



General Assembly

February Session, 2016

Raised Bill No. 138

LCO No. 1360



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING THE TERM AND FEE FOR CERTAIN LICENSES ISSUED BY THE DEPARTMENT OF AGRICULTURE AND THE DESIGNATION OF THE DEPARTMENT OF AGRICULTURE AS THE LEAD AGENCY FOR PURPOSES OF THE FOOD SAFETY MODERNIZATION ACT.

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

1 Section 1. Section 22-229 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 No dealer shall receive or purchase milk from producers or others
4 within the state for storage, manufacture, processing, sale, distribution
5 or handling within or without the state, or sell or distribute milk
6 within the state, unless such dealer is licensed as provided herein. No
7 dealer shall buy milk from, or sell milk to, a dealer within the state
8 who is unlicensed, or deal in or handle milk which he has reason to
9 believe has previously been dealt in or handled in violation of this part
10 or any order, ruling or regulation issued hereunder. The license period
11 shall be for a period of two years and extend from July first to the
12 second following June thirtieth, [following,] inclusive.

13 Sec. 2. Section 22-230 of the general statutes is repealed and the
14 following is substituted in lieu thereof (*Effective October 1, 2016*):

15 (a) An application for a license to do business as a dealer, subdealer,
16 cheese manufacturer, dry milk manufacturer or yogurt manufacturer
17 shall be made to the commissioner. Any person who desires to enter
18 business as a dealer, subdealer, cheese manufacturer, dry milk
19 manufacturer or yogurt manufacturer shall file application not less
20 than fifteen days prior to the date for which he is applying to engage in
21 such business. Application for renewal of a license shall be made no
22 later than July first of [each year] the second year following issuance of
23 such license.

24 (b) In order to be complete, each application shall be accompanied
25 by the license fee provided for by sections 22-235a and 22-236, as
26 amended by this act. An applicant who fails to apply for renewal of a
27 license on or before July first of [each license year] the second year
28 following issuance of such license shall be assessed a late filing fee of
29 fifty dollars and in the case of a store the late filing fee shall be fifteen
30 dollars. Such late filing fee shall be in addition to any fees normally
31 due for renewal of a license.

32 (c) The applicant shall state such information in regard to his
33 business or proposed business as is required by the commissioner,
34 upon such form as he prescribes. Such information may include: (1)
35 The nature of the business to be conducted; (2) the full name and
36 address of the person applying; if the applicant is a copartnership, the
37 full name of each member shall be stated; if the applicant is an
38 association or corporation, the names and addresses of all officers and
39 directors shall be stated; (3) the location at which the business is to be
40 conducted and the locations or areas in which such business is to be
41 operated; (4) the financial condition of the applicant; (5) a showing that
42 he has complied and will comply with this part and all orders, rulings,
43 regulations or directions issued hereunder; (6) the quantities, sources
44 and type of outlets of milk handled during the calendar year preceding

45 the period for which the license is desired; (7) such other facts with
46 respect to the applicant's business as may be required by the
47 commissioner pursuant to this part. The commissioner shall grant or
48 renew a license to an applicant qualifying under and complying with
49 all provisions of this part and orders, rulings, regulations and
50 directions issued under this section.

51 (d) Licenses shall not be transferable.

52 (e) The licensing period shall be from the first day of July through
53 the thirtieth day of June of the [following year] second year following
54 issuance of such license. The reporting period shall be the first day of
55 April through the thirty-first day of March of the [following year]
56 second year following issuance of such license. During the month of
57 March, the commissioner shall send a notice to each milk dealer,
58 subdealer, cheese manufacturer, dry milk manufacturer and yogurt
59 manufacturer, regarding their license renewal date and licensing
60 reporting requirements.

61 (f) The fees accompanying their application shall be returned to
62 applicants who have been refused a license by the commissioner.

63 (g) License fees collected shall be credited to the General Fund.

64 (h) A milk dealer or a yogurt, dry milk and cheese manufacturer
65 who fails to submit required information or fees no later than sixty
66 days after the end of the licensing period shall be deemed to have
67 surrendered its license and shall be notified by the commissioner via
68 certified mail that its license is expired and deemed to have been
69 surrendered. In the case of a store, such notification may be via first
70 class mail. In the month of September, the commissioner shall furnish
71 all licensed dealers, by electronic or other means deemed acceptable by
72 the commissioner, a listing of all known milk dealers and stores that
73 have failed to renew a license or whose license was revoked. The
74 commissioner may update the listing from time to time.

75 (i) No license shall be issued to any person, firm or corporation who
76 has surrendered its license or whose license was revoked, until the
77 commissioner has received all past due license or late fees.

78 Sec. 3. Section 22-236 of the general statutes is repealed and the
79 following is substituted in lieu thereof (*Effective October 1, 2016*):

80 (a) The [annual] biennial license fee for each milk dealer, yogurt
81 manufacturer, or subdealer shall be [one] two hundred dollars. The
82 license fee for dealers and subdealers with yearly sales in excess of one
83 hundred thousand quarts shall be increased at a rate of .021 cents per
84 one hundred quarts of milk product sold during the reporting period.

85 (b) The license fee for each cheese manufacturer shall be [one] two
86 hundred dollars.

87 (c) The license fee for each dry milk manufacturer shall be [one] two
88 hundred dollars.

89 (d) The license fee for each store shall be [sixty] one hundred twenty
90 dollars.

91 (e) The Commissioner of Agriculture shall adopt regulations, in
92 accordance with the provisions of chapter 54, necessary to carry out
93 the provisions of this section.

94 (f) The commissioner may grant a waiver from any fee established
95 in this chapter to any nonprofit organization, as defined in Section
96 501(c)(3) of the United States Internal Revenue Code, upon
97 presentation to the commissioner of adequate proof of the
98 organization's nonprofit status.

99 Sec. 4. Section 22-344 of the general statutes is repealed and the
100 following is substituted in lieu thereof (*Effective October 1, 2016*):

101 (a) (1) No person shall maintain a commercial kennel until he has
102 obtained from the commissioner a license to maintain such kennel

103 under such regulations as the commissioner provides as to sanitation,
104 disease and humane treatment of dogs or cats and the protection of the
105 public safety. Upon written application and the payment of a fee of
106 [two] four hundred dollars, the commissioner shall issue such license
107 to be effective until the [ensuing] the second December thirty-first
108 following issuance provided the commissioner finds (A) that such
109 regulations have been complied with, and (B) in the case of each initial
110 application for such license, that the zoning enforcement official of the
111 municipality wherein such kennel is to be maintained has certified that
112 the kennel conforms to the municipal zoning regulations. Such license
113 shall be renewed [annually] biennially, not later than December thirty-
114 first, in accordance with the provisions of this section, and may be
115 transferred by the licensee to another premises upon approval of the
116 commissioner.

117 (2) Any person who maintains a commercial kennel and who
118 advertises the services of such commercial kennel shall cause the
119 license number for such commercial kennel, as issued pursuant to this
120 section, to clearly appear in such advertisement. The commissioner
121 may adopt regulations, in accordance with chapter 54, to prescribe the
122 requirements for the appearance of the license number of a commercial
123 kennel in any form of advertisement. Such regulation may include, but
124 need not be limited to, the size, font and location of such license
125 number for any given form of advertisement.

126 (b) No person shall maintain a pet shop until he has obtained from
127 the commissioner a license to maintain such pet shop under such
128 regulations as the commissioner provides as to sanitation, disease and
129 humane treatment of animals and the protection of the public safety.
130 Upon written application and the payment of a fee of [two] four
131 hundred dollars, the commissioner shall issue such license to be
132 effective until the [ensuing] second December thirty-first following
133 issuance provided the commissioner finds (1) that such regulations
134 have been complied with, and (2) in the case of each initial application
135 for such license, that the zoning enforcement official of the

136 municipality wherein such pet shop is to be maintained has certified
137 that the pet shop conforms to the municipal zoning regulations.
138 Application for renewal of such license shall be made biennially by not
139 later than the second December thirty-first following issuance. Such
140 pet shop license may be transferred by the licensee to another premises
141 upon the approval of the commissioner. The commissioner, after
142 consultation with the Commissioners of Public Health and Energy and
143 Environmental Protection, shall establish and maintain, pursuant to
144 regulations adopted in accordance with chapter 54, a list of animals
145 which are deemed to be injurious to the health and safety of the public
146 or whose maintenance in captivity is detrimental to the health and
147 safety of the animal. The sale or offer of sale of any animal which is on
148 said list is prohibited and any person who violates this provision shall
149 be fined not more than five hundred dollars.

150 (c) No person shall engage in the business of grooming or
151 maintaining a grooming facility until such person has obtained from
152 the commissioner a license to maintain such facility under such
153 regulations as the commissioner provides as to sanitation, disease and
154 humane treatment of such animals and the protection of the public
155 safety. Upon written application and the payment of a fee of [one] two
156 hundred dollars, the commissioner shall issue such license to be
157 effective until the [ensuing] second December thirty-first following
158 issuance provided the commissioner finds (1) that such regulations
159 have been complied with, and (2) in the case of each initial application
160 for such license, that the zoning enforcement official of the
161 municipality wherein such grooming is to be maintained has certified
162 that the facility conforms to the municipal zoning regulations. Such
163 license shall be renewed [annually] biennially, not later than the
164 second December thirty-first following issuance, in accordance with
165 the provisions of this section, and may be transferred by the licensee to
166 other premises upon approval of the commissioner.

167 (d) No person shall maintain a training facility until such person has
168 obtained from the commissioner a license to maintain such facility

169 under such regulations as the commissioner provides as to sanitation,
170 disease and humane treatment of such animals and the protection of
171 public safety. Upon written application and the payment of a fee of
172 [one] two hundred dollars, the commissioner shall issue such license to
173 be effective until the [ensuing] second December thirty-first following
174 issuance provided the commissioner finds (1) that such regulations
175 have been complied with, and (2) in the case of each initial application
176 for such license, that the zoning enforcement official of the
177 municipality wherein such training facility is to be maintained has
178 certified that the facility conforms to the municipal zoning regulations.
179 Such license shall be renewed [annually] biennially not later than the
180 second December thirty-first following issuance upon the terms
181 required for the original license and may be transferred by the licensee
182 to another premises upon approval of the commissioner.

183 (e) (1) No animal importer shall import any dog or cat into this state
184 until such person registers as an animal importer with the
185 commissioner. Such registration shall be on a form as prescribed by the
186 commissioner. Such registration shall require the submission of the
187 following information: (A) The name, mailing address, business
188 address, telephone number and Internet address of such registrant, (B)
189 if such registrant is domiciled out-of-state, the name, Connecticut
190 address and phone number of a Connecticut-based agent for service of
191 process, and (C) the number of animals brought into the state during
192 the prior year by such animal importer and the state or country of
193 origin for each such animal. Such registration shall be accompanied by
194 payment of a fee of [one] two hundred dollars and shall be valid until
195 the second December thirty-first following such registration. Such
196 registration shall be renewed [annually] biennially not later than the
197 second December thirty-first following issuance, in accordance with
198 the provisions of this subsection, provided the commissioner
199 determines that such registrant complies with any requirements
200 provided by the commissioner as to the health, safety and humane
201 treatment of animals that is applicable to animal importers. Such

202 registration shall not be required for any employee or volunteer of a
203 registered animal importer or other person who is required to be
204 licensed pursuant to the provisions of this chapter, provided such
205 employee, volunteer or other person is not otherwise an animal
206 importer. Any person who violates the provisions of this subdivision
207 shall be fined not more than five hundred dollars.

208 (2) Any animal importer who intends to offer for sale, adoption or
209 transfer any dog or cat at a venue or location that is open to the public
210 or at an outdoor location, including, but not limited to, a parking lot or
211 shopping center, shall provide notice to the Department of Agriculture
212 and the municipal zoning enforcement officer of the town where any
213 such sale, adoption or transfer will occur, not later than ten days prior
214 to such event. Such notice shall state the date for such sale, adoption or
215 transfer event, the exact location of such event and the anticipated
216 number of animals for sale, adoption or transfer at such event. Any
217 person who fails to provide notice as required pursuant to this
218 subdivision shall be fined not more than one hundred dollars per
219 animal that is offered for sale, adoption or transfer at such event.

220 (3) For the purpose of this subsection, "animal importer" means a
221 person who brings any dog or cat into this state from any other
222 sovereign entity for the purpose of offering such dog or cat to any
223 person for sale, adoption or transfer in exchange for any fee, sale,
224 voluntary contribution, service or any other consideration. "Animal
225 importer" includes any commercial or nonprofit animal rescue or
226 adoption, humane relocation or delivery organization that is not
227 otherwise required to be licensed under the provisions of this chapter.

228 (4) The provisions of this subsection shall not be construed to apply
229 to any animal importer who offers a dog or cat for sale to a pet shop
230 that is licensed in accordance with the provisions of subsection (b) of
231 this section, provided such animal is delivered directly to a pet shop.

232 (5) The Commissioner of Agriculture may inspect any animal

233 imported by an animal importer or any record required to be kept by
234 such animal importer, provided such inspection shall not authorize the
235 entry of the commissioner into the residence of such animal importer.

236 (6) Not later than December 31, 2013, the Commissioner of
237 Agriculture shall prescribe the conditions that constitute the humane
238 treatment of animals that are applicable to animal importers. Such
239 conditions shall include, but not be limited to, the appropriate shelter,
240 availability of food and water and standard of care to be provided by
241 an animal importer to such animals.

242 (f) The commissioner may, at any time, inspect or cause to be
243 inspected by the commissioner's agents any such commercial kennel,
244 pet shop, grooming facility or training facility, and if, (1) in the
245 commissioner's judgment such kennel, pet shop, grooming facility or
246 training facility is not being maintained in a sanitary and humane
247 manner or in a manner that protects the public safety, (2) the
248 commissioner finds that contagious, infectious or communicable
249 disease or other unsatisfactory conditions exist, or (3) in the case of a
250 pet shop, the commissioner finds any violation of the provisions of
251 section 22a-381d, the commissioner may issue a fine to such
252 commercial kennel, pet shop, grooming facility or training facility of
253 not more than five hundred dollars for each animal that is the subject
254 of such violation, may issue such orders as the commissioner deems
255 necessary for the correction of such conditions and may quarantine the
256 premises and animals. If the owner or keeper of such kennel, pet shop,
257 grooming facility or training facility fails to comply with the
258 regulations or orders of the commissioner, or fails to comply with any
259 provision of the statutes or regulations relating to dogs or other
260 animals, the commissioner may revoke or suspend such license. Any
261 person aggrieved by any order issued under the provisions of this
262 section may appeal therefrom in accordance with the provisions of
263 section 4-183. Any person maintaining any commercial kennel, pet
264 shop, grooming facility or training facility without having obtained a
265 license for the same or after any such license has been revoked or

266 suspended as provided herein shall be fined not more than two
267 hundred dollars. The provisions of this section shall not apply to
268 veterinary hospitals, except those boarding or grooming dogs for
269 nonmedical purposes, and other establishments where all the dogs or
270 animals were born and raised on the premises where they are kept for
271 sale.

272 (g) The provisions of subsections (a) to (d), inclusive, of this section
273 requiring certification by the zoning enforcement official that every
274 commercial kennel, pet shop, grooming facility and training facility
275 conforms to the zoning regulations of the municipality wherein such
276 kennel, pet shop, grooming facility or training facility is maintained
277 shall not apply to any person who is licensed under said subsections
278 and maintained any such kennel, pet shop or grooming facility prior to
279 October 1, 1977, provided such person does not relocate such kennel,
280 pet shop, grooming facility or training facility in a zone in which such
281 kennel, pet shop, grooming facility or training facility is not a
282 permitted use. In addition, the provisions of said subsections requiring
283 certification by the zoning enforcement official that every commercial
284 kennel, pet shop, grooming facility and training facility conforms to
285 the zoning regulations of the municipality wherein such kennel, pet
286 shop, grooming facility or training facility is maintained shall not
287 apply when a zone in which such kennel, pet shop, grooming facility
288 or training facility is maintained is changed to a use which does not
289 permit such kennel, pet shop, grooming facility or training facility in
290 such zone.

291 Sec. 5. (NEW) (*Effective from passage*) The Department of Agriculture
292 shall be the lead state agency for purposes of the implementation,
293 administration and enforcement of the federal Food Safety
294 Modernization Act and any rules or regulations promulgated pursuant
295 to said act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2016</i>	22-229
Sec. 2	<i>October 1, 2016</i>	22-230
Sec. 3	<i>October 1, 2016</i>	22-236
Sec. 4	<i>October 1, 2016</i>	22-344
Sec. 5	<i>from passage</i>	New section

Statement of Purpose:

To double the length of term and attendant fee for licenses relating to the milk industry and the pet industry and to designate the Department of Agriculture as the lead agency for purposes of the federal Food Safety Modernization Act.

[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.]