

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 13-241—SB 326**  
*General Law Committee*  
*Environment Committee*

**AN ACT CONCERNING CONNECTICUT'S EGG STATUTES AND  
REQUIRING THE ESTABLISHMENT OF A STANDARD OF CARE FOR  
ANIMAL IMPORTERS**

**SUMMARY:** This act updates Connecticut's statutes regulating eggs and the humane treatment of imported animals. It requires chicken eggs to be labeled, stored, handled, and graded in accordance with federal law. By law, a violator is subject to a fine of up to \$50 for a first offense and up to \$200 for each subsequent offense. Also, by law, egg producers who sell eggs directly to consumers (e.g., from the farm or at a farmers' market) are exempt from Connecticut's egg statutes (CGS § 22-47).

For regulatory purposes, the act splits egg facilities into two categories, egg-grading plants and egg distributors. It grants regulatory authority of (1) egg-grading plants to the Department of Agriculture (DoAg) and (2) egg distributors to the Department of Consumer Protection (DCP). It establishes annual registration fees for both egg-grading plants and egg distributors. Registrations are nontransferable and the commissioners may refuse, suspend, or revoke them for cause.

The act also requires the DoAg commissioner, by December 31, 2013, to prescribe the conditions that constitute humane treatment of animals by animal importers. The conditions must include the appropriate shelter, availability of food and water, and standard of care animal importers must provide for imported animals. By law, animal importers, those who bring dogs or cats into Connecticut for sale, adoption, or transfer, must register with the DoAg commissioner and comply with requirements he prescribes for the health, safety, and humane treatment of the imported animals. People acting as animal importers without being properly registered are subject to a fine of up to \$500.

**EFFECTIVE DATE:** Upon passage

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

*Labeling*

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

The act 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

## OLR PUBLIC ACT SUMMARY

information, and pasteurization information, if applicable.

The act 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 act 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 act 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 act requires chicken eggs to meet at least one of the consumer grades the U.S. Department of Agriculture (USDA) has established under the Egg Products Inspection Act. USDA allows edible eggs to be graded as AA, A, or B. The grades indicate the quality of the egg. (Prior state law allowed 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 act 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 act, as under existing law, requires grading determinations to be made through a process called candling, in which eggs are examined under certain lighting to determine their condition.

### § 4 — CONNECTICUT EGGS

The act 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

The act applies the USDA's net weight and size requirements to all chicken eggs sold or offered for sale in Connecticut. It does not specify weight and size requirements for eggs from other birds.

Prior law required the net weight and size requirements for eggs developed by the DoAg commissioner, in consultation with the DCP commissioner, to apply to all eggs sold or offered for sale.

## OLR PUBLIC ACT SUMMARY

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

The act prohibits advertising, falsely labeling, selling, or offering for sale any eggs that do not conform to the state's egg laws. Prior law prohibited such activity for eggs that did not meet the standards for quality and size established by the DoAg and DCP commissioners.

Existing law prohibits the sale of inedible eggs. The act additionally 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.

The law also prohibits the sale of incubated eggs, with one exception. Under prior law, incubated eggs could be sold as commercial feed or for other commercial purposes, other than human consumption, if they were broken and denatured at the same location where they were incubated and in a manner the DCP commissioner approved. The act instead requires the DoAg commissioner, or his designee, to grant approval.

### § 6 — REGULATORY AUTHORITY

Prior law required the DCP commissioner to enforce the egg statutes and allowed him to adopt regulations. The act splits the enforcement responsibilities between the DCP and DoAg commissioners.

Specifically, the DCP commissioner, or his designee, must enforce the provisions on retail and wholesale distributors. The DoAg commissioner, or his designee, must enforce the provisions on egg distributors and egg-grading plants. They determine the frequency of the inspections.

The commissioners may issue any notices of violation or orders needed to ensure compliance. They may also consult with each other to adopt implementing regulations.

### § 7 — REGISTRATION OF EGG-GRADING PLANTS AND EGG DISTRIBUTORS

#### *Egg-grading Plants*

The act, as under existing law, requires egg-grading plants in Connecticut to register with the DoAg commissioner. Registrations must be renewed annually in October. The act defines "egg-grading plant" as a person or entity that 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 eggs for sale without a registration. (Under prior law, registration granted a permit to receive eggs for processing. No one could receive eggs for processing without a permit.)

#### *Egg Distributors*

The act requires egg distributors in Connecticut to register with the DCP commissioner on forms he prescribes. Registrations must be renewed annually in

## OLR PUBLIC ACT SUMMARY

October. The act defines an “egg-distributor” as a person or entity who receives packed eggs and distributes them in the original packaging to institutional, wholesale, or retail establishments. It prohibits anyone from receiving, distributing, processing, or offering eggs for sale without registering.

### *Registration Fees*

The act establishes a graduated fee structure for egg-grading plant and egg distributor registrations and renewals. The registration and annual renewal fees are:

1. \$20 for firms processing or handling 6,000 or fewer 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 150,000 or more dozen eggs per year.

### *List of Egg Sources*

The act requires all registered egg-grading plants and egg distributors to keep 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 upon request by the DoAg and DCP commissioners, or their designees. (Prior law required registered egg-grading plants to keep a list of all producers from whom they received eggs.)

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

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

### *Registrations are Nontransferable*

The act specifies that egg-grading plant or egg distributor registrations are nontransferable.

### *Appeal; Administrative Hearing*

The act allows a person aggrieved by an order of either the DoAg or DCP commissioner, or their designees, 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 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

OLR PUBLIC ACT SUMMARY

pertinent laws and regulations. A final order may be appealed to the Hartford Superior Court.

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