



General Assembly

February Session, 2016

Raised Bill No. 5317

LCO No. 1432



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING COMMERCIAL FEED.

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

1 Section 1. Subdivision (16) of section 22-118k of the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2016*):

4 (16) "Official sample" means a sample of feed taken by the
5 Commissioner of Agriculture, or [his designee] the commissioner's
6 designated agent, in accordance with the provisions of section 22-118r₂
7 as amended by this act;

8 Sec. 2. Section 22-118l of the general statutes is repealed and the
9 following is substituted in lieu thereof (*Effective October 1, 2016*):

10 (a) [No person shall manufacture a commercial feed in this state
11 unless he has filed with the Commissioner of Agriculture on forms
12 provided by the commissioner, his name, place of business and
13 location of each manufacturing facility in this state.] Any person who
14 manufactures commercial feed in this state and who offers such

15 commercial feed for sale shall register with the Commissioner of
16 Agriculture on forms and in a manner prescribed by the commissioner.
17 Commercial feed manufacturing facilities with gross sales of less than
18 twenty-five thousand dollars per year from the sale of commercial feed
19 shall be exempt from the provisions of this section and section 22-118r,
20 as amended by this act, except that the commissioner or the
21 commissioner's designated agent may investigate any allegation of
22 adulteration, misbranding, illness or injury at such a facility upon
23 receipt of a written complaint provided the complainant is identified
24 in such complaint. Each commercial feed manufacturing facility
25 registration shall expire on the thirty-first day of December of each
26 year and may be renewed during the month of December. Until such
27 time as regulations are adopted pursuant to section 22-118q to change
28 the annual fee for such registration, the annual fee charged for
29 registration of a commercial feed manufacturing facility employing
30 less than five full-time staff shall be fifty dollars and for any such
31 facility employing five or more full-time staff such annual registration
32 fee shall be one hundred dollars.

33 (b) No person shall distribute in this state a commercial feed, except
34 a customer-formula feed, which has not been registered pursuant to
35 the provisions of this section. The application for registration shall be
36 submitted in the manner prescribed by the commissioner. Upon
37 approval by the commissioner the registration shall be issued to the
38 applicant. All registrations shall expire on the thirty-first day of
39 December of each year. A distributor shall not be required to register
40 any commercial feed which is already registered under this chapter by
41 another person.

42 (c) [The commissioner may refuse registration of any commercial
43 feed not in compliance with the provisions of sections 22-118k to 22-
44 118u, inclusive, and cancel any registration subsequently found not to
45 be in compliance with any provision of said sections provided no
46 registration shall be refused or canceled unless the registrant is given
47 an opportunity to be heard before the commissioner and to amend his

48 application in order to comply with the requirements of sections 22-
49 118k to 22-118u, inclusive.] The commissioner may suspend, revoke,
50 cancel or refuse the registration of any commercial feed or commercial
51 feed manufacturing facility that is not in compliance with the
52 provisions of this chapter provided no commercial feed registration
53 shall be refused or canceled unless the registrant is given an
54 opportunity to amend the commercial feed registration application in
55 order to comply with the requirements of this chapter. Any applicant
56 or registrant aggrieved by an order to suspend or revoke a commercial
57 feed or commercial feed manufacturing facility registration or a refusal
58 to register such a feed or facility or cancel the registration of such a
59 feed or facility, and any person aggrieved by the imposition of an
60 administrative fine issued pursuant to subdivision (3) of subsection (d)
61 of this section may appeal to the commissioner, in writing, provided
62 such appeal is received by the commissioner not later than ten days
63 after the date of the order, refusal, notice of cancellation or notice of
64 intent to issue an administrative fine. The appeal and hearing shall be
65 held pursuant to chapter 54 and the administrative code of the
66 department, not later than ninety days after the date of the appeal.
67 Any such appeal shall be limited to consideration of whether the
68 alleged violation or violations that resulted in the applicable order or
69 notice existed. Any applicant or registrant aggrieved by a final
70 decision of the commissioner or the hearing officer may appeal to the
71 Superior Court in accordance with the provisions of section 4-183.
72 Nothing in this subsection shall be construed to limit the authority of
73 the commissioner or the commissioner's designated agent to issue any
74 order deemed necessary to protect the safety, health and welfare of
75 humans or animals.

76 (d) (1) After notification of the requirement to register a commercial
77 feed manufacturing facility, any person who fails to register a
78 commercial feed manufacturing facility pursuant to subsection (a) of
79 this section shall, for a first violation, be deemed to have committed an
80 infraction, and, for any subsequent offense, be fined five hundred

81 dollars; (2) after notification of the requirement to register a
82 commercial feed, any person who fails to register a commercial feed, as
83 required pursuant to subsection (b) of this section shall be assessed an
84 administrative fine of one hundred dollars. Each commercial feed
85 found in violation shall be considered a separate offense; and (3) for all
86 other violations for which a penalty has not been established, after
87 notification of any violation of the provisions of this chapter or any
88 regulation adopted pursuant to this chapter and an opportunity to
89 correct the violation, any person who violates any provision of this
90 chapter or any such regulation may be assessed an administrative fine
91 of two hundred fifty dollars per violation for a first offense and five
92 hundred dollars per violation for any subsequent offense that occurs
93 within one year of the first offense.

94 Sec. 3. Section 22-118r of the general statutes is repealed and the
95 following is substituted in lieu thereof (*Effective October 1, 2016*):

96 (a) Any employee duly designated by the Commissioner of
97 Agriculture or the commissioner's designated agent, upon presenting
98 appropriate credentials, [and a written notice to the owner, operator or
99 agent in charge,] may (1) enter, during normal business hours, any
100 factory, warehouse or establishment within this state in which
101 commercial feeds are manufactured, processed, packed or held for
102 distribution, or to enter any vehicle being used to transport or hold
103 such feeds, [and] (2) inspect at reasonable times and within reasonable
104 limits and in a reasonable manner, such factory, warehouse,
105 establishment or vehicle and all pertinent equipment, finished and
106 unfinished materials, containers and labeling for compliance with the
107 provisions of this chapter, and (3) obtain samples of commercial feeds
108 for laboratory analysis. [The inspection may include the verification of
109 only such records and production and control procedures as may be
110 necessary to determine compliance with the regulations established
111 under section 22-118o.]

112 (b) [A separate notice shall be given for each such inspection but a

113 notice shall not be required for each entry made during the period
114 covered by the inspection. Each such] Any inspection conducted
115 pursuant to this chapter shall be commenced and completed with
116 reasonable promptness. Upon completion of the inspection, the person
117 in charge of the facility or vehicle shall be so notified.

118 (c) [If the officer or employee making such inspection of a factory,
119 warehouse or other establishment] Whenever the commissioner or the
120 commissioner's designated agent has obtained a sample in the course
121 of the inspection, upon completion of the inspection and prior to
122 leaving the premises, [he] the commissioner or the commissioner's
123 designated agent shall give to the owner, operator or agent in charge a
124 receipt describing the samples obtained.

125 (d) If the owner of any factory, warehouse or establishment
126 described in subsection (a) of this section, or [his] such owner's agent,
127 refuses to admit the commissioner or [his designee] the commissioner's
128 designated agent to inspect in accordance with subsections (a) and (b)
129 of this section, the commissioner [may] shall apply to the Superior
130 Court for a warrant directing such owner or [his] such owner's agent to
131 submit the premises described in such warrant.

132 [(e) The commissioner or his designee may enter upon any public or
133 private premises including any vehicle of transport during regular
134 business hours to have access to, and to obtain samples, and to
135 examine records relating to distribution of commercial feeds.]

136 [(f)] (e) Sampling and analysis shall be conducted in accordance
137 with methods published by the Association of Official Analytical
138 Chemists International, or in accordance with other generally
139 recognized methods approved by the United States Food and Drug
140 Administration or the commissioner. The report issued by any
141 accredited laboratory acceptable to the commissioner or the
142 commissioner's designated agent shall be prima facie evidence of the
143 components and constituents of any sample collected and submitted

144 by the commissioner or the commissioner's designated agent. When
145 requested by a registrant, the commissioner or the commissioner's
146 designated agent shall prepare and leave a duplicate sample with the
147 registrant at the location a sample is taken.

148 [(g) The results of all analyses of official samples shall be forwarded
149 by the director to the person named on the label and to the purchaser.
150 When the inspection and analysis of an official sample indicates a
151 commercial feed has been adulterated or misbranded and upon
152 request within thirty days following the receipt of the analysis the
153 director shall furnish to the registrant a portion of the sample
154 concerned.]

155 [(h)] (f) The commissioner, in determining for administrative
156 purposes whether a commercial feed is deficient in any component,
157 shall be guided by the official sample, as defined in section 22-118k, as
158 amended by this act, and obtained and analyzed as provided in this
159 section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	22-118k(16)
Sec. 2	<i>October 1, 2016</i>	22-118l
Sec. 3	<i>October 1, 2016</i>	22-118r

Statement of Purpose:

To make commercial feed requirements and attendant authorities of the Department of Agriculture consistent with federal standards and requirements.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]