



General Assembly

**Substitute Bill No. 6312**

January Session, 2009

\*          HB06312ENV          031809          \*

**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 Section 22-127 of the general statutes is repealed and the  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, raw milk or raw milk products and the  
117 manufacture of cheese for personal consumption or for consumption  
118 by immediate family members.

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

121 (e) Any person who violates any order issued by the commissioner  
122 or the commissioner's duly authorized agent pursuant to this section  
123 shall, for a first violation, have committed an infraction and, for a  
124 second or subsequent violation committed within one year of a prior  
125 violation, be guilty of a class A misdemeanor.

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 Section 22-211a of the general statutes is repealed and the  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

128 The Commissioner of Agriculture may adopt, and from time to time  
129 revise and amend, regulations, in accordance with the provisions of  
130 chapter 54, necessary and appropriate to effectuate the policy and  
131 provisions of this part or any ruling or order issued hereunder. The  
132 commissioner shall have power to exempt from any regulation issued  
133 hereunder all dealers selling not more than three hundred quarts of  
134 milk per month. [The commissioner may adopt regulations which  
135 incorporate by reference the provisions of the federal Pasteurized Milk  
136 Ordinance promulgated by the United States Food and Drug  
137 Administration provided such regulations shall be consistent with any  
138 regulations adopted under section 22-133, and further provided such  
139 regulations may by reference specifically incorporate any future

140 amendment to said ordinance.]

141 Sec. 4. (NEW) (*Effective October 1, 2009*) All milk dealers processing,  
142 handling, storing, distributing, transporting, selling or offering for sale,  
143 barter or exchange any milk, milk product or cheese shall comply with  
144 the sanitation, handling, storage and processing provisions of chapter  
145 430 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

**ENV**      *Joint Favorable Subst.*