



General Assembly

Amendment

January Session, 2009

LCO No. 7031

SB0089107031SD0

Offered by:

SEN. MEYER, 12th Dist.

REP. ROY, 119th Dist.

REP. CHAPIN, 67th Dist.

To: Subst. Senate Bill No. 891

File No. 340

Cal. No. 275

"AN ACT MODERNIZING CONNECTICUT FERTILIZER LAW."

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

3 "Section 1. Section 22-111a of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective July 1, 2009*):

5 This chapter shall be known as the "Connecticut Fertilizer Law of
6 2008".

7 Sec. 2. (NEW) (*Effective July 1, 2009*) Except as otherwise specified in
8 sections 22-111a to 22-111j, inclusive, of the general statutes, 22-111l to
9 22-111q, inclusive, of the general statutes and sections 2, 3, 9, 10, 13, 15
10 and 22 of this act, the provisions of said sections shall be administered
11 and enforced by the Commissioner of Agriculture or by such
12 commissioner's duly authorized agent.

13 Sec. 3. (NEW) (*Effective July 1, 2009*) All special acts and municipal
14 ordinances or regulations contrary to or inconsistent with the
15 provisions of this act are superseded and shall be of no force or effect.
16 No political subdivision of the state shall enact or attempt to enforce
17 any ordinance or regulation respecting the registration, packaging,
18 labeling, sale, storage, distribution, use or application of a fertilizer, as
19 defined in section 22-111b of the general statutes, as amended by this
20 act.

21 Sec. 4. Section 22-111b of the general statutes is repealed and the
22 following is substituted in lieu thereof (*Effective July 1, 2009*):

23 When used in this chapter:

24 [(a) "Commercial fertilizer" means any substance containing one or
25 more recognized plant nutrients which is used for its plant nutrient
26 content and which is designed for use or claimed to have value in
27 promoting plant growth, except unmanipulated animal and vegetable
28 manures, marl, lime, limestone, wood ashes and gypsum;

29 (b) "Specialty fertilizer" means a commercial fertilizer distributed
30 primarily for nonfarm use, such as home gardens, lawns, shrubbery,
31 flowers, golf courses, municipal parks, cemeteries, greenhouses and
32 nurseries;

33 (c) "Bulk fertilizer" means a commercial fertilizer distributed in a
34 nonpackaged form;

35 (d) "Brand" means a term, design or trademark used in connection
36 with one or several grades of commercial fertilizer;

37 (e) (1) Until July 1, 1967, and thereafter until the Commissioner of
38 Agriculture prescribes the alternative form in accordance with the
39 provisions of subdivision (2) hereof, "guaranteed analysis" means the
40 minimum percentage of plant nutrients claimed in the following order
41 and form:

T1	(A) Total Nitrogen (N)	per cent
T2	Available Phosphoric Acid (P ₂ O ₅)	per cent
T3	Soluble Potash (K ₂ O)	per cent;

42 (B) For unacidulated mineral phosphatic materials and basic slag,
 43 both total and available phosphoric acid and the degree of fineness.
 44 For bone, tankage and other organic phosphatic materials, total
 45 phosphoric acid;

46 (C) Guarantees for plant nutrients other than nitrogen, phosphorus
 47 and potassium may be permitted or required by regulation of the
 48 commissioner. The guarantees for such other nutrients shall be
 49 expressed in the form of the element. The sources of such other
 50 nutrients, such as oxides, salt, chelates, etc., may be required to be
 51 stated on the application for registration and may be included as a
 52 parenthetical statement on the label. Other important beneficial or
 53 harmful substances or compounds, determinable by laboratory
 54 methods also may be guaranteed by provision of the director and
 55 commissioner, acting jointly. When any plant nutrients or other
 56 substances or compounds are guaranteed, they shall be subject to
 57 inspection and analysis in accord with the methods and regulations
 58 prescribed by the director.

59 (2) At any time after July 1, 1967, when the commissioner finds, after
 60 public hearing following due notice, that the requirement for
 61 expressing the guaranteed analysis of phosphorus and potassium in
 62 elemental form would not impose an economic hardship on
 63 distributors and users of fertilizer by reason of conflicting labeling
 64 requirements among the states, he may require by regulation
 65 thereafter that the guaranteed analysis shall be in the following form:

T4	Total Nitrogen (N)	per cent
T5	Available Phosphoric Acid (P)	per cent
T6	Soluble Potash (K)	per cent

66 provided the effective date of such regulation shall be not less than six

67 months following the issuance thereof, and provided, for a period of
68 two years following the effective date of such regulation, the
69 equivalent of phosphorus and potassium may also be shown in the
70 form of phosphoric acid and potash; provided, after the effective date
71 of a regulation issued under the provisions of this section, requiring
72 that phosphorus and potassium be shown in the elemental form, the
73 guaranteed analysis for nitrogen, phosphorus and potassium shall
74 constitute the grade;

75 (f) "Grade" means the percentages of total nitrogen, available
76 phosphorus or phosphoric acid, and soluble potassium or soluble
77 potash stated in whole numbers in the same terms, order and
78 percentages as in the guaranteed analysis;

79 (g) "Official sample" means any sample of commercial fertilizer
80 taken by the commissioner or his agent and designated as official by
81 the commissioner;

82 (h) "Ton" means a net weight of two thousand pounds avoirdupois;

83 (i) "Per cent" or "percentage" means the percentage by weight;

84 (j) "Person" includes individual, partnership, association, firm,
85 limited liability company and corporation;

86 (k) "Distributor" means any person who imports, consigns,
87 manufactures, produces, compounds, mixes or blends commercial
88 fertilizer, or who offers for sale, barter or otherwise supplies
89 commercial fertilizer in this state;

90 (l) "Registrant" means the person who registers commercial fertilizer
91 under the provisions of this chapter;

92 (m) "Director" means the director of the Connecticut Agricultural
93 Experiment Station;

94 (n) "Commissioner" means the Commissioner of Agriculture.]

95 (1) "Fertilizer" means any substance containing one or more
 96 recognized plant nutrients, which is used for its plant nutrient content
 97 and which is designed for use or claimed to have value in promoting
 98 plant growth. Fertilizer does not include unmanipulated animal and
 99 vegetable manures, marl, lime, limestone, wood, ash and other
 100 products exempted by regulations adopted by the commissioner
 101 pursuant to section 22-111j, as amended by this act.

102 (2) "Fertilizer material" means a fertilizer which: (A) Contains
 103 important quantities of not more than one of the primary plant
 104 nutrients nitrogen, phosphate or potash, or (B) has not less than eighty-
 105 five per cent of its plant nutrient content present in the form of a single
 106 chemical compound, or (C) is derived from a plant or animal residue,
 107 by-product or natural material deposit which has been processed in a
 108 manner that results in its content of plant nutrients not having been
 109 materially changed, except by purification and concentration.

110 (3) "Mixed fertilizer" means a fertilizer containing any combination
 111 or mixture of fertilizer materials.

112 (4) "Specialty fertilizer" means a fertilizer distributed for nonfarm
 113 use.

114 (5) "Bulk fertilizer" means a fertilizer distributed in a nonpackaged
 115 form.

116 (6) "Brand" means a term, design or trademark used in connection
 117 with one or more grades of fertilizer.

118 (7) "Guaranteed analysis" means the minimum percentage of plant
 119 nutrients claimed in the following order and form:

- T7 (A) Total Nitrogen (N) per cent
- T8 (B) Available Phosphate (P₂O₅) per cent
- T9 (C) Soluble Potash (K₂O) per cent

120 (8) "Grade" means the percentage of total nitrogen, available

121 phosphate and soluble potash, stated in whole numbers in the same
122 terms, order and percentages as in the guaranteed analysis.

123 (9) "Official sample" means any sample of fertilizer taken by the
124 commissioner or the commissioner's duly authorized agent and
125 designated as such by the commissioner.

126 (10) "Ton" means a net weight of two thousand pounds avoirdupois.

127 (11) "Primary nutrient" means total nitrogen, available phosphate or
128 soluble potash.

129 (12) "Per cent" or "percentage" means percentage by weight.

130 (13) "Person" means an individual, partnership, association, firm,
131 corporation, limited liability company or other entity.

132 (14) "Distribute" means to import or consign or to offer for sale, sell,
133 barter or otherwise supply fertilizer to any person in this state.

134 (15) "Distributor" means any person who distributes fertilizer.

135 (16) "Registrant" means a person who registers fertilizer pursuant to
136 this act.

137 (17) "Label" means the display of all written, printed or graphic
138 matter on a fertilizer container or a written statement accompanying a
139 fertilizer.

140 (18) "Labeling" means all written, printed or graphic matter upon or
141 accompanying any fertilizer, or advertisements, brochures, posters,
142 television or radio announcements and Internet web site content used
143 in promoting the sale of any fertilizer.

144 (19) "Investigational allowance" means an allowance for variations
145 inherent in the taking, preparation and analysis of an official sample of
146 fertilizer.

147 (20) "Deficiency" means the amount of nutrient found by analysis

148 that is less than the guaranteed analysis.

149 (21) "Blender" means any person or system engaged in the business
150 of blending fertilizer through the use of mobile or fixed equipment.

151 (22) "Blending" means the physical mixing or combining of the
152 following to produce a uniform mixture: (A) One or more fertilizer
153 materials and one or more filler materials, (B) two or more fertilizer
154 materials, or (C) two or more fertilizer materials and filler materials,
155 including mixing through the simultaneous or sequential application
156 of any combination of materials listed in this subsection.

157 (23) "Application" means the process of placement or usage of
158 fertilizer onto a targeted growing area.

159 (24) "Director" means the director of the Connecticut Agricultural
160 Experiment Station.

161 (25) "Commissioner" means the Commissioner of Agriculture.

162 Sec. 5. Section 22-111c of the general statutes is repealed and the
163 following is substituted in lieu thereof (*Effective July 1, 2009*):

164 (a) Each brand and grade of [commercial] fertilizer shall be
165 registered in the name of the person whose name appears on the label
166 for such fertilizer before being distributed in this state. The application
167 for registration shall be submitted to the commissioner on a form
168 furnished by the commissioner and shall be accompanied by a fee of
169 [fifteen] seventy-five dollars. [per major and minor element for each
170 brand and grade listed on the application form, provided the cost for
171 each registration shall not exceed ninety dollars per individual
172 product.] On and after January 1, [1993] 2010, said fee shall be
173 established by the commissioner by regulations adopted in accordance
174 with the provisions of [chapter 54] section 22-111j, as amended by this
175 act. The application shall include the following information: (1) The net
176 weight; (2) the brand and grade; (3) the guaranteed analysis; and (4)
177 the name and address of the registrant. [; (5) the sources from which

178 the nitrogen, phosphorus and potassium are derived.] Upon approval
179 of the application by the commissioner, a copy of the registration shall
180 be furnished to the applicant. All registrations shall expire on June
181 thirtieth of each year.

182 (b) A distributor shall not be required to register any [brand of
183 commercial] fertilizer which is already registered under this chapter by
184 another person, provided the label for such exempted fertilizer does
185 not differ in any material respect to such previously registered
186 fertilizer.

187 (c) A distributor shall not be required to register [a commercial]
188 fertilizer formulated according to specifications which are furnished by
189 a consumer prior to mixing; but shall be required to label such
190 fertilizer as provided in subsection (c) of section 22-111d, as amended
191 by this act.

192 Sec. 6. Section 22-111d of the general statutes is repealed and the
193 following is substituted in lieu thereof (*Effective July 1, 2009*):

194 (a) Any [commercial] fertilizer distributed in this state in containers
195 shall have placed on or affixed to the container a label setting forth in
196 clearly legible and conspicuous form the following information:
197 [required by subdivisions (1), (2), (3) and (4) of subsection (a) of section
198 22-111c] (1) Net weight, (2) brand and grade, provided the grade shall
199 not be required when no primary nutrients are claimed, (3) guaranteed
200 analysis, (4) the name and address of the registrant, and (5) directions
201 for use for fertilizer distributed to the end user.

202 (b) If the fertilizer is distributed in bulk shipments, a written or
203 printed statement of the information required by [said subdivisions]
204 subsection (a) of this section shall accompany delivery and be supplied
205 to the purchaser at the time of delivery.

206 (c) A [commercial] fertilizer formulated according to specifications
207 which are furnished by or for a consumer prior to mixing shall be
208 labeled to show the net weight, guaranteed analysis and the name and

209 address of the applicable distributor or registrant.

210 Sec. 7. Section 22-111e of the general statutes is repealed and the
211 following is substituted in lieu thereof (*Effective July 1, 2009*):

212 (a) [The commissioner shall adopt regulations in accordance with
213 the provisions of chapter 54 establishing] Each distributor shall pay to
214 the commissioner an inspection fee for all [commercial] fertilizer
215 distributed to nonregistrants in this state [, provided the minimum fee
216 shall be not less than] of twenty-five cents per ton, [and provided
217 further, sales] with a minimum inspection fee of ten dollars. Sales to
218 manufacturers or exchanges between them and sales by distributors
219 [of less than ten tons in any annual period provided for in subsection
220 (b) of this section] are exempted. Fees so collected shall be used for the
221 payment of the costs of inspection, sampling and analysis and other
222 expenses necessary for the administration of this chapter.

223 (b) Every person who distributes [a commercial] fertilizer in this
224 state shall: File with the commissioner, on forms furnished by the
225 commissioner, an annual statement for the period ending June thirtieth
226 setting forth the number of net tons of each [commercial] fertilizer
227 distributed in this state during such [annual] period. Such report shall
228 be due on or before the [fifteenth] thirtieth day of the month following
229 the close of each annual period and shall be accompanied by the
230 inspection fee established pursuant to subsection (a) of this section. If
231 the tonnage report is not filed, and the payment of the inspection fee is
232 not made [,] within sixty days after the end of the annual period, a
233 collection fee amounting to ten per cent of the amount, but not less
234 than ten dollars, shall be assessed against the registrant and may be
235 collected in a legal action against the registrant.

236 (c) When more than one person is involved in the distribution of a
237 [commercial] fertilizer, the last person who has the fertilizer registered
238 and who distributes to a nonregistered dealer or consumer shall be
239 responsible for reporting the tonnage and paying the inspection fee,
240 unless the report and payment have been previously made by a prior

241 distributor of the fertilizer.

242 Sec. 8. Section 22-111f of the general statutes is repealed and the
243 following is substituted in lieu thereof (*Effective July 1, 2009*):

244 (a) For the purpose of the enforcement of the provisions of this
245 chapter or any regulation adopted by the commissioner pursuant to
246 section 22-111j, as amended by this act, the commissioner or [his] the
247 commissioner's authorized agent, upon presenting appropriate
248 credentials, [is authorized (1) to enter, during normal business hours,]
249 may: (1) Enter any factory, warehouse or establishment within the
250 state in which [commercial] fertilizers are manufactured, processed,
251 packed or held for distribution, [or to] (2) enter any vehicle being used
252 to transport or hold such fertilizers, and [(2) to inspect at reasonable
253 times and within reasonable limits and in a reasonable manner,] (3)
254 inspect such factory, warehouse, establishment or vehicle and all
255 pertinent equipment, finished and unfinished materials, containers
256 and labeling therein.

257 (b) The commissioner, [who may act through his] or the
258 commissioner's authorized agent, shall sample and inspect
259 [commercial] fertilizers distributed within this state at such times and
260 places and to such extent as [he] the commissioner may deem
261 necessary to determine whether such [commercial] fertilizers are in
262 compliance with the provisions of this chapter or any regulation
263 adopted by the commissioner pursuant to section 22-111j, as amended
264 by this act. The commissioner, individually or through [his] the
265 commissioner's duly authorized agent, is authorized to enter upon any
266 public or private premises or carriers [during regular business hours]
267 in order to have access to [commercial] fertilizers subject to the
268 provisions of this chapter and [the rules and regulations pertaining
269 thereto] any regulations adopted by the commissioner pursuant to
270 section 22-111j, as amended by this act. The director or [his] the
271 director's agent shall analyze samples designated official by the
272 commissioner.

273 (c) The methods of analysis and sampling shall be those adopted by
274 the [director and commissioner from recognized authorities such as
275 the Journal of the] Association of Official Analytical Chemists
276 International.

277 (d) The commissioner, in determining for administrative purposes
278 whether any [commercial] fertilizer is deficient in plant food, shall be
279 guided solely by the official sample obtained and analyzed as
280 provided for in this section.

281 (e) The results of official analysis shall be forwarded by the director
282 to the commissioner, registrant and distributor. Upon request, the
283 director shall furnish to the registrant a portion of any sample found
284 subject to penalty or other legal action. Official samples for which
285 penalties are assessed for nutritional deficiencies shall be retained by
286 the director for not less than ninety days following the issuance of a
287 deficiency report.

288 [(f) If the analysis provided for in this section shows that any
289 commercial fertilizer falls short of the guaranteed analysis in any one
290 or more ingredients, a penalty shall be assessed in accordance with the
291 following provisions: (1) For less than the minimum of total nitrogen,
292 available phosphoric acid, soluble potash, three times the value of the
293 deficiency of any one or more of said ingredients should such
294 deficiency exceed the official investigational allowances as provided in
295 regulations adopted by the commissioner and (2) for less than the
296 minimum in any other constituent covered under subdivision (1) of
297 subsection (e) of section 22-111b, which the registrant is required to or
298 may guarantee, three times the value of the deficiency of such
299 constituent should such deficiency exceed the official investigational
300 allowance as provided in regulations adopted by the commissioner.

301 (g) All penalties assessed under this section shall be paid to the
302 consumer of the lot of commercial fertilizer represented by the sample
303 analyzed within three months after the date of notice from the
304 commissioner to the registrant. Receipts shall be taken therefor and

305 promptly forwarded to the commissioner. If such consumers cannot be
306 found, the amount of the penalty shall be paid to the commissioner
307 who shall remit the money to the State Treasurer for deposit in the
308 General Fund. The provisions of this section shall apply only to
309 purchases of one ton or more of fertilizer.

310 (h) For the purpose of determining the commercial value of any
311 commercial fertilizer to be applied under the provisions of this section
312 the commissioner shall determine and publish annually the values per
313 unit of nitrogen, available phosphoric acid and soluble potash in
314 commercial fertilizers in this state. If guarantees are as provided in
315 subdivision (2) of subsection (e) of section 22-111b, the value shall be
316 per unit of nitrogen, phosphorus and potassium. The values so
317 determined and published shall be used in determining and assessing
318 penalties.]

319 Sec. 9. (NEW) (*Effective July 1, 2009*) (a) For unacidulated mineral
320 phosphatic material and basic slag, bone, tankage and other organic
321 phosphatic materials, the total phosphate and degree of fineness may
322 be guaranteed. Guarantees for plant nutrients other than nitrogen,
323 phosphorus and potassium shall comply with the provisions of this act
324 and with regulations adopted by the commissioner pursuant to section
325 22-111j of the general statutes, as amended by this act. Guarantees for
326 other nutrients shall be expressed in the form of the primary element
327 of such other nutrient. The commissioner may require the source of
328 other nutrients, including, but not limited to, oxides, salts and chelates,
329 to be stated on the product label and application for registration. Other
330 beneficial substances or compounds, determinable by laboratory
331 methods, may be guaranteed by permission of the commissioner and
332 with the advice of the director. Any guaranteed plant nutrients or
333 other substances or compounds shall be subject to inspection and
334 analysis in accordance with regulations adopted by the commissioner
335 pursuant to section 22-111j of the general statutes, as amended by this
336 act. Specialty fertilizers may be guaranteed in fractional units of not
337 greater than one per cent of total nitrogen, available phosphate, soluble
338 potash, fertilizer materials, bone meal and manures and similar

339 materials may be guaranteed in fractional units.

340 (b) If analysis shows a fertilizer is deficient in one or more of its
341 guaranteed primary plant nutrients beyond the investigational
342 allowances and compensations as established by this act or by any
343 regulation adopted by the commissioner pursuant to section 22-111j of
344 the general statutes, as amended by this act, a penalty payment of
345 three times the value of such deficiency shall be assessed by the
346 commissioner against the violator.

347 (c) All penalties assessed by the commissioner pursuant to this
348 section shall be paid by the registrant to the consumer of the lot of
349 fertilizer represented by the sample analyzed not later than three
350 months after the date of notice from the commissioner to the registrant.
351 If the commissioner is unable to locate or identify such consumer, such
352 penalty payments shall be paid to the commissioner, who shall deposit
353 the same into the General Fund. If the commissioner finds upon
354 satisfactory evidence that a person has altered the content of fertilizer
355 supplied to him or her by a registrant, or to have mixed or
356 commingled fertilizer from two or more suppliers such that the result
357 of either alteration changes the analysis of the fertilizer as originally
358 guaranteed, the commissioner shall require such person to obtain a
359 registration and such person shall be held liable for all applicable
360 penalty payments and be subject to any other applicable provisions of
361 this act or any regulation adopted by the commissioner pursuant to
362 section 22-111j of the general statutes, as amended by this act,
363 including, but not limited to, seizure, condemnation and a stop sale
364 order by the commissioner.

365 (d) A deficiency in an official sample of mixed fertilizer resulting
366 from nonuniformity shall not be distinguishable from a deficiency due
367 to actual plant nutrient shortage and shall be subject to action by the
368 commissioner pursuant to sections 22-111a to 22-111j, inclusive, of the
369 general statutes, 22-111l to 22-111q, inclusive, of the general statutes
370 and sections 2, 3, 9, 10, 13, 15 and 22 of this act.

371 (e) Nothing contained in this section shall prevent any person from
372 commencing an action in Superior Court for damages or penalty
373 payments relating to fertilizer or fertilizer material.

374 Sec. 10. (NEW) (*Effective July 1, 2009*) The commissioner shall
375 determine and publish annually the values per unit of nitrogen,
376 available phosphate and soluble potash in fertilizers in this state, for
377 purposes of determining the commercial value to be applied pursuant
378 to sections 22-111a to 22-111j, inclusive, of the general statutes, 22-111l
379 to 22-111q, inclusive, of the general statutes and sections 2, 3, 9, 10, 13,
380 15 and 22 of this act. Such determined and published values shall be
381 used by the commissioner in determining and assessing penalty
382 payments pursuant to sections 22-111a to 22-111j, inclusive, of the
383 general statutes, 22-111l to 22-111q, inclusive, of the general statutes
384 and sections 2, 3, 9, 10, 13, 15 and 22 of this act.

385 Sec. 11. Section 22-111g of the general statutes is repealed and the
386 following is substituted in lieu thereof (*Effective July 1, 2009*):

387 [A commercial fertilizer is misbranded if it carries a false or
388 misleading statement on the container or on the label attached to the
389 container, or if false or misleading statements concerning the fertilizer
390 are disseminated in any manner or by any means. No person shall
391 distribute a misbranded fertilizer.]

392 No person shall distribute misbranded fertilizer. A fertilizer shall be
393 misbranded if: (1) The labeling for such fertilizer is false or misleading,
394 (2) the fertilizer is distributed under the name of another fertilizer
395 product, (3) the fertilizer is not labeled pursuant to section 22-111d, as
396 amended by this act, and in accordance with regulations adopted by
397 the commissioner pursuant to section 22-111j, as amended by this act,
398 or (4) such fertilizer is represented as a fertilizer or is represented as
399 containing a plant nutrient or fertilizer, unless such plant nutrient or
400 fertilizer conforms to the definition of identity, if any, prescribed by
401 regulations adopted by the commissioner pursuant to section 22-111j,
402 as amended by this act.

403 Sec. 12. Section 22-111h of the general statutes is repealed and the
404 following is substituted in lieu thereof (*Effective July 1, 2009*):

405 [(a) Each person registering commercial fertilizers under this
406 chapter shall furnish the commissioner with a confidential written
407 statement of the tonnage of each grade of commercial fertilizer sold by
408 him in this state for the annual period ending June thirtieth. No
409 information furnished under this section shall be disclosed in such a
410 way as to divulge the operation of any person.

411 (b) When more than one person is involved in the distribution of a
412 commercial fertilizer, the last person who has the fertilizer registered
413 and who distributes to a nonregistered dealer or consumer shall be
414 responsible for reporting the tonnage and paying the inspection fee,
415 unless the reporting and paying of fees have been made by a prior
416 distributor of the fertilizer.]

417 (a) Any person who distributes or sells fertilizer to a nonregistrant
418 shall furnish the commissioner with a written report detailing: (1) The
419 county of the consignee of such fertilizer, (2) the amount, in tons or
420 fractions thereof, of each grade of such fertilizer, and (3) the form in
421 which such fertilizer was distributed, including, but not limited to,
422 bags, bulk or liquid. Such written report shall be submitted to the
423 commissioner not later than the thirtieth day of July for distributions
424 or sales made by such person during the preceding twelve months.

425 (b) Except for law enforcement purposes or as otherwise required
426 by law, the commissioner shall not disclose to a third party any
427 individual identifying information concerning a person who has
428 submitted a report pursuant to subsection (a) of this section.

429 Sec. 13. (NEW) (*Effective July 1, 2009*) No person shall distribute an
430 adulterated fertilizer. A fertilizer shall be considered adulterated if the
431 commissioner determines: (1) Such fertilizer contains any deleterious
432 or harmful substance in sufficient amounts to render it injurious to
433 beneficial plant life, animals, humans, aquatic life, soil or water when
434 applied in accordance with directions for use on the label for such

435 fertilizer, (2) the label for such fertilizer does not contain adequate
436 warning statements or directions for use necessary to protect plant life,
437 animals, humans, aquatic life, soil or water, (3) the composition of such
438 fertilizer falls below or differs from that displayed on the label for such
439 fertilizer, or (4) such fertilizer contains unwanted crop or weed seed.

440 Sec. 14. Section 22-111i of the general statutes is repealed and the
441 following is substituted in lieu thereof (*Effective July 1, 2009*):

442 The director shall publish at least annually and in such forms as he
443 or she may deem proper: [(a)] (1) Information concerning the
444 distribution of [commercial] fertilizers and [(b)] (2) results of analyses
445 based on official samples of [commercial] fertilizers distributed within
446 the state as compared with the analyses guaranteed under sections 22-
447 111c, as amended by this act, and 22-111d, as amended by this act.

448 Sec. 15. (NEW) (*Effective July 1, 2009*) (a) Bulk fertilizers shall be
449 stored in a manner that minimizes the release of such fertilizers and
450 protects the environment.

451 (b) Fertilizer use and application shall comply with best
452 management practices and with regulations adopted by the
453 commissioner pursuant to section 22-111j of the general statutes, as
454 amended by this act.

455 Sec. 16. Section 22-111j of the general statutes is repealed and the
456 following is substituted in lieu thereof (*Effective July 1, 2009*):

457 [For the enforcement of this chapter, the commissioner is authorized
458 to prescribe and, after public hearing following due public notice, to
459 enforce such regulations relating to the distribution of commercial
460 fertilizers as he may find] The commissioner shall adopt regulations
461 regarding fertilizer, in accordance with the provisions of chapter 54, as
462 the commissioner finds necessary to carry into effect the full intent and
463 meaning of this chapter.

464 Sec. 17. Section 22-111l of the general statutes is repealed and the

465 following is substituted in lieu thereof (*Effective July 1, 2009*):

466 The commissioner may [cancel] revoke, refuse or suspend the
467 registration of any brand of [commercial] fertilizer or refuse to register
468 any brand of [commercial] fertilizer as herein provided, upon
469 satisfactory evidence that the registrant or applicant for registration
470 has violated any provision of this chapter or has used fraudulent or
471 deceptive practices in the evasion or attempted evasion of the
472 provisions of this chapter or any regulations [promulgated] adopted
473 thereunder; provided no registration shall be revoked, [or] refused or
474 suspended until the registrant has been given the opportunity to
475 appear for a hearing by the commissioner or the commissioner's
476 designee.

477 Sec. 18. Section 22-111m of the general statutes is repealed and the
478 following is substituted in lieu thereof (*Effective July 1, 2009*):

479 The commissioner may issue and enforce a written or printed "stop
480 sale, use or removal" order to the owner or custodian of any lot of
481 [commercial] fertilizer to hold such fertilizer at a designated place
482 when the commissioner finds such [commercial] fertilizer is being
483 offered or exposed for sale in violation of any provision of this chapter
484 or any regulation adopted by the commissioner pursuant to section 22-
485 111j, as amended by this act, until the [law has] provisions of this act or
486 any such regulation have been complied with and such [commercial]
487 fertilizer is released in writing by the commissioner or such violation
488 has been otherwise legally disposed. The commissioner shall release
489 the [commercial] fertilizer so withdrawn when the requirements of the
490 provisions of this chapter or any regulation adopted by the
491 commissioner pursuant to section 22-111j, as amended by this act, have
492 been complied with and all costs and expenses incurred in connection
493 with the withdrawal have been paid. The owner or custodian of any
494 lot of fertilizer, who has been issued a stop sale, use or removal order
495 pursuant to this section, shall be given the opportunity to appear for a
496 hearing by the commissioner or the commissioner's designee.

497 Sec. 19. Section 22-111n of the general statutes is repealed and the
498 following is substituted in lieu thereof (*Effective July 1, 2009*):

499 Any [lot of commercial] fertilizer not in compliance with the
500 provisions of this chapter or any regulation adopted pursuant to
501 section 22-111j, as amended by this act, shall be subject to seizure [on
502 complaint of] by the commissioner. [to a court of competent
503 jurisdiction in the area in which such commercial fertilizer is located.]
504 If, after seizure, the [court] commissioner finds such [commercial]
505 fertilizer to be in violation of this chapter or any regulation adopted
506 pursuant to section 22-111j, as amended by this act, and orders the
507 condemnation of such [commercial] fertilizer, it shall be disposed of in
508 any manner consistent with the quality of the [commercial] fertilizer
509 and the laws of the state; provided in no instance shall the disposition
510 of such [commercial] fertilizer be ordered by the [court] commissioner
511 without first giving the claimant an opportunity [to apply to] for a
512 hearing by the [court] commissioner or the commissioner's designee
513 for release of such [commercial] fertilizer or for permission to process
514 or relabel such [commercial] fertilizer to bring it into compliance with
515 this chapter or any regulation adopted pursuant to section 22-111j, as
516 amended by this act.

517 Sec. 20. Section 22-111o of the general statutes is repealed and the
518 following is substituted in lieu thereof (*Effective July 1, 2009*):

519 (a) If it appears from the examination of any [commercial] fertilizer
520 that any provision of this chapter or [the regulations issued
521 thereunder] any regulation adopted pursuant to section 22-111j, as
522 amended by this act, has been violated, the commissioner shall cause
523 notice of the violation to be given to the registrant, distributor or
524 possessor from whom the sample was taken. Any person so notified
525 shall be given opportunity to be heard [under such regulations as may
526 be prescribed] by the commissioner. If it appears after such hearing,
527 either in the presence or absence of the person so notified, that any [of
528 the provisions] provision of this chapter or [rules and regulations
529 issued thereunder have] any regulation adopted pursuant to section

530 22-111j, as amended by this act, has been violated, [the commissioner
531 may certify the facts to the prosecuting officer having jurisdiction]
532 such person shall be fined not more than five hundred dollars for each
533 such violation.

534 [(b) Any person convicted of violating any provision of this chapter
535 or any regulation issued thereunder shall be fined not more than five
536 hundred dollars.

537 (c) Nothing in this chapter shall be construed as requiring the
538 commissioner or his representative to report for prosecution or for the
539 institution of seizure proceedings minor violations of this chapter
540 when he believes that the public interests will be best served by a
541 suitable notice of warning in writing.

542 (d) Each prosecuting officer to whom any violation is reported shall
543 cause appropriate proceedings to be instituted and prosecuted in a
544 court of competent jurisdiction without delay.]

545 [(e)] (b) The commissioner may apply for and any court of
546 competent jurisdiction may grant a temporary or permanent injunction
547 restraining any person from violating or continuing to violate any
548 provision of this chapter or any regulation [promulgated thereunder]
549 adopted pursuant to section 22-111j, as amended by this act,
550 notwithstanding the existence of other remedies at law. Such
551 injunction shall be issued without bond.

552 Sec. 21. Section 22-111p of the general statutes is repealed and the
553 following is substituted in lieu thereof (*Effective July 1, 2009*):

554 Nothing in this chapter shall be construed to restrict or avoid sales
555 or exchanges of [commercial] fertilizers between importers,
556 manufacturers or manipulators who mix fertilizer materials for sale or
557 to prevent the free and unrestricted shipments of [commercial]
558 fertilizer to manufacturers or manipulators who have registered their
559 brands as required by the provisions of this chapter or any regulation
560 adopted pursuant to section 22-111j, as amended by this act.

561 Sec. 22. (NEW) (*Effective July 1, 2009*) The commissioner may
562 cooperate with and enter into agreement with governmental agencies
563 of this state, other states and agencies of the federal government in
564 order to carry out the purpose and provisions of sections 22-111a to 22-
565 111j, inclusive, of the general statutes, 22-111l to 22-111q, inclusive, of
566 the general statutes and sections 2, 3, 9, 10, 13, 15 and 22 of this act, or
567 any regulation adopted pursuant to section 22-111j of the general
568 statutes, as amended by this act.

569 Sec. 23. Section 22-127 of the general statutes is repealed and the
570 following is substituted in lieu thereof (*Effective October 1, 2009*):

571 The terms defined in this section shall, as used in this chapter, have
572 the meanings set forth in this section unless otherwise clearly indicated
573 in the context.

574 (1) "Adulterated" means any milk, milk product, retail raw milk or
575 cheese: (A) Which bears or contains any poisonous or deleterious
576 substance which may render it injurious to health, provided if the
577 substance is not an added substance, such milk, milk product, retail
578 raw milk or cheese shall not be considered adulterated if the quantity
579 of such substance in such milk, milk product, retail raw milk or cheese
580 would not ordinarily render it injurious to health, (B) which bears or
581 contains any added poisonous or added deleterious substance which is
582 unsafe, (C) which consists in whole or in part of any diseased,
583 contaminated, filthy, putrid or decomposed substance or is otherwise
584 unfit for food, (D) which has been produced, prepared, packed or held
585 under insanitary conditions whereby it may have become
586 contaminated with filth or may have been rendered diseased,
587 unwholesome or injurious to health, or (E) whose packaging or
588 container is composed in whole or in part of any poisonous or
589 deleterious substance which may render the contents injurious to
590 health.

591 [(1)] (2) "Bulk tank unit" means a dairy farm or group of dairy farms
592 from which raw milk is collected for pasteurization for which a single

593 entity sanitation compliance rating is issued.

594 [(2)] (3) "Commissioner" means the Commissioner of Agriculture.

595 [(3)] (4) "Cheese manufacturer" means any person, firm, corporation
596 or cooperative association engaged in the production, receiving or
597 handling of milk or milk products, which milk products, in whole or in
598 part, are intended to be manufactured into cheese for distribution or
599 sale in or outside this state.

600 [(4)] (5) "Dealer" means any person, firm, corporation or cooperative
601 association engaged in the receiving, handling, purchasing,
602 distribution or sale of fluid milk or milk products, which fluid milk or
603 milk products, in whole or in part, are intended for bottling,
604 manufacturing, processing, distribution or sale in this state.

605 [(5)] (6) "Filled milk" means any combination of nonmilk fat or oil
606 and milk, whether or not it is fresh, cultured, reconstituted or modified
607 by the addition of nonfat milk solids, with or without milkfat, so that
608 the product, including stabilizers, emulsifiers or flavoring, resembles
609 milk or any other fluid milk product, and contains less than six per
610 cent nonmilk fat or oil.

611 [(6)] (7) "Handler" means any person, firm, corporation or
612 cooperative association engaged in the receiving, handling,
613 distribution or sale of fluid milk or milk products, which fluid milk or
614 milk products, in whole or in part, are intended for bottling,
615 manufacturing, processing, distribution or sale in this state.

616 (8) "Misbranded" means the use of any label, written or printed
617 advertising or graphic upon or accompanying a product or container
618 of milk, milk products or cheese, including, but not limited to, signs,
619 electronic displays, electronic communication, placards or other means
620 of communication intended to provide information to consumers,
621 which is false or misleading or which violates any applicable
622 municipal, state or federal labeling requirement.

623 [(7)] (9) "Nonstandardized milk products" means milk-based
624 products modified so they do not meet the definition of optional
625 ingredients established in 21 CFR 131.110, contain milk and milk
626 products, are intended to replace or be a substitute for standardized
627 fluid milk products. Nonstandardized milk products may contain safe
628 and suitable ingredients not present in standardized milk products.

629 [(8)] (10) "Pasteurization" or "pasteurized" has the same meaning, as
630 defined in section 1 of the Pasteurized Milk Ordinance as promulgated
631 by the United States Food and Drug Administration.

632 [(9)] (11) "Producer" means any person, firm or corporation that
633 operates a dairy farm that provides, sells or offers milk to any dealer,
634 person, handler, company or cooperative for sale.

635 [(10)] (12) "Public eating places" means places where meals are
636 served to the general public, including, but not limited to, public or
637 private schools and colleges, hotels, restaurants, clubs, lunchrooms,
638 bars, fountains or any place of public entertainment.

639 [(11)] (13) "Raw milk" or "milk for pasteurization" means normal
640 lacteal secretion that is practically free of colostrum and that is
641 obtained by the complete milking of one or more healthy hooved
642 mammals.

643 [(12)] (14) "Raw milk cheese" means aged hard cheese that meets the
644 sanitary provisions of this chapter and that is produced from retail raw
645 milk.

646 [(13)] (15) "Retail raw milk" means normal lacteal secretion that is
647 practically free of colostrum, that is obtained by the complete milking
648 of one or more healthy goats, sheep or cows, that is intended for
649 human consumption in the unpasteurized state and that meets the
650 sanitary standards of this chapter.

651 [(14)] (16) "Retail raw milk producer" means any person, firm,
652 corporation or cooperative association engaged in the production,

653 handling, distribution or sale of retail raw milk.

654 [(15)] (17) "Retail raw milk cheese manufacturer" means any person,
655 firm, corporation or cooperative association engaged in the
656 production, handling, distribution or sale of cheese manufactured from
657 retail raw milk.

658 [(16)] (18) "Safe and suitable ingredients" are food ingredients
659 generally recognized as safe, as referenced in 21 CFR [184.1] 184 and 21
660 CFR 186.

661 [(17)] (19) "Standardized milk and milk products" or "milk or milk
662 products" means products for which a standard of identity has been
663 established pursuant to 21 CFR 131.110.

664 Sec. 24. Section 22-129 of the general statutes is repealed and the
665 following is substituted in lieu thereof (*Effective October 1, 2009*):

666 (a) The Commissioner of Agriculture or the commissioner's duly
667 authorized agent shall prohibit the sale or offering for sale or
668 distribution of any cheese, milk or other milk product which is
669 insanitary or detrimental to health, and which has not been produced,
670 processed, cared for or handled in the manner prescribed in this
671 chapter and in chapter 431 and by the regulations of the Milk
672 Regulation Board.

673 (b) The following are prohibited: (1) The sale, offering for sale or
674 offering for barter or exchange any milk, milk product or cheese that is
675 adulterated, (2) the adulteration of any milk, milk product or cheese,
676 (3) the sale, offering for sale, offering for barter or exchange,
677 manufacturing, distributing or processing any milk, milk product or
678 cheese from any facility not licensed pursuant to section 22-229, or (4)
679 the sale, offering for sale, distributing, offering for barter or exchange
680 any milk for pasteurization, retail raw milk or retail raw milk cheese
681 from any dairy farm not registered pursuant to section 22-172 or 22-
682 173a.

683 (c) The provisions of this section shall not apply to the production of
684 milk, milk products, raw milk or raw milk products and the
685 manufacture of cheese for personal consumption or for consumption
686 by immediate family members.

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

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

694 Sec. 25. Section 22-211a of the general statutes is repealed and the
695 following is substituted in lieu thereof (*Effective October 1, 2009*):

696 The Commissioner of Agriculture may adopt, and from time to time
697 revise and amend, regulations, in accordance with the provisions of
698 chapter 54, necessary and appropriate to effectuate the policy and
699 provisions of this part or any ruling or order issued hereunder. The
700 commissioner shall have power to exempt from any regulation issued
701 hereunder all dealers selling not more than three hundred quarts of
702 milk per month. [The commissioner may adopt regulations which
703 incorporate by reference the provisions of the federal Pasteurized Milk
704 Ordinance promulgated by the United States Food and Drug
705 Administration provided such regulations shall be consistent with any
706 regulations adopted under section 22-133, and further provided such
707 regulations may by reference specifically incorporate any future
708 amendment to said ordinance.]

709 Sec. 26. (NEW) (*Effective October 1, 2009*) All milk dealers processing,
710 handling, storing, distributing, transporting, selling or offering for sale,
711 barter or exchange any milk, milk product or cheese shall comply with
712 the sanitation, handling, storage and processing provisions of chapter
713 430 of the general statutes and any regulations adopted thereunder.

714 Sec. 27. Section 22-111k of the general statutes is repealed. (*Effective*
 715 *July 1, 2009*)"

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	22-111a
Sec. 2	<i>July 1, 2009</i>	New section
Sec. 3	<i>July 1, 2009</i>	New section
Sec. 4	<i>July 1, 2009</i>	22-111b
Sec. 5	<i>July 1, 2009</i>	22-111c
Sec. 6	<i>July 1, 2009</i>	22-111d
Sec. 7	<i>July 1, 2009</i>	22-111e
Sec. 8	<i>July 1, 2009</i>	22-111f
Sec. 9	<i>July 1, 2009</i>	New section
Sec. 10	<i>July 1, 2009</i>	New section
Sec. 11	<i>July 1, 2009</i>	22-111g
Sec. 12	<i>July 1, 2009</i>	22-111h
Sec. 13	<i>July 1, 2009</i>	New section
Sec. 14	<i>July 1, 2009</i>	22-111i
Sec. 15	<i>July 1, 2009</i>	New section
Sec. 16	<i>July 1, 2009</i>	22-111j
Sec. 17	<i>July 1, 2009</i>	22-111l
Sec. 18	<i>July 1, 2009</i>	22-111m
Sec. 19	<i>July 1, 2009</i>	22-111n
Sec. 20	<i>July 1, 2009</i>	22-111o
Sec. 21	<i>July 1, 2009</i>	22-111p
Sec. 22	<i>July 1, 2009</i>	New section
Sec. 23	<i>October 1, 2009</i>	22-127
Sec. 24	<i>October 1, 2009</i>	22-129
Sec. 25	<i>October 1, 2009</i>	22-211a
Sec. 26	<i>October 1, 2009</i>	New section
Sec. 27	<i>July 1, 2009</i>	Repealer section