



General Assembly

**Amendment**

January Session, 2009

LCO No. 9202

\*HB0581909202SR0\*

Offered by:  
SEN. FASANO, 34<sup>th</sup> Dist.

To: Subst. House Bill No. 5819      File No. 1016      Cal. No. 717

**"AN ACT ALLOWING THE PRODUCTION AND SALE OF  
ACIDIFIED FOOD PRODUCTS ON RESIDENTIAL FARMS."**

1      After the last section, add the following and renumber sections and  
2      internal references accordingly:

3      "Sec. 501. Section 22-127 of the general statutes is repealed and the  
4      following is substituted in lieu thereof (*Effective October 1, 2009*):

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

8      (1) "Adulterated" means any milk, milk product, retail raw milk or  
9      cheese: (A) Which bears or contains any poisonous or deleterious  
10     substance which may render it injurious to health, provided if the  
11     substance is not an added substance, such milk, milk product, retail  
12     raw milk or cheese shall not be considered adulterated if the quantity  
13     of such substance in such milk, milk product, retail raw milk or cheese  
14     would not ordinarily render it injurious to health, (B) which bears or

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

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

28 [(2)] (3) "Commissioner" means the Commissioner of Agriculture.

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

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

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

45 [(6)] (7) "Handler" means any person, firm, corporation or

46 cooperative association engaged in the receiving, handling,  
47 distribution or sale of fluid milk or milk products, which fluid milk or  
48 milk products, in whole or in part, are intended for bottling,  
49 manufacturing, processing, distribution or sale in this state.

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

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

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

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

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

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

77 [(12)] (14) "Raw milk cheese" means aged hard cheese that meets the  
78 sanitary provisions of this chapter and that is produced from retail raw  
79 milk.

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

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

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

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

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

98 Sec. 502. Section 22-129 of the general statutes is repealed and the  
99 following is substituted in lieu thereof (*Effective October 1, 2009*):

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

107     (b) The following are prohibited: (1) The sale, offering for sale or  
108     offering for barter or exchange any milk, milk product or cheese that is  
109     adulterated, (2) the adulteration of any milk, milk product or cheese,  
110     (3) the sale, offering for sale, offering for barter or exchange,  
111     manufacturing, distributing or processing any milk, milk product or  
112     cheese from any facility not licensed pursuant to section 22-229, or (4)  
113     the sale, offering for sale, distributing, offering for barter or exchange  
114     any milk for pasteurization, retail raw milk or retail raw milk cheese  
115     from any dairy farm not registered pursuant to section 22-172 or 22-  
116     173a.

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

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

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

126     Sec. 503. 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. 504. (NEW) (*Effective October 1, 2009*) All milk dealers  
142 processing, handling, storing, distributing, transporting, selling or  
143 offering for sale, barter or exchange any milk, milk product or cheese  
144 shall comply with the sanitation, handling, storage and processing  
145 provisions of chapter 430 of the general statutes and any regulations  
146 adopted thereunder."