



**Senate Bill No. 326**

**Public Act No. 13-241**

**AN ACT CONCERNING CONNECTICUT'S EGG STATUTES AND  
REQUIRING THE ESTABLISHMENT OF A STANDARD OF CARE  
FOR ANIMAL IMPORTERS.**

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

Section 1. Section 22-40 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) All shell eggs of chickens sold or offered for sale for human consumption in this state by any person, firm or corporation shall be labeled with the grade and size designation as set forth in the consumer grades, except as hereinafter provided, and shall be labeled in compliance with the federal Food, Drug and Cosmetic Act, as amended from time to time, and the federal Egg Products Inspection Act, as amended from time to time. All shell eggs of turkeys, ducks, quail, guinea fowl or other birds whose eggs are suitable for human consumption and that are sold or offered for sale in this state by any person, firm or corporation shall be labeled in compliance with the federal Food, Drug and Cosmetic Act, as amended from time to time, and the federal Nutrition Labeling and Education Act, as amended from time to time.

(b) All retail establishments shall handle and store all shell eggs in

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compliance with the federal Food, Drug and Cosmetic Act, as amended from time to time. All shell egg distribution and shell egg grading establishments shall store, handle and transport eggs in compliance with the federal Egg Products Inspection Act, as amended from time to time.

(c) All shell eggs offered for sale shall be held, stored and transported at an ambient air temperature of not greater than forty-five degrees Fahrenheit, except that shell eggs may, for a functional reason, be tempered for processing, provided such eggs are not held for more than thirty-six hours at room temperature.

Sec. 2. Section 22-41 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[The standards of quality for consumer grades for shell eggs grade AA, grade A, grade B and grade C, established by the Commissioner of Agriculture, after consultation with the Commissioner of Consumer Protection, under the provisions of subsection (b) of section 22-27 and section 22-29, shall apply to all shell eggs sold or offered for sale by any person, firm or corporation. Any edible eggs not conforming to the specifications of grade AA, A, B or C shall be sold as "undergrade eggs", or as "checks", "cracks" or "dirties".] All shell eggs of chickens sold or offered for sale by any person, firm or corporation shall meet at least one of the consumer grades for shell eggs established by the United States Department of Agriculture under the federal Egg Products Inspection Act, as amended from time to time. Nonconforming edible eggs of chickens shall be sold as "undergrade eggs", or as "checks", "cracks" or "dirties". The final determination as to meeting these grades shall be made by candling.

Sec. 3. Section 22-42 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

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The net weight and size requirements for consumer grades for shell eggs, established by the [Commissioner of Agriculture, after consultation with the Commissioner of Consumer Protection, under the provisions of subsection (b) of section 22-27] United States Department of Agriculture under the federal Egg Products Inspection Act, as amended from time to time, shall apply to all shell eggs of chickens sold or offered for sale in this state by any person, firm or corporation.

Sec. 4. Section 22-44 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

The term "fresh eggs", "strictly fresh eggs", "hennery eggs" or "new-laid eggs" or words or descriptions of similar import shall not be used on any eggs which do not meet the minimum requirements for consumer grade A, or on any eggs which have been held in cold storage for more than thirty days. The word "Connecticut" may not be used in connection with the official grades unless the person or firm engaged in packing the eggs is registered with the state's Department of [Consumer Protection] Agriculture and the eggs were produced on Connecticut farms.

Sec. 5. Section 22-45 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person, firm or corporation shall advertise, falsely label, sell or offer for sale any eggs which do not conform to the [standards for quality and size for consumer grades established by the Commissioner of Agriculture, after consultation with the Commissioner of Consumer Protection, under the provisions of subsection (b) of section 22-27 and section 22-29, or which do not conform to the provisions of sections 22-40 to 22-44, inclusive] provisions of this part.

(b) The sale of: [inedible] (1) Inedible or adulterated eggs, as defined

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under the federal Food, Drug and Cosmetic Act, or the federal Egg Products Inspection Act, as amended from time to time, or (2) incubated eggs is prohibited, except that incubated eggs may be sold as commercial feed or for other commercial purposes other than human consumption, provided such incubated eggs shall be broken and denatured on the premises where incubated, in a manner approved by the Commissioner of [Consumer Protection] Agriculture or the commissioner's designated agent.

Sec. 6. Section 22-48 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[The Commissioner of Consumer Protection shall enforce the provisions of sections 22-40 to 22-45, inclusive, and may adopt suitable regulations to carry out such enforcement.]

(a) The Commissioner of Consumer Protection or the commissioner's designated agent shall enforce the provisions of this part by inspection of retail and wholesale distribution establishments in this state at a frequency determined by the commissioner. The Commissioner of Consumer Protection or the commissioner's designated agent may issue any notice of violation or order necessary to ensure compliance with this part. The Commissioner of Consumer Protection, in consultation with the Commissioner of Agriculture, may adopt regulations to carry out the provisions of this subsection.

(b) The Commissioner of Agriculture or the commissioner's designated agent shall enforce the provisions of this part by inspection of egg distributors and egg grading plants in this state at a frequency determined by the Commissioner of Agriculture. The Commissioner of Agriculture or the commissioner's designated agent may issue any notice of violation or order necessary to ensure compliance with this part. The Commissioner of Agriculture, in consultation with the Commissioner of Consumer Protection, may adopt regulations to carry

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out the provisions of this subsection.

Sec. 7. Section 22-48a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

[Each person, firm or corporation operating an egg-grading plant in Connecticut, which engages in receiving eggs from Connecticut producers for processing, distribution or sale, shall register with the Commissioner of Agriculture in a manner and on forms prescribed and furnished by the commissioner. Such registration shall be renewed annually during the month of October. Such registered person, firm or corporation shall not receive eggs for processing without a permit from the commissioner. Each person, firm or corporation so registered shall keep on file a list of all producers from which eggs are received.]

(a) For the purposes of this part, (1) "egg-grading plant" means any person, firm or corporation who engages in grading, washing or packing eggs in this state; (2) "egg distributor" means any person, firm or corporation in this state who receives packaged eggs and who distributes such eggs in the original packaging to institutional, wholesale or retail establishments; and (3) "shell egg" means any egg still in the shell.

(b) Each person, firm or corporation operating an egg grading plant in this state shall register with the Commissioner of Agriculture in a manner and on forms prescribed and furnished by the commissioner. Such registration shall be renewed annually during the month of October. Each location where eggs are washed, graded or packed in the final container shall be registered separately. No person, firm or corporation shall receive, distribute, process or offer eggs for sale without a registration.

(c) Each person, firm or corporation distributing eggs in this state shall register with the Commissioner of Consumer Protection in a

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manner and on forms prescribed and furnished by the Commissioner of Consumer Protection. No person, firm or corporation shall receive, distribute, process or offer eggs for sale in this state without a registration.

(d) Each registration for an egg grading plant or an egg distributor shall be renewed annually during the month of October. The annual registration and renewal fee for an egg grading plant or an egg distributor shall be fixed as follows: (1) For firms processing or handling six thousand dozen eggs or less per year, twenty dollars; (2) for firms processing or handling more than six thousand and thirty thousand dozen eggs or less per year, one hundred dollars; (3) for firms processing or handling more than thirty thousand and less than one hundred fifty thousand dozen eggs per year, three hundred dollars; or (4) for firms processing or handling one hundred fifty thousand dozen eggs or more per year, four hundred dollars.

(e) Each person registered pursuant to this section shall, at all times, keep on file a list of all sources from which eggs are received and a list of all accounts to which eggs are sold. Such lists shall be subject to inspection and shall be provided to the Commissioner of Agriculture or the Commissioner of Consumer Protection, as applicable, or such commissioners' respective designated agent upon request.

(f) Any application for registration or registration issued pursuant to this section may be refused, suspended or revoked for cause. In refusing to register or, in suspending or revoking any registration, the Commissioner of Agriculture or the Commissioner of Consumer Protection, as applicable, shall give due consideration to the applicant's or registrant's, as applicable, history of compliance with any written orders or notices of violation issued for any violation of this part or for any written violation of the general statutes or the regulations of Connecticut state agencies concerning food storage, food handling, food sanitation, food safety, egg room sanitation, egg disinfection, egg

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holding, egg packing, egg storage or egg cooling requirements. All registrations issued pursuant to this section shall be nontransferable.

(g) Any person aggrieved by an order of the Commissioner of Agriculture or the Commissioner of Consumer Protection, as applicable, or such commissioners' respective designated agent may appeal such order and request an administrative hearing, provided such appeal is in writing and received by the commissioner of the issuing agency not later than ten days after the date such person received such order. Such administrative hearing, if properly requested, shall be held not later than forty-five days after the date of such request. Any appeal made pursuant to this section shall be limited to whether or not the conditions or violations cited in such order existed. The Commissioner of Agriculture or the Commissioner of Consumer Protection, as applicable, or such commissioners' respective designated hearing officer shall render a final decision based upon all the evidence introduced, applying all pertinent provisions of law and regulations. Any final order of the Commissioner of Agriculture or the Commissioner of Consumer Protection, or such commissioners' respective designated hearing officer shall be subject to appeal, as set forth in sections 4-183 and 4-184, except that any such appeal shall be taken to the superior court for the judicial district of Hartford.

Sec. 8. Subsection (e) of section 22-344 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(e) (1) No animal importer shall import any dog or cat into this state until such person registers as an animal importer with the commissioner. Such registration shall be on a form as prescribed by the commissioner. Such registration shall require the submission of the following information: (A) The name, mailing address, business address, telephone number and Internet address of such registrant, (B)

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if such registrant is domiciled out-of-state, the name, Connecticut address and phone number of a Connecticut-based agent for service of process, and (C) the number of animals brought into the state during the prior year by such animal importer and the state or country of origin for each such animal. Such registration shall be accompanied by payment of a fee of one hundred dollars and shall be valid until the December thirty-first following such registration. Such registration shall be renewed annually, in accordance with the provisions of this subsection, provided the commissioner determines that such registrant complies with any requirements provided by the commissioner as to the health, safety and humane treatment of animals that is applicable to animal importers. Such registration shall not be required for any employee or volunteer of a registered animal importer or other person who is required to be licensed pursuant to the provisions of this chapter, provided such employee, volunteer or other person is not otherwise an animal importer. Any person who violates the provisions of this subdivision shall be fined not more than five hundred dollars.

(2) Any animal importer who intends to offer for sale, adoption or transfer any dog or cat at a venue or location that is open to the public or at an outdoor location, including, but not limited to, a parking lot or shopping center, shall provide notice to the Department of Agriculture and the municipal zoning enforcement officer of the town where any such sale, adoption or transfer will occur, not later than ten days prior to such event. Such notice shall state the date for such sale, adoption or transfer event, the exact location of such event and the anticipated number of animals for sale, adoption or transfer at such event. Any person who fails to provide notice as required pursuant to this subdivision shall be fined not more than one hundred dollars per animal that is offered for sale, adoption or transfer at such event.

(3) For the purpose of this subsection, "animal importer" means a person who brings any dog or cat into this state from any other

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sovereign entity for the purpose of offering such dog or cat to any person for sale, adoption or transfer in exchange for any fee, sale, voluntary contribution, service or any other consideration. "Animal importer" includes any commercial or nonprofit animal rescue or adoption, humane relocation or delivery organization that is not otherwise required to be licensed under the provisions of this chapter.

(4) The provisions of this subsection shall not be construed to apply to any animal importer who offers a dog or cat for sale to a pet shop that is licensed in accordance with the provisions of subsection (b) of this section, provided such animal is delivered directly to a pet shop.

(5) The Commissioner of Agriculture may inspect any animal imported by an animal importer or any record required to be kept by such animal importer, provided such inspection shall not authorize the entry of the commissioner into the residence of such animal importer.

(6) Not later than December 31, 2013, the Commissioner of Agriculture shall prescribe the conditions that constitute the humane treatment of animals that are applicable to animal importers. Such conditions shall include, but not be limited to, the appropriate shelter, availability of food and water and standard of care to be provided by an animal importer to such animals.

Approved July 2, 2013