



General Assembly

Amendment

February Session, 2008

LCO No. 5514

SB0052405514SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. GAFFEY, 13th Dist.
SEN. HANDLEY, 4th Dist.

SEN. MCDONALD, 27th Dist.
SEN. STILLMAN, 20th Dist.
SEN. COLAPIETRO, 31st Dist.

To: Senate Bill No. 524

File No. 137

Cal. No. 119

**"AN ACT CONCERNING CONSUMER SAFETY AND PRODUCT
RECALLS."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this
4 section:

5 (1) "Class I recall" means a food recall issued in accordance with the
6 guidelines of the Food Safety and Inspection Service within the United
7 States Department of Agriculture that involves a health hazard in
8 which there is a reasonable probability that eating the food product
9 will cause health problems or death;

10 (2) "Class II recall" means a food recall issued in accordance with the
11 guidelines of the Food Safety and Inspection Service within the United
12 States Department of Agriculture that involves a potential health

13 hazard situation in which there is a remote probability of adverse
14 health consequences from eating the food product;

15 (3) "Customer" means any person, firm, company or other legal
16 entity that buys meat or poultry products from a meat or poultry
17 supplier, distributor, broker, manufacturer or processor;

18 (4) "Meat" means "meat food product" as defined in 21 USC 601 (j),
19 as from time to time amended;

20 (5) "Poultry" means "poultry product" as defined in 21 USC 453 (f),
21 as from time to time amended; and

22 (6) "Retailer" means any person who sells meat or poultry products
23 used primarily for personal, family or household purposes to any
24 person who is not in the business of reselling such goods but does not
25 include an eating establishment as defined in section 12-412 of the 2008
26 supplement to the general statutes.

27 (b) A meat or poultry supplier, distributor, broker, manufacturer or
28 processor that sells to customers in this state meat or poultry products
29 that are subject to a Class I or Class II recall shall immediately notify
30 the Department of Consumer Protection and the Department of Public
31 Health of such Class I or Class II recall and shall provide said
32 departments with a list of all customers in the state that received or
33 will receive any meat or poultry products subject to such recall. The
34 list of customers provided to said departments shall include the
35 following information: (1) The customer's name, address, telephone
36 number, facsimile number and e-mail address; (2) the name of
37 customer's designated contact person; (3) all pertinent identifying
38 product codes, including establishment numbers, package codes and
39 packing date lot numbers; (4) the date or dates that meat or poultry
40 products were delivered in the state or will be delivered in the state;
41 (5) the quantity of meat or poultry products delivered or that will be
42 delivered in the state; and (6) any other information that said
43 departments deem relevant to the product recall. Such information
44 shall be electronically submitted to said departments in a format

45 prescribed by the Department of Consumer Protection. A meat or
46 poultry supplier, distributor, broker, manufacturer or processor shall
47 also provide contemporaneous notification to each customer that
48 received or may receive a meat or poultry product that is subject to
49 recall in a form and manner prescribed by the Department of
50 Consumer Protection. A meat or poultry supplier, distributor, broker,
51 manufacturer or processor shall document any customer notification
52 provided pursuant to the requirements of this section. Such
53 documentation shall minimally include the name of the customer
54 notified, the date and time of notification and the method of providing
55 notification. Documentation of any notification provided shall be
56 maintained by the meat or poultry supplier, distributor, broker,
57 manufacturer or processor for three years following the date of
58 notification and shall be provided to the Department of Consumer
59 Protection upon request.

60 (c) The Department of Consumer Protection, upon receiving
61 information required pursuant to subsection (b) of this section
62 concerning a Class I or Class II meat or poultry recall, shall, as soon as
63 practicable and within available appropriations, take such action as the
64 department deems necessary to: (1) Ensure that customers who
65 received or may receive meat or poultry products subject to any Class I
66 or Class II recall do not sell, resell or donate such products; (2) provide
67 the public with detailed and factually accurate notice of any Class I or
68 Class II meat or poultry product recall; and (3) require any retailer that
69 made available to the public a product that is subject to a Class I or
70 Class II meat or poultry recall to post in a conspicuous location a
71 warning for the benefit of the public in a format and manner
72 prescribed by the department. The requirements of this subsection
73 shall not preclude a retailer from offering additional, factually accurate
74 notice of any Class I or Class II meat or poultry product recall through
75 other methods, including, but not limited to, a retailer's web site, press
76 release or electronic or other notification provided to a consumer
77 through use of a discount card or device, as defined in section 42-371
78 of the general statutes.

79 (d) The Department of Public Health, upon receiving the
 80 information required pursuant to subdivision (b) of this section, shall
 81 use its best efforts to as soon as practicable notify a health district or
 82 municipal health department of any customer located in such health
 83 district or the municipality that was identified as having received, or
 84 that may receive, a meat or poultry product that is subject to recall.
 85 Notification provided by the department to a health district or
 86 municipal health department shall include all information that the
 87 department deems relevant concerning the recalled product.

88 (e) The Commissioner of Consumer Protection, in consultation with
 89 the Commissioner of Public Health, shall adopt regulations, in
 90 accordance with chapter 54 of the general statutes, to carry out the
 91 provisions of this section. Regulations adopted by the Commissioner
 92 of Consumer Protection shall conform, so far as practicable, to
 93 regulations, standards or directives promulgated under authority of
 94 the federal Meat Inspection Act or the federal Poultry Inspection Act.
 95 Such regulations shall, at a minimum, prescribe penalties for
 96 noncompliance with the reporting requirements set forth in subsection
 97 (b) of this section, and establish the format, manner and durational
 98 requirements concerning the posted warnings set forth in subsection
 99 (c) of this section."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section