



STATE OF CONNECTICUT
DEPARTMENT OF CONSUMER PROTECTION

Sen. Chapin & Rep. Becker
Co-Chairs
Regulation Review Committee
State Capitol Building, Rm. 011
Hartford, CT 06106

Re: Proposed Regulations Concerning Frozen Desserts

Senator Chapin and Representative Becker,

On February 24, 2015, the Regulation Review Committee voted to reject without prejudice the Department's proposed "Regulations Concerning Frozen Desserts." The Report of the Legislative Commissioner's Office had suggested various edits and changes to the language, and Co-Chairman Rep. Becker asked that certain language be clarified.

I am therefore re-submitting the attached revised and fully-edited version to the Committee for consideration, as directed by Chairman Becker and the Committee's letter to me dated February 25, 2015. The revised regulation incorporates all of the changes requested in the LCO Report. In addition, sections (a)(1) and (b)(8) now contain more detail, in order to meet the specific request of Chairman Becker.

Pursuant to Conn. Gen. Stat. Sections 4-169 and 4-170(e), this revised version of the regulation has been approved by the Office of the Attorney General.

I hope this revised regulation meets with your approval. If you have any questions about this regulation, please contact Jerry P. Padula, Esq. of my office at Jerry.Padula@CT.gov. Thank you for your consideration.


Jonathan Harris
Commissioner

Dated: 3/16/15

Attachments: Revised regulation with new certification page

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Clark Chapin
Co-Chair



Representative Brian Becker
Co-Chair

February 25, 2015

Jonathan A Harris, Commissioner
Department of Consumer Protection
165 Capitol Avenue
Hartford, CT 06106

Dear Commissioner Harris:

Proposed Regulation
2014-028

Department of Consumer Protection "**FROZEN DESSERTS**" The Regulations of Connecticut State Agencies is amended Section 21a-58-38. (CLJ
Notice Date: 9/3/2014 A.G. Approval Date
12/30/2014 - Bearing a Deadline Date of 3/12/2015)

The above captioned regulation was **LRRC - Rejected Without Prejudice** by the Legislative Regulation Review Committee on 2/24/2015. At the meeting, Chairman Becker directed the agency to submit a revised regulation for the March 24, 2015 meeting.

The regulation should be corrected and then resubmitted to the Legislative Regulation Review Committee with a summary of the changes listed by paragraph. If this is a mandated regulation then the regulation must be resubmitted to this office no later than the first Tuesday of the second month following the regulation's rejection.

Sincerely,


Kirstin L. Breiner, Administrator
Legislative Regulation Review Committee

The Connecticut General Assembly

Legislative Commissioners' Office

Edwin J. Maley, Jr.
Commissioner
William A. Hamzy
Commissioner

Larry G. J. Shapiro
Director



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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: February 24, 2015

Regulation No:	2014-28
Agency:	Department of Consumer Protection
Subject Matter:	Frozen Desserts
Statutory Authority: (copy attached)	21a-58

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

Substantive Concerns:

Technical Corrections:

1. On page 1, in the introductory language, "(NEW)" should be moved from the introductory language to before "Sec. 21a-58-38" and "Sections" should be "section" for proper form.
2. Throughout the proposed regulation, subsections should be "(a)" and "(b)" and subdivisions should be in parentheses for consistency and proper form. For example, on page 1, "a." should be "(a)" and "1." should be "(1)".
3. On page 1, in subsection (a), in the first line, "whose additives meet" should be "with additives that meet" for proper form.
4. On page 1, in subsection (a), in the second line, "Section" should be "section" for consistency.
5. On page 1, in subsection (b), "section 21a-58-38(a) of the Regulations of Connecticut State Agencies" should be "subsection (a) of this section" for proper form.
6. On page 1, in subsection (b)(1), "is being" should be "shall be" for consistency and proper form.
7. On page 1, in subsection (b)(2), "being manufactured" should be deleted for proper form and consistency.
8. On page 1, in subsection (b)(2), "and said products are" should be "which products shall be" for proper form.
9. On page 1, in subsection (b)(3), "particular types of frozen desserts as specified in Section 1" should be "particular type of frozen dessert" for proper form and consistency.
10. On page 1, in subsection (b)(4), "as specified within section 21a-58-38 of the Regulations of Connecticut State Agencies" should be "as specified in this section" for proper form.
11. On page 2, in subsection (b)(6), "within 60 minutes of" should be "not later than 60 minutes after" for proper form and clarity.
12. On page 2, in subsection (b)(8), "Commissioner" should be "Commissioner of Consumer Protection" for clarity.

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Recommendation:

<input checked="" type="checkbox"/>	Approval in whole
<input checked="" type="checkbox"/>	with technical corrections with deletions with substitute pages
	Disapproval in whole or in part
	Rejection without prejudice

Reviewed by: Eileen Lawlor-Parker / Shannon McCarthy

Date: February 13, 2015

Sec. 21a-58. (Formerly Sec. 19-204a). Regulations. The Commissioner of Consumer Protection shall, from time to time, after inquiry and public hearing, adopt regulations to supplement and give full effect to the provisions of sections 21a-48 to 21a-57, inclusive. Such regulations, among other things, shall establish sanitary regulations pertaining to the manufacture, sale and distribution of frozen desserts and frozen dessert mixes, including the sanitary conditions of buildings, grounds, equipment and containers where such products are manufactured, sold or stored. To promote honesty and fair dealing in the interest of the consumer, the commissioner shall adopt regulations fixing and establishing definitions and standards of identity and quality and reasonable standards of fill of containers for frozen desserts and frozen dessert mixes. Any wholesale or retail manufacturer desiring a temporary permit to deviate from an existing frozen dessert standard may file with the Commissioner of Consumer Protection a written application containing such information as the commissioner may by regulation require. Such permit shall be in effect not more than one year. Said commissioner may adopt regulations concerning the manufacture and sale of frozen desserts containing an artificial sweetening agent or other agents for special dietary purposes, the labeling and size of containers to be used and provisions requiring special permits for the manufacture of said products. In prescribing a definition of standards of identity for frozen desserts and frozen dessert mixes in which optional ingredients are permitted the commissioner shall, for the purpose of promoting honesty and fair dealing in the interest of the consumer, designate the optional ingredients which shall be named on the label. The definition and standards so promulgated shall conform so far as practical to the definitions and standards promulgated by the Commissioner of the Food and Drug Administration, U.S. Department of Health and Human Services.