



House of Representatives

General Assembly

File No. 357

February Session, 2006

House Bill No. 5571

House of Representatives, April 4, 2006

The Committee on Environment reported through REP. ROY of the 119th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE INTERSTATE SHIPMENT OF SHELLFISH.

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

1 Section 1. Section 26-192f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 Any person, firm or corporation (1) harvesting or taking shellfish
4 from an area closed and posted by the Department of Agriculture
5 against the removal of shellfish, except as provided in section 26-192h,
6 or an area closed by commercial shellfish transplant license issuance or
7 by order of the local director of health with the approval of the
8 department, (2) misusing any shipping tag or license in violation of
9 section 26-192c, (3) mislabeling shellfish shipments or deliveries with
10 any false information, (4) failing to identify shellfish shipments or
11 deliveries in accordance with [regulations adopted by the department]
12 the National Shellfish Sanitation Program Model Ordinance, as
13 amended from time to time, (5) harvesting shellfish from undesignated
14 grounds, or (6) harvesting shellfish from designated grounds not listed

15 on a license issued by the Department of Agriculture to such person,
 16 firm or corporation shall be fined (A) one thousand dollars, or (B) three
 17 times the market value of any shellfish taken, based on the quantity
 18 and type involved in the violation if such amount is greater than one
 19 thousand dollars, or imprisoned not more than twelve months and
 20 shall surrender the shellfish license to the department upon request.
 21 The Commissioner of Agriculture may revoke any license issued by
 22 said commissioner for not more than thirty days for the first violation
 23 and up to sixty days for the second violation of this section within six
 24 months and up to ninety days for a third violation of this section
 25 within nine months. Any person who defaces or removes a sign posted
 26 by the Department of Agriculture in accordance with the provisions of
 27 section 26-192e, as amended, shall be fined not more than five hundred
 28 dollars or imprisoned not more than six months. The provisions of this
 29 section are in addition to and in no way derogate any other
 30 enforcement provisions or penalties contained in any other section of
 31 the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	26-192f

ENV *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:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

The Out Years

None

OLR Bill Analysis
HB 5571

AN ACT CONCERNING THE INTERSTATE SHIPMENT OF SHELLFISH.

SUMMARY:

This bill requires violators of shellfish law to surrender their shellfish license to the agriculture department, if the department requests it, for up to 30 days for a first violation. By law, the commissioner may revoke any license he issues for up to 60 days for a second shellfish violation within six months of the first and for up to 90 days for a third violation within nine months of the first. Criminal penalties also apply to violations. By law, the department may revoke any shellfish license for cause after notification and hearing (CGS § 26-192f).

The bill requires the U.S. Food and Drug Administration's National Shellfish Sanitation Program (NSSP) Model Ordinance be the standard for determining violations of the requirement to identify shellfish shipments and deliveries, instead of department regulations.

EFFECTIVE DATE: Upon passage

BACKGROUND

NSSP

PA 04-223 required the agriculture department to promulgate health standards for shellfish testing based on the NSSP Model Ordinance. The law specifies that the department (1) must enforce compliance with the NSSP Model Ordinance and (2) may adopt regulations, after consultation with the Department of Public Health, for the sanitary growth, production, purification, and preparation of shellfish that

incorporate by reference the provisions of the NSSP Model Ordinance.

NSSP is designed to prevent human illness associated with the consumption of fresh and frozen shellfish (e.g., oysters, clams, and mussels) by establishing sanitary controls over the growing, harvesting, shucking, packing, and distribution of fresh and frozen shellfish.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 28 Nay 0 (03/16/2006)