



General Assembly

Substitute Bill No. 802

January Session, 2013



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 Section 22-40 of the general statutes is repealed and the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 Section 22-41 of the general statutes is repealed and the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 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.