



House of Representatives

File No. 645

General Assembly

February Session, 2014

(Reprint of File No. 200)

House Bill No. 5258
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
April 21, 2014

AN ACT CONCERNING BAKERIES, FOOD MANUFACTURING ESTABLISHMENTS AND FOOD WAREHOUSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-151 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 For the purposes of this chapter and section 3 of this act:

4 (1) "Bakery" means a building or part of a building [wherein is
5 carried on the production of] where bread, cakes, doughnuts, crullers,
6 pies, cookies, crackers, spaghetti, macaroni or other food products are
7 made, either wholly or in part of flour or meal, [and including all]
8 including frozen or canned baked goods. [All restaurants, hotels,
9 private institutions, home bakeries, establishments operating
10 doughnut-frying equipment and other similar places, offering their
11 products for sale, shall be included.] "Bakery" includes, but is not
12 limited to, any restaurant, hotel, private institution, home bakery,
13 establishment operating doughnut-frying equipment or other similar
14 place that offers such food products for sale.

15 (2) "Food manufacturing establishment" means a building or part of
16 a building where food is prepared for sale to other establishments for
17 human consumption. For purposes of this subdivision, "prepared"
18 means a process of canning, cooking, freezing, [dehydration or
19 milling] dehydrating, milling, repacking or cutting. Premises [which]
20 that are used solely for the retail sale or storage of prepackaged food,
21 and facilities, as described in sections 21a-24a and 22-6r [.] and
22 chapters 417, 419a, 422, 423, 430, 431 and 491, shall not be considered
23 food manufacturing establishments.

24 (3) "Food warehouse" means a building or part of a building where
25 food is stored for wholesale distribution, provided such building or
26 part of such building is used primarily for the importation, storage or
27 distribution of packaged food and not for other activities for which a
28 license is required pursuant to section 21a-152, as amended by this act.
29 Premises licensed pursuant to said section and facilities, as described
30 in sections 21a-24a and 22-6r and chapters 417, 419a, 422, 423, 430, 431
31 and 491, shall not be considered food warehouses.

32 [(3)] (4) "Packaged food" means standard or random weight or
33 volume packages of food commodities that are enclosed in a container
34 or wrapped in any manner in advance of wholesale or retail sale, such
35 that the food commodities cannot be added to or subtracted from the
36 package or wrapping without breaking or tearing the wrapping,
37 container or seals on the wrapping or container.

38 Sec. 2. Subsection (a) of section 21a-152 of the general statutes is
39 repealed and the following is substituted in lieu thereof (*Effective from*
40 *passage*):

41 (a) Each bakery and food manufacturing establishment shall be
42 designed, constructed and operated as the Commissioner of Consumer
43 Protection directs pursuant to this chapter and chapter 418.

44 Sec. 3. (NEW) (*Effective from passage*) No person, firm or corporation
45 shall operate a food warehouse without having obtained a certificate of
46 registration from the Commissioner of Consumer Protection.

47 Application for a certificate of registration shall be on forms prescribed
48 by the commissioner. The commissioner shall issue a certificate of
49 registration to an applicant who has completed such forms to the
50 satisfaction of the commissioner and has paid the registration fee. A
51 certificate of registration shall be valid for one year and the fee for such
52 certificate of registration shall be twenty dollars.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	21a-151
Sec. 2	<i>from passage</i>	21a-152(a)
Sec. 3	<i>from passage</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 15 \$	FY 16 \$
Consumer Protection, Dept.	GF - Revenue Gain	8,000	8,000

Municipal Impact: None

Explanation

The bill results in a revenue gain of approximately \$8,000 to the state as it extends the fee of \$20 for food manufacturing establishments to food warehouses. There are an estimated 400 such warehouses.

House "A" (LCO 3709) makes clarifying changes and results in no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of licenses issued.

OLR Bill Analysis**HB 5258 (as amended by House "A")******AN ACT CONCERNING BAKERIES AND FOOD MANUFACTURING ESTABLISHMENTS.*****SUMMARY:**

This bill expands the Department of Consumer Protection's (DCP) oversight authority to include (1) food warehouses and (2) food manufacturing establishments where food is repacked or cut.

The bill requires anyone operating a food warehouse to obtain a certificate of registration from the DCP commissioner. The commissioner must issue a registration if an applicant (1) completes, to the commissioner's satisfaction, forms he prescribes and (2) pays a \$20 registration fee. A registration is valid for one year, and failure to obtain one subjects an entity to the criminal and civil penalties that currently apply to violators of the bakery and food manufacturing establishment law and applicable regulations.

Under the bill, a food warehouse is a building or part of a building where food is stored for wholesale distribution, but only if it is used primarily to import, store, or distribute packaged food. It excludes (1) places used primarily to operate bakeries or food manufacturing establishments and (2) facilities the law exempts from being licensed as food manufacturing establishments (see BACKGROUND).

The bill also requires the licensing of food manufacturing establishments where food is repacked or cut. By law, the annual license fee for a food manufacturing establishment is \$20.

The bill also requires bakeries, as is already required for food manufacturing establishments, to be designed, constructed, and

operated as the commissioner directs under the Uniform Food, Drug, and Cosmetic Act.

The bill also makes technical changes.

*House Amendment "A" replaces the food warehouse licensure requirement in the underlying bill with a registration requirement.

EFFECTIVE DATE: Upon passage

ENFORCEMENT

Warehouses

The bill makes violating the registration requirement punishable by a fine of up to \$250 for a first offense. A subsequent offense is a class D misdemeanor, punishable by a fine of up to \$250, 30 days in prison, or both. The commissioner may also issue warning citations to violators or impose civil penalties of up to \$100 for a first offense and up to \$500 for each subsequent offense (CGS § 21a-159).

Manufacturing Establishments

The bill applies to locations where food is repacked or cut the law's existing penalties for violating the food manufacturing establishment law, regulations adopted under it, or related orders issued by the commissioner. This includes (1) the warning citations and civil and criminal penalties discussed above and (2) injunctions. The DCP commissioner may also revoke or suspend licenses and inspect establishments (CGS §§ 21a-152 and 159).

BACKGROUND

Exemptions from DCP Regulation of Food Manufacturers

The law exempts the following from regulation as a food manufacturing establishment:

1. facilities used solely for the retail sale or storage of prepackaged food;
2. certified farmers' markets;

3. residential farms that produce acidified food products, jams, jellies, or preserves;
4. state shellfisheries;
5. facilities that produce nonalcoholic beverages, milk, or milk products;
6. foods regulated under the laws on pure food and drugs (e.g., kosher foods, vending machines, and frozen desserts); and
7. facilities that grade and market farm products or conduct certain activities under the agriculture department's jurisdiction (CGS § 21a-151).

COMMITTEE ACTION

General Law Committee

Joint Favorable

Yea 16 Nay 1 (03/13/2014)