



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 Section 22-40 of the general statutes is repealed and the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 Section 22-41 of the general statutes is repealed and the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

JUD *Joint Favorable*