



General Assembly

January Session, 2009

Raised Bill No. 6312

LCO No. 2788

02788 _____ ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING THE SALE OF ADULTERATED MILK AND MILK PRODUCTS.

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

1 Section 1. Section 22-127 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 The terms defined in this section shall, as used in this chapter, have
4 the meanings set forth in this section unless otherwise clearly indicated
5 in the context.

6 (1) "Adulterated" means any milk, milk product, retail raw milk or
7 cheese: (A) Which bears or contains any poisonous or deleterious
8 substance which may render it injurious to health, provided if the
9 substance is not an added substance, such milk, milk product, retail
10 raw milk or cheese shall not be considered adulterated if the quantity
11 of such substance in such milk, milk product, retail raw milk or cheese
12 would not ordinarily render it injurious to health, (B) which bears or
13 contains any added poisonous or added deleterious substance which is
14 unsafe, (C) which consists in whole or in part of any diseased,
15 contaminated, filthy, putrid or decomposed substance or is otherwise

16 unfit for food, (D) which has been produced, prepared, packed or held
17 under insanitary conditions whereby it may have become
18 contaminated with filth or may have been rendered diseased,
19 unwholesome or injurious to health, or (E) whose packaging or
20 container is composed in whole or in part of any poisonous or
21 deleterious substance which may render the contents injurious to
22 health.

23 [(1)] (2) "Bulk tank unit" means a dairy farm or group of dairy farms
24 from which raw milk is collected for pasteurization for which a single
25 entity sanitation compliance rating is issued.

26 [(2)] (3) "Commissioner" means the Commissioner of Agriculture.

27 [(3)] (4) "Cheese manufacturer" means any person, firm, corporation
28 or cooperative association engaged in the production, receiving or
29 handling of milk or milk products, which milk products, in whole or in
30 part, are intended to be manufactured into cheese for distribution or
31 sale in or outside this state.

32 [(4)] (5) "Dealer" means any person, firm, corporation or cooperative
33 association engaged in the receiving, handling, purchasing,
34 distribution or sale of fluid milk or milk products, which fluid milk or
35 milk products, in whole or in part, are intended for bottling,
36 manufacturing, processing, distribution or sale in this state.

37 [(5)] (6) "Filled milk" means any combination of nonmilk fat or oil
38 and milk, whether or not it is fresh, cultured, reconstituted or modified
39 by the addition of nonfat milk solids, with or without milkfat, so that
40 the product, including stabilizers, emulsifiers or flavoring, resembles
41 milk or any other fluid milk product, and contains less than six per
42 cent nonmilk fat or oil.

43 [(6)] (7) "Handler" means any person, firm, corporation or
44 cooperative association engaged in the receiving, handling,
45 distribution or sale of fluid milk or milk products, which fluid milk or

46 milk products, in whole or in part, are intended for bottling,
47 manufacturing, processing, distribution or sale in this state.

48 (8) "Misbranded" means the use of any label, written or printed
49 advertising or graphic upon or accompanying a product or container
50 of milk, milk products or cheese, including, but not limited to, signs,
51 electronic displays, electronic communication, placards or other means
52 of communication intended to provide information to consumers,
53 which is false or misleading or which violates any applicable
54 municipal, state or federal labeling requirement.

55 [(7)] (9) "Nonstandardized milk products" means milk-based
56 products modified so they do not meet the definition of optional
57 ingredients established in 21 CFR 131.110, contain milk and milk
58 products, are intended to replace or be a substitute for standardized
59 fluid milk products. Nonstandardized milk products may contain safe
60 and suitable ingredients not present in standardized milk products.

61 [(8)] (10) "Pasteurization" or "pasteurized" has the same meaning, as
62 defined in section 1 of the Pasteurized Milk Ordinance as promulgated
63 by the United States Food and Drug Administration.

64 [(9)] (11) "Producer" means any person, firm or corporation that
65 operates a dairy farm that provides, sells or offers milk to any dealer,
66 person, handler, company or cooperative for sale.

67 [(10)] (12) "Public eating places" means places where meals are
68 served to the general public, including, but not limited to, public or
69 private schools and colleges, hotels, restaurants, clubs, lunchrooms,
70 bars, fountains or any place of public entertainment.

71 [(11)] (13) "Raw milk" or "milk for pasteurization" means normal
72 lacteal secretion that is practically free of colostrum and that is
73 obtained by the complete milking of one or more healthy hooved
74 mammals.

75 [(12)] (14) "Raw milk cheese" means aged hard cheese that meets the

76 sanitary provisions of this chapter and that is produced from retail raw
77 milk.

78 [(13)] (15) "Retail raw milk" means normal lacteal secretion that is
79 practically free of colostrum, that is obtained by the complete milking
80 of one or more healthy goats, sheep or cows, that is intended for
81 human consumption in the unpasteurized state and that meets the
82 sanitary standards of this chapter.

83 [(14)] (16) "Retail raw milk producer" means any person, firm,
84 corporation or cooperative association engaged in the production,
85 handling, distribution or sale of retail raw milk.

86 [(15)] (17) "Retail raw milk cheese manufacturer" means any person,
87 firm, corporation or cooperative association engaged in the
88 production, handling, distribution or sale of cheese manufactured from
89 retail raw milk.

90 [(16)] (18) "Safe and suitable ingredients" are food ingredients
91 generally recognized as safe, as referenced in 21 CFR [184.1] 184 and 21
92 CFR 186.

93 [(17)] (19) "Standardized milk and milk products" or "milk or milk
94 products" means products for which a standard of identity has been
95 established pursuant to 21 CFR 131.110.

96 Sec. 2. Section 22-129 of the general statutes is repealed and the
97 following is substituted in lieu thereof (*Effective October 1, 2009*):

98 (a) The Commissioner of Agriculture or the commissioner's duly
99 authorized agent shall prohibit the sale or offering for sale or
100 distribution of any cheese, milk or other milk product which is
101 insanitary or detrimental to health, and which has not been produced,
102 processed, cared for or handled in the manner prescribed in this
103 chapter and in chapter 431 and by the regulations of the Milk
104 Regulation Board.

105 (b) The following are prohibited: (1) The sale, offering for sale or
106 offering for barter or exchange any milk, milk product or cheese that is
107 adulterated, (2) the adulteration of any milk, milk product or cheese,
108 (3) the sale, offering for sale, offering for barter or exchange,
109 manufacturing, distributing or processing any milk, milk product or
110 cheese from any facility not licensed pursuant to section 22-229, or (4)
111 the sale, offering for sale, distributing, offering for barter or exchange
112 any milk for pasteurization, retail raw milk or retail raw milk cheese
113 from any dairy farm not registered pursuant to section 22-172 or 22-
114 173a.

115 (c) The provisions of this section shall not apply to the production of
116 milk, milk products and the manufacture of cheese for personal
117 consumption or for consumption by immediate family members.

118 (d) Nothing in this section shall prevent the commissioner from
119 seeking any other remedy provided by law.

120 (e) Any person who violates any provision of this section shall, for a
121 first violation, have committed an infraction and, for a second or
122 subsequent violation committed within one year of a prior violation,
123 be guilty of a class A misdemeanor.

124 Sec. 3. Section 22-211a of the general statutes is repealed and the
125 following is substituted in lieu thereof (*Effective October 1, 2009*):

126 The Commissioner of Agriculture may adopt, and from time to time
127 revise and amend, regulations, in accordance with the provisions of
128 chapter 54, necessary and appropriate to effectuate the policy and
129 provisions of this part or any ruling or order issued hereunder. The
130 commissioner shall have power to exempt from any regulation issued
131 hereunder all dealers selling not more than three hundred quarts of
132 milk per month. [The commissioner may adopt regulations which
133 incorporate by reference the provisions of the federal Pasteurized Milk
134 Ordinance promulgated by the United States Food and Drug
135 Administration provided such regulations shall be consistent with any

136 regulations adopted under section 22-133, and further provided such
137 regulations may by reference specifically incorporate any future
138 amendment to said ordinance.]

139 Sec. 4. (NEW) (*Effective October 1, 2009*) All milk dealers processing,
140 handling, storing, distributing, transporting, selling or offering for sale,
141 barter or exchange any milk, milk product or cheese shall comply with
142 the sanitation, handling, storage and processing provisions of chapter
143 430 of the general statutes and any regulations adopted thereunder.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	22-127
Sec. 2	<i>October 1, 2009</i>	22-129
Sec. 3	<i>October 1, 2009</i>	22-211a
Sec. 4	<i>October 1, 2009</i>	New section

Statement of Purpose:

To protect the health of the public and to provide criminal penalties for the sale or offering for sale of adulterated milk and milk products.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]