



Substitute Senate Bill No. 57

Public Act No. 12-95

**AN ACT CONCERNING THE LICENSURE OF FOOD
MANUFACTURING ESTABLISHMENTS.**

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

Section 1. Section 21a-151 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

For the purposes of this chapter: [, "bakery"]

(1) "Bakery" means a building or part of a building wherein is carried on the production of bread, cakes, doughnuts, crullers, pies, cookies, crackers, spaghetti, macaroni or other food products made either wholly or in part of flour or meal and including all frozen or canned baked goods. All restaurants, hotels, private institutions, home bakeries, establishments operating doughnut-frying equipment and other similar places, offering their products for sale, shall be included.

(2) "Food manufacturing establishment" means a building or part of a building where food is prepared for sale to other establishments for human consumption. For purposes of this subdivision, "prepared" means a process of canning, cooking, freezing, dehydration or milling. Premises which are used solely for the retail sale or storage of prepackaged food and facilities, as described in sections 21a-24a and 22-6r, and chapters 417, 419a, 422, 423, 430, 431 and 491, shall not be

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considered food manufacturing establishments.

(3) "Packaged food" means standard or random weight or volume packages of food commodities that are enclosed in a container or wrapped in any manner in advance of wholesale or retail sale, such that the commodities cannot be added or subtracted from the package or wrapping without breaking or tearing the wrapping, container or seals on the wrapping or container.

Sec. 2. Section 21a-152 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

[(a) Each building or room occupied as a bakery shall be so situated as not to be exposed to contamination from its surroundings, shall be drained and plumbed in a manner conducive to a healthful and sanitary condition, shall be adequately lighted and shall have such airshafts and windows or ventilating pipes, to insure ventilation, as the Commissioner of Consumer Protection directs. Each bakery shall be provided with a washroom and lavatory facilities apart from the bake-room and any room where the manufacture of food products is conducted and suitable locker space shall be provided for each employee. Lavatory facilities shall not be within, or communicate directly with, production areas of a bakery. All bakery rooms shall be of a height adequate for proper ventilation. The walls and ceilings of preparation areas shall be constructed of a smooth material which is impervious to water and which is easily cleaned. Floors and walls shall fit tightly to prevent the accumulation of filth. All bakeries shall be free of vermin. Doors, windows, transoms, skylights and other openings shall be tightly screened between May first and November first of each year. The furniture, utensils and floors of such rooms shall be kept in a sanitary condition and fly-tight metal or plastic refuse containers shall be provided and emptied each day. Bakery products shall not be produced, prepared, packed or held under unsanitary conditions whereby they may be rendered unwholesome or otherwise injurious to

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health. The manufactured flour or meal food products shall be kept in clean, dry and airy rooms. Hot and cold running water under pressure shall be provided at a sink of sufficient size to be used for the washing of baking utensils. A sink suitable for washing hands shall be provided in the production area. Flour shall be stored on suitable racks at least six inches above the floor and all raw materials shall be protected in a sanitary manner at all times. Sleeping rooms shall be separated from the rooms where bakery products are manufactured or stored.]

(a) Each food manufacturing establishment shall be designed, constructed and operated as the Commissioner of Consumer Protection directs pursuant to this chapter and chapter 418.

(b) No person, firm or corporation shall operate a bakery or food manufacturing establishment with the intent of producing products for human consumption without having obtained from said commissioner a [bakery] license. Application for such license shall be made on forms, furnished by the commissioner, showing the name and address of such bakery [and] or food manufacturing establishment. Bakeries shall show the number of persons engaged in the production of bread and pastry products, excluding porters, dishwashers, drivers, sales personnel and other employees not directly engaged in such production. The commissioner shall cause an inspection to be made of the premises described in the application and, if conditions are found satisfactory, such license shall be issued. No person, firm or corporation operating a bakery, or any agent, servant or employee thereof, shall refuse, hinder or otherwise interfere with access by the commissioner or his authorized representative for the purpose of conducting an inspection. No person, firm or corporation shall sell or distribute bread, cakes, doughnuts, crullers, pies, cookies, crackers, spaghetti, macaroni or other food products, including frozen or canned baked goods made in whole or in part of flour or meal produced in any bakery located within or beyond the boundaries of this state, or

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shall sell or distribute food produced in a food manufacturing establishment located within the boundaries of this state unless such bakery or food manufacturing establishment has obtained a license from said commissioner. Facilities licensed pursuant to chapter 417 as food vendors and frozen dessert vendors, and all facilities licensed pursuant to chapters 419a and 430 shall be exempt from such licensing requirement. The commissioner may promulgate regulations excepting out-of-state manufacturers of products, commonly known as cookies, crackers, brown bread or plum puddings in hermetically sealed containers and other similar products, from the license provisions of this section. Such license shall be valid for one year and a fee therefor shall be collected as follows: From a person, firm or corporation owning or conducting a bakery in which there are four persons or fewer engaged in the production of bread and pastry products, twenty dollars; in which there are not fewer than five nor more than nine persons so engaged, forty dollars; in which there are not fewer than ten nor more than twenty-four persons so engaged, one hundred dollars; in which there are not fewer than twenty-five nor more than ninety-nine persons so engaged, two hundred dollars; in which there are more than one hundred persons so engaged, two hundred fifty dollars. The fee for a food manufacturer license shall be twenty dollars annually.

(c) A bakery or food manufacturer license may be revoked by said commissioner for violation of this chapter after a hearing conducted in accordance with chapter 54. In addition, a bakery or food manufacturer license may be summarily suspended pending a hearing if said commissioner has reason to believe that the public health, safety or welfare imperatively requires emergency action. Within ten days following the suspension order said commissioner shall cause to be held a hearing which shall be conducted in accordance with the provisions of said chapter 54. Following said hearing said commissioner shall dissolve such suspension or order revocation of the

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bakery or food manufacturer license. Any person, firm or corporation whose license has been revoked may make application for a new license and said commissioner shall act on such application within thirty days of receipt. The costs of any inspections necessary to determine whether or not an applicant, whose license has been revoked, is entitled to have a new license granted shall be borne by the applicant at such rates as the commissioner may determine. Said commissioner may refuse to grant any bakery or food manufacturer license if he or she finds that the applicant has evidenced a pattern of noncompliance with the provisions of this chapter. Prima facie evidence of a pattern of noncompliance shall be established if said commissioner shows that the applicant has had two or more bakery or food manufacturer licenses revoked.

(d) All vehicles used in the transportation of bakery products shall be kept in a sanitary condition and shall have the name and address of the bakery, owner, operator or distributor legibly printed on both sides. Each compartment in which unwrapped bakery products are transported shall be enclosed in a manner approved by the commissioner.

(e) The provisions of this section shall not prevent local health authorities from enforcing orders or regulations concerning the sanitary condition of bakeries or food manufacturing establishments.

(f) Any person who desires to obtain a license under the provisions of this chapter shall first obtain and present to the commissioner a certificate of approval of the location for which such license is desired. The certificate of approval shall be obtained from the zoning commission, planning and zoning commission or local authority of the town, city or borough in which the facility is located or is proposed to be located. A certificate of approval shall not be required in the case of the transfer of the last issued license from one person to another or in the case of a renewal of a license by the holder of the license. The

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commissioner shall not issue any license under the provisions of this chapter for which a certificate of approval is required until such certificate of approval is obtained by the license applicant.

Sec. 3. Section 21a-157 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

No employer shall knowingly permit to work in his or her bakery or food manufacturing establishment any person who is affected with [pulmonary tuberculosis or a scrofulous or venereal disease or with a communicable skin affection or with diphtheria, dysentery, paratyphoid fever, poliomyelitis, scarlet fever, smallpox, streptococcus sore throat, typhoid fever, tuberculosis, gonorrhoea or syphilis] any pathogen that is contained in The Center for Disease Control's "List of Infectious and Communicable Diseases which are Transmitted Through the Food Supply", as amended from time to time, except in those cases in which the director of health has given written authorization stating that the public health is not endangered, and each employer shall maintain himself or herself and his or her employees in a clean and sanitary condition, with clean, washable outer clothing, while engaged in the manufacture, handling or sale of food products. The commissioner or his or her authorized agents may order any person employed in a bakery or food manufacturing establishment to be examined by a licensed physician if he or she has reason to believe that such employee has [any disease enumerated above] a condition that may transmit a food-borne illness. No person shall be allowed to smoke in a bakery or food manufacturing establishment while in the performance of his or her duty.

Sec. 4. Section 21a-158 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

The owner, agent or lessee of any property used as a bakery or food manufacturing establishment shall, within thirty days after the service

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of notice upon him or her of an order issued by the Commissioner of Consumer Protection, comply therewith or cease to use or allow the use of such premises as a bakery or food manufacturing establishment. Such notice shall be in writing and may be served upon such owner, agent or lessee, either personally or by mail, and a notice by registered or certified letter, mailed to the last-known address of such owner, agent or lessee, shall be sufficient service.

Sec. 5. Section 21a-159 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2012*):

(a) Any person who violates any provision of this chapter, or any regulation made thereunder, or fails to comply with an order of the Commissioner of Consumer Protection, shall be fined not more than fifty dollars for the first offense, shall be fined not more than one hundred dollars or imprisoned not more than ten days for the second offense and shall be fined not more than two hundred dollars and imprisoned not more than thirty days for each subsequent offense.

(b) The commissioner may apply to the Superior Court for and such court may, upon hearing and for cause shown, grant a temporary or permanent injunction enjoining any person from operating a bakery or food manufacturing establishment without a license issued in accordance with this chapter, irrespective of whether or not there exists an adequate remedy at law. The commissioner also may apply to the Superior Court for, and such court shall have jurisdiction to grant, a temporary restraining order pending a hearing. Such application for injunctive or other appropriate relief shall be brought by the Attorney General.

(c) The Commissioner of Consumer Protection, after providing notice and conducting a hearing in accordance with the provisions of chapter 54, may issue a warning citation or impose a civil penalty of not more than one hundred dollars for the first offense and not more

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than five hundred dollars for each subsequent offense on any person who violates any provision of this chapter or any regulation adopted pursuant to section 21a-156.

Sec. 6. Section 21a-153 of the general statutes is repealed. (*Effective July 1, 2012*)