



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 Section 22-40 of the general statutes is repealed and the  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 Section 22-41 of the general statutes is repealed and the  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 22-48 of the general statutes is repealed and the  
79 following is substituted in lieu thereof (*Effective from passage*):

80 [The Commissioner of Consumer Protection shall enforce the  
81 provisions of sections 22-40 to 22-45, inclusive, and may adopt suitable

82 regulations to carry out such enforcement.]

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

92 (b) The Commissioner of Agriculture or the commissioner's  
93 designated agent shall enforce the provisions of this part by inspection  
94 of egg producers and egg grading plants in this state at a frequency  
95 determined by the Commissioner of Agriculture. The Commissioner of  
96 Agriculture or the commissioner's designated agent may issue any  
97 notice of violation or order necessary to ensure compliance with this  
98 part. The Commissioner of Agriculture, in consultation with the  
99 Commissioner of Consumer Protection, may adopt regulations to carry  
100 out the provisions of this subsection.

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 Section 22-48a of the general statutes is repealed and the  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

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

112 (a) For the purposes of this part, (1) "egg-grading plant" means any

113 person, firm or corporation who engages in grading, washing or  
114 packing eggs in this state; (2) "egg distributor" means any person, firm  
115 or corporation in this state who receives packaged eggs and who  
116 distributes such eggs in the original packaging to institutional,  
117 wholesale or retail establishments; (3) "shell egg" means any egg still in  
118 the shell; and (4) "egg" means a shell egg.

119 (b) Each person, firm or corporation operating an egg grading plant  
120 in this state shall register with the Commissioner of Agriculture in a  
121 manner and on forms prescribed and furnished by the commissioner.  
122 Such registration shall be renewed annually during the month of  
123 October. Each location where eggs are washed, graded or packed in  
124 the final container shall be registered separately. Such registered  
125 person, firm or corporation shall not receive, distribute, process or  
126 offer eggs for sale without a permit.

127 (c) Each person, firm or corporation distributing eggs in this state  
128 shall register with the Commissioner of Consumer Protection in a  
129 manner and on forms prescribed and furnished by the Commissioner  
130 of Consumer Protection. Such registered person, firm or corporation  
131 shall not receive, distribute, process or offer eggs for sale in this state  
132 without a permit.

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

144 (e) Each person registered pursuant to this section shall, at all times,

145 keep on file a list of all sources from which eggs are received and a list  
146 of all accounts to which eggs are sold. Such lists shall be subject to  
147 inspection and shall be provided to the Commissioner of Agriculture  
148 or the Commissioner of Consumer Protection, as applicable, or such  
149 commissioners' respective designated agent upon request.

150 (f) Any application for registration or registration issued pursuant  
151 to this section may be refused, suspended or revoked for cause. In  
152 refusing to register or, in suspending or revoking any registration, the  
153 Commissioner of Agriculture or the Commissioner of Consumer  
154 Protection, as applicable, shall give due consideration to the applicant's  
155 or registrant's, as applicable, history of compliance with any written  
156 orders or notices of violation issued for any violation of this part or for  
157 any written violation of the general statutes or the regulations of  
158 Connecticut state agencies concerning food storage, food handling,  
159 food sanitation, food safety, egg room sanitation, egg disinfection, egg  
160 holding, egg packing, egg storage or egg cooling requirements. All  
161 registrations issued pursuant to this section shall be nontransferable.

162 (g) Any person aggrieved by an order of the Commissioner of  
163 Agriculture or the Commissioner of Consumer Protection, as  
164 applicable, or such commissioners' respective designated agent may  
165 appeal such order and request an administrative hearing, provided  
166 such appeal is in writing and received by the commissioner of the  
167 issuing agency not later than ten days after the date such person  
168 received such order. Such administrative hearing, if properly  
169 requested, shall be held not later than forty-five days after the date of  
170 such request. Any appeal made pursuant to this section shall be  
171 limited to whether or not the conditions or violations cited in such  
172 order existed. The Commissioner of Agriculture or the Commissioner  
173 of Consumer Protection, as applicable, or such commissioners'  
174 respective designated hearing officer shall render a final decision  
175 based upon all the evidence introduced, applying all pertinent  
176 provisions of law and regulations. Any final order of the  
177 Commissioner of Agriculture or the Commissioner of Consumer

178 Protection, or such commissioners' respective designated hearing  
179 officer shall be subject to appeal, as set forth in sections 4-183 and 4-  
180 184, except that any such appeal shall be taken to the superior court for  
181 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>	22-48
Sec. 7	<i>from passage</i>	22-48a

**GL**      *Joint Favorable Subst.*