establishing standards for 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.

Current law defines milk products as milk, or the products derived from it, which conform to the appropriate legal standard or definition for the specific product as defined by law and regulations. The bill eliminates this definition and references federal law's definition instead.

By law, the board, in exercising its authority, must 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 and (2) the recommended methods promulgated by recognized authorities for the production, handling, and transportation of fluid milk. The bill adds milk products to the latter.

By law, the board in exercising its authority must also consider additional methods for (1) 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 and (2) the healthfulness and quality of all grades and types of milk, cream, and milk products. The board may be guided by recommendations promulgated by recognized authorities on health and nutrition. The bill adds cheese and nonstandardized milk products to the latter.

The bill defines “nonstandardized milk products” as milk based products modified so they do not meet the definition of optional ingredients established in federal law (21 CFR 131.110), contain milk and milk products, and 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).

The board, by law, must consider (1) whether 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, are handled, processed, advertised, offered for sale or sold with false advertising, deception, fraud or misrepresentation and (2) the necessity for clearly distinguishing whole milk, low-fat milk, and skimmed milk in the labeling of such milk so as to prevent confusion, deception, and misrepresentation. The bill adds to the latter, ingredient and nutrition labeling requirements and the necessity for clearly distinguishing retail raw milk, cheeses, and nonstandardized milk products.

### ***Eliminated Duties***

The bill eliminates the board's option for creating regulations to establish standards for (1) maintaining the economic status of Connecticut producers and supply and demand factors for inspecting farms and plants; (2) sanitation requirements and procedures recommended by the U.S. Department of Health and Human Services in the Grade A Pasteurized Milk Ordinance; and (3) other economic considerations applicable to farm and plant inspection such as:

1. distance from the Connecticut market; adequacy of pasteurization facilities within the state and in towns, cities, or boroughs adjoining the state boundary line;
2. quantities of milk normally consumed in the Connecticut market and the current seasonal and other consumption trends;
3. 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;
4. quantities of milk which would be available from different sources;
5. 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;
6. economic standards for inspecting farms and plants that apply in other adjacent areas; and
7. time that would be required to deliver milk to the Connecticut market from different sources, and the reliability of different sources for quality and quantity of milk.

The bill eliminates the board's ability to change regulatory definitions dealing with milk.

#### **DAIRY FARM PERMIT OR MILK PRODUCER PERMIT (§ 8)**

Current law requires anyone (1) in-state who produces milk that will

be used or disposed of in any form away from the premises on which it is produced or (2) out-of-state who produces milk for sale in the state to register with the agriculture commissioner. These milk producers must register as the agriculture commissioner prescribes and renew the registration annually, during the first six months of the year. Permits are designated as "Dairy Farm or Milk Producer Permit" and may be suspended or revoked for cause. The bill specifies that in-state milk producers are producers of milk for pasteurization and must register. It eliminates the registration requirement for out-of-state producers and designates permits as "Dairy Farm Permit" or "Milk Producer Permit." It requires renewal annually for those in-state who wish to remain permitted.

Current law prohibits anyone from using, selling, or disposing of milk away from a dairy farm located in Connecticut without a permit. Milk cannot be sold directly or indirectly in the state from a dairy located outside of it without a permit. The bill specifies that milk cannot be offered for sale away from a dairy farm in-state without a permit and eliminates the out-of-state prohibition.

## **RETAIL RAW MILK**

### ***Retail Raw Milk Producer Permit or Raw Milk Cheese Manufacturer Permit (§§ 4 & 9)***

The bill requires those involved in retail raw milk production or manufacture of retail raw milk cheese to register with the agriculture commissioner when the raw milk or raw milk cheese products will be used or disposed of away from the premises where they were produced. It requires the commissioner to establish a registration fee. Registrants must renew permits annually by June 30. The bill designates the permits as "Retail Raw Milk Producer Permit" or "Raw Milk Cheese Manufacturer Permit" and may be denied, suspended, or revoked by the commissioner for cause.

### ***Regulation***

Under the bill:

1. retail raw milk can only be offered for sale in its unprocessed state, with no ingredients added or removed;
2. only firms or people authorized as retail raw milk producers

can manufacture cheese from unpasteurized milk on their premises; and

3. the Milk Regulation Board must adopt regulations establishing standards for (a) sanitation, production, sale, labeling, handling and storage of retail raw milk and (b) the manufacture of raw milk cheeses.

### **Definitions**

Under the bill:

1. "raw milk" or "milk for pasteurization" means normal lacteal secretion that meets the sanitary provisions under state law, that is practically free of colostrum (pre-milk fluid produced during the first 72 hours after birth, which provides immune and growth factors) and that is obtained by the complete milking of one or more healthy hooved mammals;
2. "raw milk cheese" means aged hard cheese that meets the sanitary provisions of state law and that is produced from retail raw milk;
3. "retail raw milk" means normal lacteal secretion that meets the sanitary standards of the law, 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;
4. "retail raw milk producer" means any person, firm, corporation, or cooperative association engaged in the production, handling, distribution, or sale of retail raw milk;
5. "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; and
6. "pasteurization" or "pasteurized" has the same meaning, as defined in federal law (under section 1 of the Pasteurized Milk Ordinance of the U.S. Food and Drug Administration (FDA)), which is similar to current law.

## **MILK DEALERS AND DRUG TESTING (§ 13)**

### ***Testing for Drugs and other Substances***

Under current law, milk receivers, handlers, distributors, or sellers (combined under the term “processors”) must obtain a permit from the commissioner. These permit holders must test each truckload of milk or milk products, which is intended for bottling, manufacturing, processing, distribution, or sale in the state, for drug residues or other substances (1) when they receive it and (2) before processing it. The bill eliminates a permit requirement for milk receivers, handlers, distributors, or sellers (i.e., processors), but defines “dealers” to include these individuals. By law, dealers must be licensed.

Under the bill, “dealer” means any person, firm, corporation, or cooperative association engaged in the receiving, handling, purchasing, distribution, or sale of fluid milk or milk products that, in whole or in part, are intended for bottling, manufacturing, processing, distribution, or sale in the state.

Under current law, any milk receiver, handler, distributor, or seller permit holders who produce milk and process it at the same location must test the milk or milk products before processing. The bill eliminates this requirement.

By law, the agriculture commissioner may require a milk producer permit holder to test milk he produces for the presence of drug residues or inhibitory substances before shipment, if they sold or distributed milk or a milk product (1) that was unsanitary or detrimental to health and (2) without having produced, cared for, or handled it as the law requires. The bill adds retail raw milk producer permit holders to the other producers.

By law, any test administered must be approved by the commissioner and must determine compliance with standards for drug residue tolerance levels recommended by the FDA. Any test the commissioner approves must be rapid and economically feasible. The bill specifies that the test must be performed at a facility or location and in a manner acceptable to the commissioner. Under the bill, the results of any test required must be recorded by the person administering such test and kept on file at the test location or at the processing plant for at least

two years. Current law requires the test to be on file at the receiving plant or processing plant for at least one year after the test was administered.

### ***Raw Milk Testing Records***

The bill requires each retail raw milk producer to maintain records, which must be available for the commissioner, or his designee, to inspect for each individual animal treated with a drug. The records must include the name of the drug or drugs, withdrawal time required for each drug, treatment dates, and, after treatment completion, the date the animal's milk is offered for sale.

### ***Violators (§ 14)***

Under current law, the commissioner may suspend or revoke a milk processor's permit for a drug testing violation. Anyone who violates the law is assessed a civil penalty of at least \$1,000 for the first violation during any 12-month period and between \$2,000 and \$5,000 for any subsequent violation within the 12 months.

Under current law, if milk from a dairy farm is found to contain drug residues or other inhibitory substances above FDA recommended levels, no milk dealer or handler may receive milk produced by that farm for two days. For a subsequent violation within a 12-month period, no milk dealer or handler may receive milk produced by that farm for four days. For a third violation in a 12-month period, no milk dealer or handler may receive milk produced by that farm for four days and the commissioner may (1) revoke or suspend the producer's permit or (2) initiate action to assess an administrative civil penalty for the violation.

The bill instead prohibits a licensed milk processor from accepting milk for processing that contains drug residues or other inhibitory substances at or above the tolerance levels recommended by the FDA. The commissioner must prohibit the sale or distribution of such milk, packaged milk, or milk products that are found to contain drug residues or other inhibitory substances at or above FDA recommended tolerance levels.

The bill specifies that the milk processor responsible for accepting for processing milk containing drug residues or other inhibitory

substances at or above tolerance levels must stop the sale or distribution of the tainted milk and destroy it 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 him; or
3. in the event of a second violation within any 12-month period, revoke the milk processor's license and initiate action to assess a civil penalty.

If milk from a permitted milk producer contains drug residues or other inhibitory substances at or above FDA recommended tolerance levels, the commissioner must prohibit the sale or distribution of that milk. The milk producer responsible for producing the tainted milk must stop the sale of the milk and destroy it in a manner acceptable to the commissioner. The commissioner may undertake the three options listed above for processors.

The bill extends these same requirements and responses by the commissioner to retail raw milk producer permit holders.

### **LICENSES FOR WEIGHING, SAMPLING, OR TESTING MILK OR CREAM AND PERMITS (§§ 6 & 7)**

By law, the milk board adopted regulations for examining and licensing people who engage in the weighing, gaging, sampling, or testing of milk or cream (1) that is to be purchased or sold on the basis of the butterfat content or the bacterial count or (2) to determine the butterfat content or bacterial count for (a) publication or advertising purposes or (b) use as the basis of reports to anyone other than their employers. The bill adds those who test milk components (1) that are to be purchased or sold, (2) for the presence of antibiotics or other inhibitors and milk components for publication or advertising, (3) to determine the butterfat content or bacterial count for use as the basis of report for payment to a producer to those for whom the board must adopt regulations and examination and licensing procedures. The bill eliminates the definition of gaging, which is a milk measuring practice in compliance with Department of Consumer Protection approved

methods and equipment.

By law, the agriculture commissioner administers the regulations. He licenses those who pass the required exam. Licenses are valid for one year and holders may renew them for up to five years with a written application and pay a fee the commissioner establishes. The bill makes the license valid for two years initially and two years when the holder renews it by written application and pays a fee that the commissioner establishes.

By law, the commissioner may revoke a license for dishonesty, incompetence, inaccuracy, or other violation after a hearing and giving notice to the license holder.

The bill specifies that milk producer and retail raw milk producer permittees, in addition to dairy plant or milk dealer permittees under current law, must pay a fee or fees to cover the actual cost of bio-assays (experiments that use living things to test chemical toxicity) and chemical tests made on milk and milk products. By law, the fees must be deposited in the General Fund.

Under current law, the dairy plant or milk dealer permittees do not pay for more than four bio-assays for any type of milk, in any biennium, except when the samples fail to contain advertised amount of vitamins and minerals. The bill instead requires milk producer, retail raw milk producer, dairy plant, or milk dealer permittees to pay only fees for samples taken to verify product safety when required routine testing shows the product to be in violation of the law. Current law allows the commissioner to suspend the license of a dairy plant or milk dealer who fails to pay the required fees within 60 days of being billed by the commissioner. The bill expands this to allow him to suspend any license or permit issued to any dairy plant, producer, retail raw milk producer, cheese or yogurt manufacturer, dry milk manufacturer, or dealer who fails to pay the required fees within 60 days of being billed by the commissioner.

### **CERTIFIED MILK, MILK SCREENING, OR COMPONENT TESTING LABORATORY (§§ 1 & 2)**

The bill creates an operating permit fee for a certified milk laboratory, milk screening laboratory, or component testing laboratory. The agriculture commissioner must establish a permit fee schedule. Under

current law, there is a \$1,000 fee, payable to DPH, to register or certify an “environmental laboratory,” the definition of which includes a facility or other area used to test dairy and dairy products. The bill eliminates “dairy and dairy products” from the definition of environmental laboratory.

The bill defines:

1. “certified milk laboratory” as 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 public health;
2. “milk screening laboratory” as a 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; and
3. “component testing laboratory” as 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.

The bill requires anyone operating a certified milk laboratory, milk screening laboratory, or component testing laboratory in the state to have an operating permit from the agriculture commissioner. The commissioner must provide the permit applications and establish a fee schedule. Permit holders must renew them by June 30 annually. When the commissioner receives an application or renewal application, he or his designees must make any inspections and investigations he deems necessary. He must deny a permit when, in his opinion, the operation of the laboratory would be detrimental to the public health. The Milk Regulation Board may adopt regulations for the permitting procedure.

Each registered certified milk laboratory, milk screening laboratory, or component testing laboratory must comply with the standards for milk laboratories set forth in the Grade-A Pasteurized Milk Ordinance Recommendations of the U.S. Public Health Service/FDA, as established in the latest edition of the Official Methods of Analysis of the Association of Official Analytical Chemists, Standard Methods for

the Examination of Dairy Products, U.S. Public Health Service/FDA's Evaluation of Milk Laboratories and is subject to periodic inspection by the commissioner, or his designee, including inspection of all records necessary for the permitting process.

The bill specifies that the permit requirement does not apply to a milk laboratory operated by a state agency, retail raw milk producers, or intrastate milk dealers. The commissioner may revoke or suspend a milk laboratory permit or impose a civil penalty for a violator.

### **MILK DEALERS, SUBDEALERS, AND COOPERATIVE MARKETING ASSOCIATIONS (§ 15)**

Under current law, a "dealer" means milk dealer, including any person, store, sub-dealer, or producer-dealer, who purchases, receives, or handles milk in the state for sale, shipment, storage, processing, manufacture, or other disposal in or out-of-state. But a producer who delivers milk only to a dealer, or a cooperative marketing association, is not deemed a dealer. The association, however, is a producer and, if it sells milk to stores or consumers, it is deemed a dealer for those operations.

The bill specifies that "dealer" includes distributors, in addition to purchasers, receivers, or handlers, of fluid milk or milk products for sale, but "dealer" does not include a producer who delivers milk to a dealer alone, retail raw milk producers, raw milk cheese manufacturers, or a cooperative marketing association. The bill defines "producer" as any person, firm, or corporation that operates a dairy farm that provides, sells, or offers milk to any dealer, person, handler, company or cooperative for sale.

By law, "milk" means fluid milk and cream, fresh, sour or storage, skimmed milk, buttermilk, and flavored milk or milk drink. The bill adds various products to the definition. The bill defines a milk "dealer" as 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 the state.

The bill (1) specifies community-marketing associations is included under those producing milk and (2) specifies that "producer-dealer"

means a dealer who is also a producer.

By law, a “sub-dealer” means any dealer handling milk in the state who sells milk to consumers or stores in the same containers he purchased it from other dealers. Under the bill, a “sub-dealer” is any person, firm, corporation who sells fluid milk or milk products in their finished form for human consumption within the state to stores, other dealers or sub-dealers, 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 purchased it from other dealers.

The bill defines:

1. “cheese manufacturer” as anyone within the state who purchases fluid milk, or receives or handles fluid milk to manufacture cheese;
2. “yogurt manufacturer” as a milk dealer who purchases fluid milk, or receives or handles fluid milk, to manufacture yogurt for sale or distribution in the state; and
3. “dry milk manufacturer” as anyone within the state who purchases fluid or dried milk, or receives or handles fluid or dried milk, to manufacture or remanufacture dry milk to be included or blended with fluid milk or be reconstituted into a milk product.

## **DEALER LICENSES (§ 16)**

### ***Applications and Fees***

The bill specifies that sub-dealers, cheese manufacturers, dry milk manufacturers, or yogurt manufacturers must apply to the commissioner to be a licensed as a dealer. By law, a dealer applicant must file at least 15 days before the day on which he will engage in business as a dealer. Licensees must renew by July 1 annually. The bill increases the late filing fee from \$15 to \$50. But it remains \$15 for a store.

The bill specifies that a license is not transferable and it is valid from July 1 to June 30 of the following year. The reporting period is April 1 to March 31 of the following year. During the month of March, the

commissioner must send a notice to each milk dealer, sub-dealer, cheese manufacturer, dry milk manufacturer, and yogurt manufacturer, regarding their license renewal date and licensing reporting requirements.

Application fees must be returned to applicants whom the commissioner refuses to license. The fees are credited to the General Fund.

### ***Violators***

Under the bill, a milk dealer or a yogurt, dry milk, and cheese manufacturer who fails to submit required information or fees after a 60-day grace period after the end of the licensing period is deemed to have surrendered his license. The commissioner must notify him by certified mail that his license is expired and deemed to have been surrendered. In the case of a store, the notification may be via first class mail. In the month of September, the commissioner must furnish all licensed dealers, by electronic or other means he deems acceptable, 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 occasionally.

The bill prohibits the commissioner from issuing a license to anyone who has surrendered a license or whose license was revoked, until the commissioner has received all past due license or late fees.

### ***Refusal to Grant or Renew (§ 17)***

By law, the commissioner may refuse to grant or renew a license, or may suspend, revoke or refuse to transfer a license, after determining that an applicant or dealer:

1. failed to comply, or has been a responsible member or officer of a partnership or corporation which failed to comply, with any law or any order, ruling, regulation or direction issued under it;
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;

4. failed to file a bond required by the commissioner;
5. is not in compliance with all laws and regulations pertaining to health and sanitation in the production, processing, handling or sale of milk;
6. rejected, without reasonable cause, any milk purchased from a producer, or 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" is construed to mean not less than one week nor more than two weeks;
7. continued in a course of dealing of such nature as to show an intent to deceive, defraud or impose upon producers or consumers;
8. violated any stipulation or written agreement entered into with the commissioner in the course of any proceeding; or
9. made a false material statement in his application.

The bill adds to the reasons for revocation or refusal (1) failing to provide information required and (2) if located out of the state, failing to obtain a satisfactory milk sanitation compliance rating from a certified state milk sanitation rating officer or not being in compliance with all laws and regulations of the state pertaining to health and sanitation in the production, processing, handling or sale of milk.

#### **MILK DEALER LICENSE FEES AND WAIVER (§§ 18 AND 19)**

This bill bases license fees for all milk dealers, except stores, on the volume of milk and milk products sold in the state during the reporting period (April 1 through March 31 of the following year). It eliminates specifics for the current process to determine the application and renewal application fees. Under the bill, the commissioner must

adopt regulations.

It also specifies that the annual milk license fee for each milk dealer, yogurt manufacturer, or sub-dealer is \$50 (and requires sub dealers with yearly sales in excess of 100,000 quarts to pay a .021 cent increase per 100 quarts of milk sold during the reporting period). It sets the license fee for (1) cheese and dry milk manufacturers at \$50 and (2) stores at \$30. The commissioner must adopt regulations for this.

It also allows the commissioner to waive any milk related fees for non-profit organizations.

#### **DEFINITIONS (§ 4)**

The bill includes the following definitions:

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. "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 part, are intended to be manufactured into cheese for distribution or sale in- or out-of-state;
3. "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 the state;
4. "producer" means any person, firm, or corporation that operates a dairy farm that provides, sells, or offers milk to any dealer, person, handler, company or cooperative for sale; and
5. "Safe and suitable ingredients" are food ingredients generally recognized as safe under federal law (21 CFR 184.1).

#### **MISCELLANEOUS**

##### ***Sell by Date (§ 12)***

By law, 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, must be clearly marked with the last date on which such item may be sold or offered for sale ("sell by" date). If the milk or cream was pasteurized at 212 degrees Fahrenheit or less, the last sale date cannot exceed twelve days from the day on which such milk or cream was pasteurized unless the agriculture commissioner authorized it. The law allows the commissioner to authorize an extended last sale date for milk or cream upon request of a milk processor. The bill adds milk products and hard and soft cheese and eliminates (1) specific reference to pasteurization temperature and (2) the commissioner ability to authorize a "sell by" extension for such milk.

By law, the Milk Regulation Board must adopt regulations establishing a uniform method of displaying the "sell by" date on such containers and a procedure for the agriculture commissioner for approval of a last sale date for milk or cream in excess of 12 days for milk or cream pasteurized at 212 degrees Fahrenheit or less. The regulations must include procedures for verification of an extended last sale date and review of the appropriateness of such date.

Under the bill, the Milk Regulation Board must instead adopt regulations establishing standards and criteria for "sell by" label type size, color, and wording that is consistent with national standards. It may incorporate by reference The Nutritional Education and Labeling Act (21 CFR 101). The commissioner may impose a civil penalty on violators.

### ***Serving Milk in Public Eating Places (§ 11)***

By law, only pasteurized milk and milk products may be served to consumers in any hotel, restaurant, lunchroom, at any fountain, or public eating place, in whatever form. The bill specifies that cafeterias, schools, and hospitals are included.

The bill defines "public eating places" as places where meals are served to the general public, including public or private schools and colleges, hotels, restaurants, clubs, lunchrooms, bars, fountains, or any place of public entertainment.

**Vending Machines (§ 3)**

The bill specifies that the milk that is exempt from vending machine regulations under current law is pasteurized milk.

**REPEALERS**

The bill repeals statutes, including those dealing with:

1. registration of milk and butterfat laboratories;
2. evaporated, condensed, and skimmed milk;
3. standard quality cream;
4. eggnog;
5. dealer registration;
6. inspection of dairy farms and milk plants;
7. milk shortages, temporary supply sources, and the overall state milk supply;
8. temporary permit for cream from uninspected sources;
9. sanitary conditions for stables, buildings, and premises where milk, cream, and other milk products are produced, handled, or sold;
10. milk rooms in dairies and milk plants; and
11. pasteurization permits.

**BACKGROUND*****Related Bills***

HB 5573 (File 285) adds one member each that the governor must appoint to the milk board from those (1) actively engaged in the sale or distribution of milk and (2) actively engaged in the production of milk. It does not add processors. On April 19, the House referred the bill to the Legislative Management Committee. On April 27, the committee

favorably reported it.

sSB 1361 (File 526), favorably reported by the Judiciary Committee on April 7, creates a Wholesale Milk Price Regulatory subcommittee of the Milk Regulation Board and gives the subcommittee the power to adopt regulations setting minimum prices paid to milk dealers for milk received, purchased, stored, manufactured, processed, distributed, or handled for ultimate consumption as fluid or beverage milk in Connecticut.

SB 1185 (File 315) adds milk processors to those who may be appointed to the Milk Regulation Board and increases by two the number of appointees to the board. It requires the governor to appoint four, instead of two, members from those actively engaged in the sale, distribution, and processing of milk. It also requires a study to examine methods to stabilize dairy farmer income. The Senate adopted a technical amendment on the bill on April 20. On April 28, the House referred the bill to the Legislative Management Committee.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute Change of Reference  
Yea 28 Nay 0

Finance, Revenue and Bonding Committee

Joint Favorable Report  
Yea 48 Nay 0