



# Senate

General Assembly

**File No. 99**

January Session, 2013

Substitute Senate Bill No. 802

*Senate, March 21, 2013*

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## ***AN ACT CONCERNING CONNECTICUT'S EGG STATUTES.***

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

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 Section 22-40 of the general statutes is repealed and the  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

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

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

15 compliance with the federal Food, Drug and Cosmetic Act. All shell  
16 egg distribution and shell egg grading establishments shall store,  
17 handle and transport eggs in compliance with the federal Egg Products  
18 Inspection Act.

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

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 Section 22-41 of the general statutes is repealed and the  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

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

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

43 The net weight and size requirements for consumer grades for shell  
44 eggs, established by the [Commissioner of Agriculture, after  
45 consultation with the Commissioner of Consumer Protection, under  
46 the provisions of subsection (b) of section 22-27,] United States

47 Department of Agriculture under the federal Egg Products Inspection  
48 Act shall apply to all shell eggs of chickens sold or offered for sale in  
49 this state by any person, firm or corporation.

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

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

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

63 (a) No person, firm or corporation shall advertise, falsely label, sell  
64 or offer for sale any eggs which do not conform to the [standards for  
65 quality and size for consumer grades established by the Commissioner  
66 of Agriculture, after consultation with the Commissioner of Consumer  
67 Protection, under the provisions of subsection (b) of section 22-27 and  
68 section 22-29, or which do not conform to the provisions of sections 22-  
69 40 to 22-44, inclusive] provisions of this part.

70 (b) The sale of: [inedible] (1) Inedible or adulterated eggs, as defined  
71 under the federal Food, Drug and Cosmetic Act, or the federal Egg  
72 Products Inspection Act, or (2) incubated eggs is prohibited, except  
73 that incubated eggs may be sold as commercial feed or for other  
74 commercial purposes other than human consumption, provided such  
75 incubated eggs shall be broken and denatured on the premises where  
76 incubated, in a manner approved by the Commissioner of [Consumer  
77 Protection] Agriculture or the commissioner's designated agent.

78 Sec. 6. Section 22-47 of the general statutes is repealed and the  
79 following is substituted in lieu thereof (*Effective from passage*):

80 (a) Producers selling eggs of their own producing direct to  
81 household users are exempt from the provisions of this part provided,  
82 (1) such eggs are clean, stored at an ambient air temperature of not  
83 greater than forty-five degrees Fahrenheit and are not adulterated, and  
84 (2) the label contains the producer's name and address, the type of  
85 eggs if other than chicken eggs, the quantity of eggs, safe food  
86 handling instructions and is not otherwise misleading or false and  
87 makes no claim of grade or quality.

88 (b) All types of shippers selling eggs to a first receiver who will  
89 grade them into the proper size and grade before reselling are exempt  
90 from the provisions of this part.

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

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

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

105 (b) The Commissioner of Agriculture or the commissioner's  
106 designated agent shall enforce the provisions of this part by inspection  
107 of egg producers and egg grading plants in this state at a frequency  
108 determined by the Commissioner of Agriculture. The Commissioner of

109 Agriculture or the commissioner's designated agent may issue any  
110 notice of violation or order necessary to ensure compliance with this  
111 part. The Commissioner of Agriculture, in consultation with the  
112 Commissioner of Consumer Protection, may adopt regulations to carry  
113 out the provisions of this subsection.

114 Sec. 8. Section 22-48a of the general statutes is repealed and the  
115 following is substituted in lieu thereof (*Effective from passage*):

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

125 (a) For the purposes of this part, (1) "egg-grading plant" means any  
126 person, firm or corporation who engages in grading, washing or  
127 packing eggs in this state; (2) "egg distributor" means any person, firm  
128 or corporation in this state who receives packaged eggs and who  
129 distributes such eggs in the original packaging to institutional,  
130 wholesale or retail establishments; (3) "shell egg" means any egg still in  
131 the shell; and (4) "egg" means a shell egg.

132 (b) Each person, firm or corporation operating an egg grading plant  
133 in this state shall register with the Commissioner of Agriculture in a  
134 manner and on forms prescribed and furnished by the commissioner.  
135 Such registration shall be renewed annually during the month of  
136 October. Each location where eggs are washed, graded or packed in  
137 the final container shall be registered separately. Such registered  
138 person, firm or corporation shall not receive, distribute, process or  
139 offer eggs for sale without a permit.

140 (c) Each person, firm or corporation distributing eggs in this state

141 shall register with the Commissioner of Consumer Protection in a  
142 manner and on forms prescribed and furnished by the Commissioner  
143 of Consumer Protection. Such registered person, firm or corporation  
144 shall not receive, distribute, process or offer eggs for sale in this state  
145 without a permit.

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

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

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

174 registrations issued pursuant to this section shall be nontransferable.

175 (g) Any person aggrieved by an order of the Commissioner of  
 176 Agriculture or the Commissioner of Consumer Protection, as  
 177 applicable, or such commissioners' respective designated agent may  
 178 appeal such order and request an administrative hearing, provided  
 179 such appeal is in writing and received by the commissioner of the  
 180 issuing agency not later than ten days after the date such person  
 181 received such order. Such administrative hearing, if properly  
 182 requested, shall be held not later than forty-five days after the date of  
 183 such request. Any appeal made pursuant to this section shall be  
 184 limited to whether or not the conditions or violations cited in such  
 185 order existed. The Commissioner of Agriculture or the Commissioner  
 186 of Consumer Protection, as applicable, or such commissioners'  
 187 respective designated hearing officer shall render a final decision  
 188 based upon all the evidence introduced, applying all pertinent  
 189 provisions of law and regulations. Any final order of the  
 190 Commissioner of Agriculture or the Commissioner of Consumer  
 191 Protection, or such commissioners' respective designated hearing  
 192 officer shall be subject to appeal, as set forth in sections 4-183 and 4-  
 193 184, except that any such appeal shall be taken to the superior court for  
 194 the judicial district of Hartford.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22-40
Sec. 2	<i>from passage</i>	22-41
Sec. 3	<i>from passage</i>	22-42
Sec. 4	<i>from passage</i>	22-44
Sec. 5	<i>from passage</i>	22-45
Sec. 6	<i>from passage</i>	22-47
Sec. 7	<i>from passage</i>	22-48
Sec. 8	<i>from passage</i>	22-48a

**ENV**      *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Department of Agriculture	GF - Potential Revenue Gain	1,200	1,200
Consumer Protection, Dept.	GF - Potential Revenue Gain	12,000	12,000

**Municipal Impact:** None

**Explanation**

The bill requires egg-grading plants and egg distributors to register with the departments of Agriculture and Consumer Protection. As it is anticipated that the firms that would register would be processing more than 150,000 dozen eggs annually, the fee for registration with both agencies would be \$400 per firm (based on the tiered system of registration fees).

Three egg-grading firms are anticipated to register with the Department of Agriculture at an annual fee of \$400 each, generating approximately \$1,200 in revenue.

There are 30 egg distributors anticipated to register with the Department of Consumer Protection (DCP), also at an annual fee of \$400 each, generating approximately \$12,000 in annual revenue.

**The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of egg-grading firms and egg distributors that register with the state.



**OLR Bill Analysis****sSB 802*****AN ACT CONCERNING CONNECTICUT'S EGG STATUTES.*****SUMMARY:**

This bill updates Connecticut's egg statutes. It requires chicken eggs to be labeled, stored, handled, and graded in accordance with federal law. It prohibits the sale of adulterated eggs. Egg producers who sell eggs directly to consumers are exempt from current law, but the bill imposes minimal food safety requirements on them.

Current law defines an "egg-grading plant" as a person or entity that receives eggs from Connecticut producers for processing, distribution, or sale. The bill splits these responsibilities into two entities, egg-grading plant and egg distributor, and removes the limitation that the eggs be from Connecticut producers.

The bill grants regulatory authority over egg-grading plants to the Department of Agriculture (DoAg) and egg distributors to the Department of Consumer Protection (DCP). It establishes annual registration fees for both egg-grading plants and egg distributors. Registrations, which are nontransferable, may be refused, suspended, or revoked for cause.

The bill allows anyone aggrieved by an order of either the DoAg or DCP commissioner to appeal the order and request an administrative hearing. Final orders may be appealed to Hartford Superior Court.

By law, anyone who violates the egg statutes will be fined up to \$50 for the first offense and up to \$200 for each subsequent offense.

EFFECTIVE DATE: Upon passage

**§ 1 — EGG LABELING, STORAGE, AND HANDLING**

---

**Labeling**

Current law requires all shell eggs sold or offered for sale for human consumption to be labeled with grade and size. The bill requires eggs to be labeled in accordance with federal law, and distinguishes between chicken eggs and eggs from other birds (e.g., turkey, ducks, quail, or guinea fowl).

The bill requires sellers of chicken eggs to label the eggs in accordance with the federal Food, Drug and Cosmetic and Egg Products Inspection acts. These acts require eggs to be labeled with safe handling instructions, nutrition information, and pasteurization information, if applicable.

The bill requires sellers of other birds' eggs to label the eggs in accordance with the federal Food, Drug and Cosmetic and Nutrition and Labeling and Education acts. These acts require eggs to be labeled with safe handling instructions and nutrition information, as well as the name of the species.

**Storage and Handling**

The bill requires (1) retail establishments to handle and store all eggs in accordance with the federal Food, Drug and Cosmetic Act and (2) egg-grading plants and egg distributors to handle, store, and transport all eggs in accordance with the federal Egg Products Inspection Act. These acts generally require eggs to be kept at or below 45 degrees Fahrenheit.

The bill specifies that all eggs must be held, stored, and transported at no more than 45 degrees, but for functional reasons, eggs may be tempered for processing for up to 36 hours at room temperature.

**§ 2 — GRADING CHICKEN EGGS**

The bill requires chicken eggs to meet at least one of the consumer grades the U.S. Department of Agriculture (USDA) has established pursuant to the Egg Product Inspection Act. USDA allows edible eggs to be graded as AA, A, or B. The grades indicate the quality of the egg. (Current state law allows for eggs to be graded as AA, A, B, or C.)

As under existing law, nonconforming eggs must be sold as undergrade eggs, checks, cracks, or dirties. Although the bill does not define these terms, USDA defines a (1) “dirty” as an egg with an unbroken shell with adhering dirt or foreign material or stains and (2) “check” as an egg with a broken or cracked shell but with the shell membrane intact so that its contents do not leak.

The bill, as under existing law, requires grading determinations to be made through a process called candling, which involves eggs being examined under certain lighting to determine their condition.

#### **§ 4 — CONNECTICUT EGGS**

The bill shifts from DCP to DoAg the duty to register egg packers who use the word “Connecticut” in their grading system. The eggs must continue to be produced on Connecticut farms.

#### **§ 3 — WEIGHT AND SIZE REQUIREMENTS OF CHICKEN EGGS**

Current law requires the net weight and size requirements for eggs developed by the agriculture commissioner, in consultation with the consumer protection commissioner, to apply to all eggs sold or offered for sale. The bill instead requires the net weight and size requirements developed by the USDA to apply to all chicken eggs sold or offered for sale in Connecticut. The bill does not specify weight and size requirements for eggs from other birds.

#### **§ 5 — SALE OF NONCONFORMING EGGS PROHIBITED; EXCEPTION**

The bill prohibits advertising, falsely labeling, selling, or offering for sale any eggs that do not conform to its provisions. Current law prohibits such activity for eggs that do not meet the standards for quality and size established by the agriculture and consumer protection commissioners.

The law prohibits the sale of inedible eggs. The bill also prohibits the sale of adulterated eggs, as that term is defined in federal law. The federal Egg Products Inspection Act defines an adulterated egg as an egg that is generally injurious to health or unfit for human

consumption.

Current law also prohibits the sale of incubated eggs, with one exception. Incubated eggs may be sold as commercial feed or for other commercial purposes other than human consumption, if they are broken and denatured at the same location as incubated and in a manner the DCP commissioner approves. The bill instead requires the DoAg commissioner, or his designee, to grant approval.

### **§ 6 — EXEMPTION FROM EGG STATUTES**

The bill exempts egg producers who sell directly to consumers (e.g., from the farm or at a farmers' market) from Connecticut's egg statutes only if the eggs are clean, stored at no greater than 45 degrees Fahrenheit, not adulterated, and labeled. The label must include the producer's name and address, the types of eggs if other than chicken eggs, the quantity of eggs, and safe food handling instructions. It cannot be misleading, false, or make a claim of grade or quality.

Under current law, egg producers who sell eggs directly to consumers are exempt from Connecticut's egg statutes, and do not have to meet any standards.

### **§ 7 — REGULATORY AUTHORITY**

Current law requires the consumer protection commissioner to enforce the egg statutes and allows him to adopt regulations. The bill splits the enforcement of the egg statutes between the consumer protection and agriculture commissioners.

Specifically, the consumer protection commissioner, or his designee, must enforce the provisions relative to retail and wholesale distributors by inspecting them at a frequency he determines. The agriculture commissioner, or his designee, must enforce the provisions relative to egg producers and egg grading plants by inspecting them at a frequency he determines.

The commissioners may issue any notices of violation or orders needed to ensure compliance. They may also, in consultation with

each other, adopt implementing regulations.

## **§ 8 — REGISTRATION OF EGG-GRADING PLANTS AND EGG DISTRIBUTORS**

### ***Egg-grading Plants***

The law requires egg-grading plants in Connecticut to register with the agriculture commissioner. Registrations must be renewed annually in October. By registering, the commissioner grants an egg-grading plant a permit to receive eggs for processing. No one can receive eggs for processing without a permit.

The bill defines egg-grading plant as a person or entity who grades, washes, or packs eggs in Connecticut. It requires each location where eggs are graded, washed, or packed to be registered separately. It prohibits anyone from receiving, distributing, processing, or offering for sale eggs without a permit, presumably received from the commissioner upon registration.

Currently there is no fee for registering an egg grading plant. The bill establishes fees for registering and renewing a registration (see below).

### ***Egg Distributors***

The bill requires egg distributors in Connecticut to register with the consumer protection commissioner on forms he prescribes. Registrations must be renewed annually in October. An egg-distributor is a person or entity who receives packed eggs and distributes them in the original packaging to institutional, wholesale, or retail establishments. The bill prohibits anyone from receiving, distributing, processing, or offering for sale eggs without a permit, presumably received from the commissioner upon registration.

The bill establishes fees for registering an egg distributor and renewing a registration (see below).

### ***Registration Fees***

The bill establishes a graduated fee structure for egg-grading plant

and egg distributor registration and renewals. The registration and annual renewal fees are:

1. \$20 for firms processing or handling fewer than 6,000 dozen eggs per year,
2. \$100 for firms processing or handling between 6,000 and 30,000 dozen eggs per year,
3. \$300 for firms processing or handling between 30,000 and 150,000 dozen eggs per year, and
4. \$400 for firms processing or handling more than 150,000 dozen eggs per year.

The bill does not establish fees for firms that process or handle exactly 6,000, 30,000, or 150,000 dozen eggs per year.

### ***List of Egg Sources***

Current law requires registered egg-grading plants to keep on file a list of all producers from whom they receive eggs. The bill instead requires all registered egg-grading plants and egg distributors to keep on file a list of the sources from which eggs are received and a list of accounts to which eggs are sold. The lists are subject to review by the agriculture and consumer protection commissioner, or their designees, as applicable, upon request.

### ***Registrations can be Refused, Suspended, or Revoked for Cause***

The commissioners may refuse to issue, suspend, or revoke a registration for cause. The commissioners, in doing so, must consider the applicant's or registrant's history of compliance with any written orders or notices of violation for violating the egg statutes or any laws or regulations concerning food storage, handling, sanitation, or safety; egg room sanitation; or egg disinfection, holding, packing, storage, or cooling requirements.

### ***Registrations are Nontransferable***

The bill specifies that egg-grading plant or egg distributor

registrations are nontransferable.

***Appeal; Administrative Hearing***

The bill allows a person aggrieved by an order of either the agriculture or consumer protection commissioner, or their designee, to appeal the order and request an administrative hearing. The appeal must be in writing and received by the applicable commissioner within 10 days after the applicant received the order. An administrative hearing must be held within 45 days after the request.

An appeal must be limited to whether or not the conditions or violations cited in the order existed. The applicable commissioner or his designated hearing officer must issue a final decision based upon all the evidence introduced, applying all pertinent laws and regulations. A final order may be appealed to the Hartford Superior Court.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 21 Nay 7 (03/04/2013)