



General Assembly

Substitute Bill No. 6907

January Session, 2005

* _____HB06907PH_____051605_____*

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 Section 19a-29a of the general statutes is repealed and the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

