General Assembly

Raised Bill No. 6313

January Session, 2009

LCO No. **2681**

02681_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING RAW MILK.

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

Section 1. Section 22-173a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(a) No person, firm or corporation shall engage in the production of retail raw milk or the manufacture of retail raw milk cheese, which retail raw milk or retail raw milk cheese or the products thereof are to be used or disposed of elsewhere than on the premises where such retail raw milk or retail raw milk cheese is produced, without first registering with the Commissioner of Agriculture in a manner prescribed and on forms furnished by the commissioner for such registration. Such registration may be renewed annually not later than the thirtieth day of June. The commissioner shall establish fees for such registration pursuant to section 22-128a.

(b) Registrations required pursuant to subsection (a) of this section shall be designated "Retail Raw Milk Producer Permit" or "Retail Raw Milk Cheese Manufacturer Permit" and may be denied, suspended or revoked by the commissioner for cause.

(c) Retail raw milk shall only be offered for sale in its unprocessed state, with no ingredients added or removed.

(d) The manufacturing of cheese from unpasteurized milk shall be conducted only on premises and by firms or individuals authorized by the commissioner to produce retail raw milk.

(e) The Milk Regulation Board **[**shall**]** may adopt regulations, in accordance with the provisions of chapter 54 **[**, establishing standards for sanitation, production, sale, labeling, handling and storage of retail raw milk and the manufacture of raw milk cheeses**]** to carry out the purposes of this section.

(f) A consumer advisory shall be placed on each container of retail raw milk. Each container of retail raw milk shall be labeled with the following consumer advisory: "Warning: Raw milk has not been pasteurized and may contain harmful bacteria. Pregnant women, children, the elderly and persons with lowered resistance to disease have the highest risk of serious illness from use of this product". Said consumer advisory shall: (1) Be prominently printed on the principal display panel of each container of retail raw milk, or when such printing is impractical, shall be securely affixed to the container by a hang tag, and (2) be clearly legible and in a conspicuous type face not less than one-eighth inch in height and in a color that contrasts with the other labeling and background color of such container.

(g) Wherever retail raw milk is offered for sale or sold, a sign displaying a consumer advisory shall be posted in plain view not more than five feet away from any cooler, product display, refrigerated storage case or location such retail raw milk is accessed by consumers. Such consumer advisory shall: (1) Contain the same consumer advisory language required pursuant to subsection (f) of this section, (2) be not less than eight and one-half inches in width and eleven inches in height, and (3) be clearly legible, in a conspicuous type face not less than one-half inch in height and in a color that contrasts with the background color of such advisory.

(h) Retail raw milk shall only be sold or offered for sale, transferred, exchanged or bartered only on the premises where the retail raw milk is produced.

Sec. 2. (NEW) (*Effective July 1, 2009*) (a) Each retail raw milk producer holding a permit issued pursuant to section 22-173a of the general statutes, as amended by this act, shall, at such producer's own expense, test and have analyzed retail raw milk and all animals producing such retail raw milk for such producer as follows: (1) Each month, a comingled sample of retail raw milk representing all the retail raw milk produced by such producer shall be tested for the presence of Listeria monocytogenes, Salmonella spp., enterohemorrhagic Escherichia coli, Yersinia enterocolita, Campylobacter jejuni, fecal coliform and Staphylococcus aureus bacteria, and (2) on a quarterly basis, a feces specimen from each milking aged animal shall be tested for the presence of Listeria monocytogenes, Salmonella spp., enterohemorrhagic Escherichia coli, Yersinia enterocolita and Campylobacter jejuni. All such samples and specimens shall be taken, prepared and sealed by a duly authorized agent of the Commissioner of Agriculture and shall be tested or analyzed in a laboratory approved by said commissioner or said commissioner's duly authorized agent. Each laboratory performing testing or analysis pursuant to this section shall report the results of all tests or analysis promptly to said commissioner or duly authorized agent, in a manner and form acceptable to said commissioner or duly authorized agent.

(b) The fecal coliform count in retail raw milk shall not exceed ten per milliliter.

(c) The Staphylococcus aureus count in retail raw milk shall not exceed one hundred thousand per milliliter.

(d) (1) The presence of any human pathogen in retail raw milk, or (2) a violation of subsection (b) or (c) of this section, shall constitute adulteration of such retail raw milk and the Commissioner of

Agriculture or said commissioner's duly authorized agent may prohibit the sale and distribution of such retail raw milk pursuant to section 22-129 of the general statutes.

(e) Whenever any animal producing retail raw milk tests positive for the presence of a human pathogen, such animal shall be quarantined on the premises of the retail raw milk producer that owns or has control of such animal. Any retail raw milk produced by such animal shall be discarded immediately. A licensed veterinarian shall examine the quarantined animal and, if necessary, treat the cause of the infection, at the expense of such owner or person having control of such animal. The quarantine order shall be released when the Commissioner of Agriculture or the commissioner's duly authorized agent determines that the animal no longer poses a threat to public health, but not before a test indicates such animal is negative for the presence of human pathogens.

(f) Nothing in this section shall be construed to limit or prevent the Commissioner of Agriculture or the commissioner's duly authorized agent from obtaining and testing any sample or specimen relating to an animal owned or under the control of a producer of retail raw milk.

(g) Any individual or entity applying for a permit to produce retail raw milk pursuant to section 22-173a of the general statutes, as amended by this act, shall, at such individual's or entity's own expense, have two separate samples of retail raw milk collected within two consecutive weeks and one set of fecal specimens from each milking age animal tested in accordance with the provisions of this section and of regulations adopted pursuant to chapter 430 of the general statutes. No new permit required pursuant to said section 22-173a shall be issued to a retail raw milk producer until all required tests, analyses, inspections and examinations have been completed and have been determined by the Commissioner of Agriculture or said commissioner's duly authorized agent to have complied with said chapter 430 and regulations.

(h) No permit required by section 22-173a of the general statutes, as amended by this act, shall be renewed unless all required tests, analyses, inspections and examinations have been completed and have been determined by the Commissioner of Agriculture or said commissioner's duly authorized agent to have complied with the provisions of this section, chapter 430 of the general statutes and any regulations adopted pursuant to said chapter 430.

(i) The Commissioner of Agriculture may adopt regulations, in accordance with the provisions of chapter 54 of the general statutes, to carry out the purposes of this section.

Sec. 3. Section 22-203a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2009*):

(a) Any person, firm or corporation engaged in receiving, handling, processing or packaging milk or milk products shall test each tank truck load of milk or milk products for the presence of drug residues or other inhibitory substances upon receipt of such milk or milk product at the receiving plant prior to processing. In the case of interplant shipments of bulk milk or milk products, each bulk tank load, or portion thereof, shall be tested prior to processing for the presence of drug residues or other inhibitory substances. The Commissioner of Agriculture, or said commissioner's duly authorized agent, may require a **[**milk**]** producer of milk for pasteurization holding a permit issued under section 22-172 or a retail raw milk producer holding a permit issued under section 22-173a, **[**who violates section 22-129 to test milk produced by him**]** as amended by this act, who produces milk that is tested and found to be positive for the presence of drug residues or inhibitory substances to test milk produced on the premises of such producer for the presence of drug residues or other inhibitory substances prior to shipment. For purposes of this section and sections 22-203b to 22-203d, inclusive, "drug" means (1) articles recognized in the Official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or Official

National Formulary, or any supplement to any of them; (2) articles intended for use in the diagnosis, cure, mitigation, treatment or prevention of disease in man or other animals; (3) articles, other than food, intended to affect the structure or any function of the body of man or other animals; or (4) articles intended for use as a component of any articles specified in subdivision (1), (2) or (3), but does not include devices or their components, parts or accessories.

(b) Any test administered pursuant to this section shall be approved by the Commissioner of Agriculture and shall be capable of determining compliance with **[**standards for**]** the drug residue tolerance levels recommended by the United States Food and Drug Administration. Any test approved by the commissioner shall be rapid and economically feasible and shall be performed at a facility or location and in a manner acceptable to the commissioner. The results of any test required shall be recorded by the person administering such test and kept on file at the location where the test was conducted or at the processing plant for not less than two years.

(c) **[**Each retail**]** Retail raw milk **[**producer**]** producers and intrastate **[**dealer**]** milk dealers with **[**ten**]** twelve or fewer milking **[**age**]** animals shall be exempt from the provisions of this section, provided they maintain records, which shall be available for inspection by the commissioner **[**,**]** or the commissioner's designee, **[**for each individual animal treated with a drug**]** and that such records are maintained in a manner and form acceptable to the commissioner or the commissioner's duly authorized agent. Such records shall include the identification of the treated animal, name of the drug or drugs administered, withdrawal time required for each drug, treatment dates, and, after completion of such treatment, the date such animal's milk is offered for sale. **[**Retail raw milk producers and intrastate dealers with more than ten milking age animals shall comply with this section.**]**

This act shall take effect as follows and shall amend the following sections:		
Section 1	*July 1, 2009*	22-173a
Sec. 2	*July 1, 2009*	New section
Sec. 3	*July 1, 2009*	22-203a

Statement of Purpose:

To protect the health of the public and to provide consumers with information so they may make informed decisions regarding the purchasing and consumption of unpasteurized milk.

[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.]