



General Assembly

Amendment

January Session, 2013

LCO No. 7420

SB0032607420SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. DOYLE, 9th Dist.
SEN. LEBEAU, 3rd Dist.

SEN. DUFF, 25th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.
SEN. MEYER, 12th Dist.

To: Senate Bill No. 326

File No. 146

Cal. No. 164

"AN ACT CONCERNING CONSUMER PROTECTION."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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 Section 22-40 of the general statutes is repealed and the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

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

13 person, firm or corporation shall be labeled in compliance with the
14 federal Food, Drug and Cosmetic Act and the federal Nutrition
15 Labeling and Education Act.

16 (b) All retail establishments shall handle and store all shell eggs in
17 compliance with the federal Food, Drug and Cosmetic Act. All shell
18 egg distribution and shell egg grading establishments shall store,
19 handle and transport eggs in compliance with the federal Egg Products
20 Inspection Act.

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

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 Section 22-41 of the general statutes is repealed and the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

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

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

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

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

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

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

65 (a) No person, firm or corporation shall advertise, falsely label, sell
66 or offer for sale any eggs which do not conform to the [standards for
67 quality and size for consumer grades established by the Commissioner
68 of Agriculture, after consultation with the Commissioner of Consumer
69 Protection, under the provisions of subsection (b) of section 22-27 and
70 section 22-29, or which do not conform to the provisions of sections 22-
71 40 to 22-44, inclusive] provisions of this part.

72 (b) The sale of: [inedible] (1) Inedible or adulterated eggs, as defined
73 under the federal Food, Drug and Cosmetic Act, or the federal Egg
74 Products Inspection Act, or (2) incubated eggs is prohibited, except
75 that incubated eggs may be sold as commercial feed or for other
76 commercial purposes other than human consumption, provided such

77 incubated eggs shall be broken and denatured on the premises where
78 incubated, in a manner approved by the Commissioner of [Consumer
79 Protection] Agriculture or the commissioner's designated agent.

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

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

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

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

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

105 [Each person, firm or corporation operating an egg-grading plant in
106 Connecticut, which engages in receiving eggs from Connecticut
107 producers for processing, distribution or sale, shall register with the

108 Commissioner of Agriculture in a manner and on forms prescribed
109 and furnished by the commissioner. Such registration shall be renewed
110 annually during the month of October. Such registered person, firm or
111 corporation shall not receive eggs for processing without a permit
112 from the commissioner. Each person, firm or corporation so registered
113 shall keep on file a list of all producers from which eggs are received.]

114 (a) For the purposes of this part, (1) "egg-grading plant" means any
115 person, firm or corporation who engages in grading, washing or
116 packing eggs in this state; (2) "egg distributor" means any person, firm
117 or corporation in this state who receives packaged eggs and who
118 distributes such eggs in the original packaging to institutional,
119 wholesale or retail establishments; (3) "shell egg" means any egg still in
120 the shell; and (4) "egg" means a shell egg.

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

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

135 (d) Each registration for an egg grading plant or an egg distributor
136 shall be renewed annually during the month of October. The annual
137 registration and renewal fee for an egg grading plant or an egg
138 distributor shall be fixed as follows: (1) For firms processing or
139 handling less than six thousand dozen eggs per year, twenty dollars;

140 (2) for firms processing or handling more than six thousand and less
141 than thirty thousand dozen eggs per year, one hundred dollars; (3) for
142 firms processing or handling more than thirty thousand and less than
143 one hundred fifty thousand dozen eggs per year, three hundred
144 dollars; or (4) for firms processing or handling more than one hundred
145 fifty thousand dozen eggs per year, four hundred dollars.

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

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

164 (g) Any person aggrieved by an order of the Commissioner of
165 Agriculture or the Commissioner of Consumer Protection, as
166 applicable, or such commissioners' respective designated agent may
167 appeal such order and request an administrative hearing, provided
168 such appeal is in writing and received by the commissioner of the
169 issuing agency not later than ten days after the date such person
170 received such order. Such administrative hearing, if properly
171 requested, shall be held not later than forty-five days after the date of
172 such request. Any appeal made pursuant to this section shall be

173 limited to whether or not the conditions or violations cited in such
 174 order existed. The Commissioner of Agriculture or the Commissioner
 175 of Consumer Protection, as applicable, or such commissioners'
 176 respective designated hearing officer shall render a final decision
 177 based upon all the evidence introduced, applying all pertinent
 178 provisions of law and regulations. Any final order of the
 179 Commissioner of Agriculture or the Commissioner of Consumer
 180 Protection, or such commissioners' respective designated hearing
 181 officer shall be subject to appeal, as set forth in sections 4-183 and 4-
 182 184, except that any such appeal shall be taken to the superior court for
 183 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